

***Bureau of the Steering Committee on Media and
Information Society
(CDMSI-BU)***



CDMSI-BU(2013)001rev

**3rd Meeting - 6 to 7 March 2013
(Strasbourg, Palais de l'Europe, Room 16)**

Meeting report

(02/04/2013)

1 & 2. Opening of the meeting – adoption of the agenda

The meeting was opened by the Chair, Mr Andris Mellakauls. The Bureau adopted the agenda, Appendix I. The list of participants appears as Appendix II.

3. Information by the Secretariat

Jan Kleijssen, Director of Information Society and Action against Crime, held an exchange of views with the Bureau on organisational matters, *inter alia*, concerning the preparation of the Ministerial Conference to be held in Belgrade (foreseen dates: 17 and 18 October 2013). He noted with concern the clash with another important international conference namely the Korean Cyberspace Conference that will take place in Seoul on the same dates, in which there is much interest from many European countries. Mr Kleijssen also discussed on-going CDMSI activities (safety of journalists, rights of Internet users, review of Convention 108, etc) with the Bureau and pointed out that follow-up to certain instruments, such as the HR Guidelines for online game providers and Internet service providers, could well be considered by the CDMSI.

4. The Council of Europe Conference of Ministers responsible for Media and Information Society (Belgrade, Serbia, 2013)

The Secretariat informed the Bureau on the state of play of the preparations for the Ministerial Conference: On 14 and 15 January 2013, a drafting group (Maja Rakovic, Thomas Schneider and Secretariat) had met in Paris to initiate the drafting process of a political declaration and resolutions for the Conference. On 16-18 January 2013, an exploratory visit was paid to Belgrade by the Secretariat to discuss the organisational details with the Serbian authorities. The mission included meetings with the Minister of Culture, the State Secretary and other officials. They visited several possible venues for the Conference and advised the authorities on the requirements for the organisation and the venues. Subsequently, the Serbian authorities had launched a public tender for the venue.

Draft political declaration and resolutions

The Bureau discussed the draft political declaration and the three draft resolutions, made some amendments to the draft resolution “Safety of journalists and other media actors” and to the draft resolution “Internet Freedom”. It asked the Secretariat to develop the draft resolution “Preserving the essential role of media in the digital age” in light of the Bureau’s comments and agreed to finalise the drafting of these texts online.

Draft programme for the conference

The Bureau discussed an outline of the draft programme of the Conference, prepared on the basis of a draft by Maja Rakovic. The Bureau agreed on certain amendments to the draft programme; in addition to the Ministers’ round table sessions on the subthemes agreed by the CDMSI, there should be parallel sessions with multi-stakeholder participation around the same themes. It was agreed that, in order to avoid too general a discussion, both the Ministerial and parallel sessions should address specific questions related to the themes. The Bureau also agreed to add a session on hate speech online. The Bureau instructed the Secretariat to finalise the amended version and to submit it to the Bureau for further consultation.

Keynote speakers and other introductory speakers

The Bureau agreed to elaborate a list of possible speakers for the Conference and to identify other suitable speakers who might introduce the various sub-themes. It asked the Secretariat to forward a list with proposals to the CDMSI and inviting further suggestions.

Other officials

The Bureau was informed that the Council of Europe Commissioner for Human Rights, Nils Muižnieks, and the OSCE Representative on Freedom of the Media, Dunja Mijatovic had confirmed their participation in the conference.

Side events

The Bureau welcomed a proposal from the Secretariat of the Parliamentary Assembly (the Committee on Culture, Science, Education and Media) to organise a side event in the Serbian Parliament the day preceding the Conference on one or two of the sub-themes of the Conference (e.g. safety of journalists and internet freedom). The conclusions of such an event should be fed into the corresponding sub-theme of the conference. The Bureau was also informed that another possible side event could possibly be organised by Council of Europe Youth department on the theme “hate speech online”. The Secretariat will explore the organisational aspects of these options.

