

**Closing remarks by Mr Philippe Boillat,  
Director General, Directorate General Human Rights and Rule of Law**

**Council of Europe Conference of  
Ministers responsible for Media and Information Society  
on the theme - "Freedom of Expression and Democracy in the Digital Age -  
Opportunities, Rights, Responsibilities"  
Belgrade, 8 November 2013**

Mr Chairman, Excellencies, Ladies and Gentlemen,

- It is a privilege for me to be invited to make some final observations after a conference that has seen intense discussions in the ministerial sessions as well as in the multi-stakeholder panels. I am pleased to see that these discussions led to the adoption of the Belgrade political declaration and its three accompanying resolutions. These texts will be distributed to you shortly, they will also be put online.
- The present conference has been an excellent platform for identifying topics for the future work of the Council of Europe, with a view to enhancing the essential role of freedom of expression and democracy in the digital age.
- In these closing remarks, I don't have the ambition, and even less the pretence to be exhaustive. I would simply like to highlight some major issues raised during this conference.
- In this context, I would like to recall the important standard-setting work done by the Council of Europe in the media and information society field over the years through the Steering Committee on Media and Information Society. I would also like to draw your attention to the fact that these standard-setting activities have been followed up by various media cooperation programmes, often with the support of external donors, such as the European Union.
- I particularly welcome the commitment reiterated by our 47 Member states to protect freedom of expression as an essential – sine qua non - prerequisite for any genuine democracy. I seize this opportunity to recall that, regardless of any new technologies, according to the well-established case law of the European Court of Human Rights, any interference with the rights to freedom of expression and private and family life must be prescribed by law, pursue a legitimate aim and be necessary in a democratic society.
- Although I just said "regardless of new technologies" we must be mindful of the power of these new technologies.
- The European Court of Human Rights has held that the protection afforded by Article 8 of the Convention would be unacceptably weakened if the use of modern scientific techniques were allowed at any cost and without carefully balancing.
- With the great possibilities of new technologies comes great responsibility. Surveillance constitutes a strong interference into private life. We must therefore ensure surveillance is carried out with adequate guarantees against abuse.

That is why Resolution No. 1 “Internet Freedom”, inspired by the Court’s case law, stresses that the right to private life, which encompasses data protection, must be respected in the context of surveillance for national security purposes. Consequently, there is a pressing need to strengthen the legal framework and necessary safeguards.

- It is another matter of satisfaction that Ministers responsible for media and information society renewed their commitment to “do no harm” to the Internet and to preserve its universality, integrity, accessibility and openness - the 4 key words in the Council of Europe approach to the Internet. Our challenge will be to ensure that other Internet stakeholders – countries outside Europe, industry, civil society – make a similar commitment to these Internet governance principles.
- During the discussions, you have made it clear that you would like the Council of Europe to be present and active during the upcoming discussions on Internet governance. The objective should be to ensure that human rights, democracy and rule of law remain at the centre of discussions that may shape the future of the Internet and bear on Internet freedom.
- I am also pleased about support expressed for the essential role media has to play in a democratic society in particular in the digital age, bringing about new challenges. Resolution No 2 provides a clear basis for further work in this regard within our Organisation.
- Success on this front will be required to maintain democracy. But we should be even more ambitious, namely to promote increased participation, scrutiny and accountability and therefore enhance and improve democracy. This discussion will be pursued during the upcoming World Forum for Democracy that will be held in Strasbourg, later this month.
- Resolution No. 3 “Safety of Journalists” will be followed-up in a thematic debate entitled “*Safety of journalists – further steps for the better implementation of human rights standards*”, to be held in Strasbourg on 12 December by the Council of Europe’s Committee of Ministers, under the auspices of the forthcoming Austrian Chairmanship. I note that you are appalled by the threats to journalists and physical attacks they suffer and I fully share your serious concerns.
- The absence of effective investigation and the resulting impunity casts a dark shadow that any State has to vigorously seek to dissipate. More needs to be done and I have noted the urgent need for guidelines on the safety of journalists including on related positive obligations of Member states.
- I also heard the strong message in respect of the threats to freedom of expression that stems from defamation, a matter that for many delegations should be civil law matter only.
- And of course, I welcome your support for the campaign of the Council of Europe to combat hate speech. Indeed efforts undertaken at international level should be pursued.
- Resolution No.3 should be further followed-up in partnership with UNESCO. I inform you that, at the beginning of this week, I received a letter from

UNESCO's Assistant Secretary General inviting the Council of Europe to explore whether the safety of journalists, including the issue of impunity, may serve as an indicator or barometer of state "fragility". I would welcome follow up to this invitation as part of the implementation of your own proposals. Safety of journalists could well be a high-value indicator of freedom of expression, freedom of the media and even of the state of health of democracy.

Excellencies, Ladies and Gentlemen,

- A cross cutting issue that I have heard over the last two days, starting from the Secretary General of the Council of Europe, is the need to monitor how member states protect freedom of expression. There is a clear need to enhance early-warning mechanisms in respect of the safety of journalists. It also concerns other forms of interference with freedom of expression, whether of bloggers, human rights defenders, political activists, or ordinary citizens.
- A pro-active dynamic mechanism is needed to complement the ex-post mechanism of the European Court of Human Rights.
- At the end of my observations, Mr Chairman, please, allow me, to thank the Secretary General of the Council of Europe, the Committee of Ministers, the Parliamentary Assembly, the Congress of Local and Regional Authorities and the Commissioner for Human Rights for their valuable contributions. My gratitude also goes to our moderators and experts as well as to our participants from other international organisations and institutions, and to our participants representing civil society.
- Mr Chairman, I would like to thank you personally for having guided us so well through this conference. Let me thank your authorities warmly for having hosted this conference in this vibrant city of Belgrade and their generous hospitality. I know that hosting a Ministerial Conference is a challenge in more than one aspect and that it takes many people to guarantee it runs smoothly, most of whom are invisible to our high-level participants. Therefore I would like to particularly thank your Belgrade team and the Council of Europe team for their continuous efforts to ensure a successful conference. Of course, my thanks go to our interpreters as well.
- Mr Chairman, Excellencies, Ladies and Gentlemen, lastly I would like to thank all of you for your active participation and genuine dialogue. I trust that you all will take home inspiration how to further support the Council of Europe in its work for freedom of expression, which remains the single most valuable indicator for the democratic health of a society.