Dates of the Conference

The Bureau noted with concern that the dates foreseen (17-18 October 2013) conflict with the dates of the “Korean Cyberspace Conference” in Seoul. The Bureau expressed concern that some member States would possibly be unable to send their most appropriate delegations to the Ministerial Conference and asked Maja Rakovic to suggest to the Serbian authorities to consider possible solutions to this unfortunate situation as it may have a negative impact on participation of ministers and senior officials.

5. Media

Standard setting activities

5.1 Initiatives to strengthen the protection of journalists, other media professionals and bloggers, both as regards preventive measures and effective investigation, taking into account the work conducted by other international organisations, and to foster ethical journalism

The Secretariat informed the Bureau on the progress of the work. An informal group on safety of journalists (Andris Mellakauls, Maja Rakovic, Matthias Traimer and William Horsley) had held a meeting on 5 March 2013 and had agreed on a work plan and on the expected deliverable, i.e. a draft Committee of Ministers Declaration to be adopted towards the end of 2013 and a Draft Committee of Ministers Recommendation on positive obligations, stemming from the case-law of the European Court of Human Rights, to be finalised in 2014. In addition, the informal group will assist in the preparations of the Ministerial Conference concerning the pertinent themes (it had already provided substantial input to the draft resolution on “Safety of journalists and other media actors”). The Bureau took note of the work done and agreed on the proposed actions and timeline.

5.2 Draft recommendation on gender equality and media

The Secretariat recalled the origins of this work and its successive stages. Bissera Zankova and Emir Powlakic (both members of an informal group that prepared the draft recommendation) introduced the draft text to the Bureau. Following some minor amendments, the Bureau agreed on the draft text and suggested it be sent to UN Women and to the Council of Europe Gender Equality Commission for comments. It should be discussed at the next meeting of the CDMSI.

Cooperation activities

5.3 On-going and future activities

The Bureau took note of information concerning on-going and future co-operation activities provided by the Secretariat.

5.4 Implementation of Committee of Ministers Declaration of 13 January 2010

The Secretariat recalled that the Declaration invites the Secretary General of the Council of Europe to report to the Committee of Ministers and to the Parliamentary Assembly on the implementation of the arrangements made as a result of the Declaration. Such a report was expected to be discussed by the Committee of Ministers in April 2013. The Secretariat would keep the CDMSI informed of further developments.

6. Information Society and Internet Governance

Standard setting activities

6.1 Draft declaration on risks to fundamental rights stemming from digital tracking and other surveillance technologies

The Bureau noted that draft Declaration was still pending before the Committee of Ministers: given that the Committee of Ministers' Rapporteur Group on Human Rights (GR-H) requested further consultation on the draft with the European Committee for Legal Co-operation (CDCJ) and the European Committee on Crime Problems (CDPC). The Committee of Ministers Secretariat will amend the draft Declaration in light of comments received and submit it to the GR-H then to the Committee of Ministers for consideration and possible adoption.

6.2 Committee of Experts on rights of Internet users (MSI-DUI)

The Secretariat informed the Bureau about the 2nd meeting of the MSI-DUI (13-14 December 2012). The Bureau took note of the work in progress and of the next steps of the work and praised the MSI-DUI and the Secretariat for this pioneering work.

6.3 Follow-up to specific instruments on the Internet adopted by the Committee of Ministers

The Secretariat recalled earlier discussions on this subject and informed the Bureau that a multi-stakeholder conference was planned in September 2013 in Strasbourg “*Protecting Internet freedom: a shared commitment*”. The Bureau stressed that the results of the conference should be linked to the up-coming Ministerial Conference to be held in Belgrade.

6.4 Drafting of an instrument on cross-border flow of Internet traffic

The Bureau noted that an expert report was in preparation. It welcomed including a reflection on a draft instrument. The Secretariat should provide further information to the CDMSI during the next plenary meeting.

Cooperation and outreach activities

6.5 European Dialogue on Internet Governance (EuroDIG - Lisbon, 20-21 June 2013)

The Bureau took note of the information by the Secretariat on the preparation of the EuroDIG and of the list of themes that will be addressed (to be found on the EuroDIG web site : <http://www.eurodig.org/eurodig-2013/programme>)

6.6 Internet Governance Forum (IGF, Bali, 21-25 October 2013)

The Bureau took note of information provided by the Secretariat, and encouraged Council of Europe (CDMSI) contribution to the IGF and also to various national Internet governance discussions.

6.7 Council of Europe Internet Governance Strategy 2012-2015

Follow-up chart to the Strategy – up-date by the Secretariat

The Secretariat referred to the decision taken by the CDMSI to carry out risks assessment and management analysis in respect of the implementation of the activities of the Strategy. The Secretariat had developed the follow-up table by including risk assessment and foreseen risk mitigation actions. The Bureau welcomed the revised format of the implementation table.

In response to the comments mentioned under see item 3: *Human Rights Guidelines for Internet service providers* and *Human Rights Guidelines for on line game providers*, the Bureau asked the Secretariat to contact the relevant professional organisations requesting initial feedback on the implementation and take up of the Guidelines and suggestions for further actions.

7. Protection of personal data

7.1 Standard setting activities

Modernisation of Convention 108, carried out by the T-PD

The Bureau took note of the information presented by the Secretariat of the T-PD concerning the current state of play of the modernisation of Convention 108. It examined the draft terms of reference for an *ad hoc* committee on data protection (CAHDATA) to be entrusted with the task of finalising the modernisation work at intergovernmental level (with due attention to the parallel revision of the EU framework) and with the participation of non-member countries. It agreed to submit the draft terms of reference to the CDMSI for possible approval, noting the importance of enabling the European Committee on Legal Cooperation (CDCJ) to also examine the draft mandate, and subsequent transmission to the Committee of Ministers.

Other standard setting activities

The Bureau took note of the on-going revision of Recommendation (89)2 on the protection of personal data used for employment purposes as well as on the evaluation of the implementation of Recommendation (87)15 regulating the use of personal data in the police sector.

7.2 Co-operation activities

Recommendation on the protection of privacy in the media coverage (Ukraine project)

The Secretariat recalled the CDMSI exchange of views with the lead expert of that work, Professor Bertil Cottier, at its second meeting. In the light of the importance and topicality of the subject, the Bureau agreed to submit the recommendations to the CDMSI with a view to consider the possibility of using the recommendations as a basis for work with a view to providing guidance in this field to all member States.

8. CDMSI exchanges of views with other organisations

The Chairman recalled the exchange of views at its second meeting between the CDMSI and Dr Vaira Vīķe-Freiberga, Chairperson of the EC High Level Group on Media Freedom and Pluralism. He referred to the report of the EC High Level Group that was made public in January 2013. The Bureau discussed possible reactions from the CDMSI to that report. Following advice from the Secretariat, it was agreed that any CDMSI reactions need to be submitted to the Committee of Ministers. The Bureau decided to bring this issue to the CDMSI for discussion.

9. Other questions

Observers: application by the Black Sea Broadcasting Regulatory Authorities (BRAf)

Following the presentation of the BRAf at the second CDMSI meeting, the Bureau recommended to the CDMSI that the BRAf be granted observer status with the CDMSI. This is

fully consistent with the broad multistakeholder mandate given to the CDMSI by the Committee of Ministers.

Appendix I

Agenda of the meeting

Bureau of the Steering Committee on Media and Information Society (CDMSI)

3rd meeting – 6 to 7 March 2013 (Strasbourg, Palais de l'Europe, Room 16) CDMSI-BU(2013)OJ1

- 1. Opening of the meeting**
- 2. Adoption of the agenda**
- 3. Information by the Chairman and the Secretariat**
- 4. 1st Council of Europe Conference of Ministers responsible for Media and Information Society (Serbia, 2013)**

5. Media

Standard setting activities

5.1 *Initiatives to strengthen the protection of journalists, other media professionals and bloggers, both as regards preventive measures and effective investigation, taking into account the work conducted by other international organisations, and to foster ethical journalism*

5.2 *Draft recommendation on gender equality and media*

Cooperation and outreach (capacity building, best practice in the field)

5.3 *On-going and future activities*

5.4 *Implementation of Committee of Ministers Declaration of 13 January 2010*

6. Information Society and Internet Governance

Standard setting activities

6.1 *Draft declaration on risks to fundamental rights stemming from digital tracking and other surveillance technologies*

6.2 *Compilation of existing rights of Internet users (MSI-DUI)*

6.3 *Follow-up to specific instruments on the Internet adopted by the Committee of Ministers*

6.4 *Drafting of an instrument on cross-border flow of Internet traffic*

6.5 *Cooperation and outreach activities (capacity building, best practice in the field)*
European Dialogue on Internet Governance (EuroDIG – Lisbon 20-21 June 2013)

6.6 *Internet Governance Forum (IGF, Bali)*

6.7 *Council of Europe Internet Governance Strategy 2012-2015*

7. Data protection

Standard setting activities

7.1 *Information concerning the instruments currently under review by the T-PD: Convention*
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7.2 *Other relevant work of the T-PD*

8. CDMSI exchanges of views with other organisations

9. Other questions

Observers: application of the Black Sea Broadcasting regulatory Authorities (BRAf)

Appendix II

LIST OF PARTICIPANTS

**2ND MEETING OF THE BUREAU OF THE
STEERING COMMITTEE ON MEDIA AND INFORMATION SOCIETY
(CDMSI-BU), 6-7 MARCH 2013
ROOM 16, PALAIS DE L'EUROPE**

Mr Andris Mellakauls (Chair/Président), Information Space Integration, Ministry of Culture, Latvia/Lettonie

Ms Maja Rakovic (Vice Chair/ Vice Président) , Counsellor, Ministry of Foreign Affairs, Serbia /Serbie

Mr Mark Carvell, Media Team, Department for Culture, Media and Sport, United Kingdom /Royaume-uni

Mr Garegin Chugaszyan, Armenia/Armenie EXCUSED

Mr Emir Powlakic, Head of Division for Licensing, Digitalization and Coordination in Broadcasting, Communications Regulatory, Bosnia and Herzegovina/Bosnie-Herzegovine

Thomas Schneider, International Affairs, Federal Office of Communication, Federal Department for the environment, transport, energy and communication, Switzerland/Suisse

Ms Bissera Zankova, Media Expert / Consultant, Ministry of Transport, IT and Communications, Bulgaria/Bulgarie

SECRETARIAT

Mr Jan Kleijssen, Director, Information Society and Action against Crime, Directorate General of Human Rights and Rule of Law

Mr Jan Malinowski, Head of Information Society Department, Directorate General of Human Rights and Rule of Law

Mr Björn Janson, Secretary of the CDMSI, Head of Media Division, Directorate General of Human Rights and Rule of Law (DGI)

Ms Onur Andreotti, administrator, Media Division, DG I

Ms Anne Boyer-Donnard, Principal Administrative Assistant, Media Division, DG I

Mr Lee Hibbard, Head of the Internet Governance Unit, DGI

Ms Elvana Thaci, administrator, Internet Governance Unit, DGI

Mr James Lawson, administrator, Internet Governance Unit, DGI

Ms Sophie Kwasny, Head of Data Protection Unit, DGI

Mr. Rüdiger Dossow, Secretary of the Committee on Culture, Science, Education and Media, PACE

(Gender distribution of the 6 Bureau members attending the meeting: 2 women (33%), 4 men (67%))