



## FREEDOM OF EXPRESSION: STILL A PRECONDITION FOR DEMOCRACY?

### Council of Europe Conference

Strasbourg,  
13-14 October 2015  
Hemicycle, Palais de l'Europe



# Draft programme

1 October 2015

## Day 1

### 13 October 2015

- 08:00 - 09:00** Registration
- 09:00 - 09:05** Welcoming address by [Mr Almir Šahović](#), Ambassador Extraordinary and Plenipotentiary of Bosnia and Herzegovina
- 09:05 - 09:15** Opening by [Mr Thorbjørn Jagland](#), Secretary General of Council of Europe
- 09:15 - 09:30** Intervention by [Mr Zühtü Arslan](#), President of the Turkish Constitutional Court
- 09:30 - 09:45** Keynote address by [Mr Joshua Rozenberg](#), Legal Commentator and Journalist

### **09:45 - 10:40** **Introductory Session** **Moderator: Mr Joshua Rozenberg**

#### Key speakers

[Mr Nils Muižnieks](#), Commissioner for Human Rights, Council of Europe

[Ms Dunja Mijatovic](#), OSCE Representative on Freedom of the Media

[Ms Isil Karakas](#), Judge, section President, European Court of Human Rights

[Ms Angelika Nussberger](#), Judge, section Vice – President, European Court of Human Rights

[Mr Christoph Strässer](#), Federal Government Commissioner for human rights policy and humanitarian aid, member of German Parliament

### **10:40 - 11:00** **Coffee break**

### **11:00 - 12:30** **Session 1: Free and pluralist public debate, a precondition for democracy; how to create an enabling environment?**

#### Points to discuss

- A brief analysis of the situation and the challenges in member States

- How is the case law of the European Court of Human Rights evolving in respect of the concept of public debate and an enabling environment, particularly in the context of the expansion of the public space online?
- How can the democratic potential of the Internet be promoted?

**Moderator:** [Mr David Kaye](#), UN Special Rapporteur on the promotion and the protection of the right to freedom of opinion and expression

**Panellists**

[Mr Gvozden Srećko Flego](#), Parliamentary Assembly of the Council of Europe

[Ms Ganna Yudkivska](#), Judge, European Court of Human Rights

[Ms Nani Jansen](#), Legal Director of Media Legal Defence Initiative (MLDI)

[Mr Christophe Deloire](#), Secretary General, Reporters Without Borders (RWB)

**Rapporteur:** [Ms Katharine Sarikakis](#), Professor of Media Industries, Media Organisation and Media Governance, University of Vienna

**12:30 - 14:00**

**Lunch**

**14:00 - 15:30**

**Session 2 - Freedom to “offend, shock or disturb”: where do we stand?**

**Points to discuss**

- The mechanics of hate speech: how does it function?
- Is Europe on a “slippery slope” towards criminalising expression; what are the guidelines of the European Court of Human Rights?
- How can foreseeability of laws be improved and legal certainty be achieved on the Internet?
- What non-legal means exist for dealing with hate speech?

**Moderator:** [Ms Agnes Callamard](#), Director, Columbia Global Freedom of Expression & Information, Special Adviser to the President of Columbia University

**Panellists**

[Ms Francoise Tulkens](#), Former Vice-President of the European Court of Human Rights

[Mr Nicolas Vadot](#), member of the Cartooning for Peace Foundation

[Ms Valentina Pellizzer](#), President of OneWorld Platform Foundation (OWP)

[Ms Mihaela Mihai](#), Senior Research Fellow at School of Social and Political Science at the University of Edinburgh

**Rapporteur:** [Ms Bissera Zankova](#), President of “Media 21 Foundation”, Bulgaria

**15:30 - 16:00**      **Coffee break**

**16:00 - 17:30**      **Session 3 - The fight against terrorism: are we all potential suspects?**

**Points to discuss**

- How can the fight against terrorism be maintained having due regard to freedom of expression?
- Foreseeability of laws relating to condoning terrorism, incitement to violence and radicalisation via the Internet: what is the situation in Europe?
- Legitimacy of measures: what democratic monitoring arrangements?
- What role should the European Court of Human Rights play in the European legal area?

**Moderator:** [Ms Elfa Ýr Gylfadóttir](#), Director of the Media Commission, Iceland

**Panellists**

[Mr Nicolas Hervieu](#), Lawyer in Public Law at Paris-Ouest and Pantheon-Assas Universities

[Mr David Banisar](#), Senior Legal Counsel, Article 19

[Mr Stéphane Duguin](#), Head of the European Internet Referral Unit (EU IRU), Europol

[Mr Akil Awan](#), Associate Professor, Senior Lecturer in Modern History, Political Violence & Terrorism, Royal Holloway, University of London

**Rapporteur:** [Mr Darian Pavli](#), Adviser, Special Parliamentary Committee on Justice Reform, Parliament of Albania

**18:30 - 20:30**      Reception at the invitation of **Mr Erdoğan İçsan**, Ambassador, Permanent Representation of Turkey to the Council of Europe, Restaurant Bleu, Palais de l'Europe, Strasbourg

**DAY 2**

**14 October 2015**

**09:00 - 10:30**      **Session 4 - Protecting freedom of expression online: what is the role of intermediaries?**

**Points to discuss**

- Who are these intermediaries and what are the preconditions in terms of legal certainty for their functions?

- How do these intermediaries react when asked to delete content (on grounds of the “right to be forgotten”) or when advised to disclose users’ data? Is this done in a transparent way? What are their responsibilities?
- “Hate speech”, “radicalisation via the Internet”... what initiatives do intermediaries take?
- What acts by intermediaries may potentially constitute a violation of freedom of expression; what is the situation regarding intermediaries’ editorial freedom?

**Moderator:** [Ms Julia Powles](#), Legal Researcher, University of Cambridge, Contributing Editor and Policy Fellow, “The Guardian”

**Panellists**

[Mr Robert Spano](#), Judge, European Court of Human Rights

[Mr Hervé Henrion-Stoffel](#), Legal Adviser, National Consultative Commission for Human Rights

[Ms Siobhan Cumiskey](#), Policy Manager for Europe, the Middle East and Africa at Facebook

[Ms Gabrielle Guillemin](#), Senior Legal Officer, Article 19

**Rapporteur:** [Mr Patrick Leerssen](#), Assistant Researcher, Institute for Information Law (IViR), University of Amsterdam

**10:30 - 11:00**      **Coffee break**

**11:00 - 12:30**      **Session 5 - Decrypting the implications and assessing the costs of mass surveillance on freedom of expression**

**Points to discuss**

- What is the actual and potential impact of surveillance on citizens’ freedom of expression?
- Which principles have been established by the Court’s case law to limit excesses and arbitrariness by those who hold power?
- What is the situation regarding the confidentiality of journalists’ sources?
- What protective mechanisms exist at national level?

**Moderator:** [Mr Charles Amponsah](#), former broadcast journalist, TV producer at the Council of Europe, Directorate of Communications

**Panellists**

[Mr David Kaye](#), UN Special Rapporteur on the promotion and the protection of the right to freedom of opinion and expression

[Mr Iain Cameron](#), Professor, University of Uppsala, member of Venice Commission

[Mr Saša Janković](#), Protector of Citizens, Republic of Serbia

[Ms Cécile de Terwangne](#), Professor, Law Faculty Namur University, Research Director for CRIDS (Research Centre Information, Law and Society)

**Rapporteur:** [Mr Matthias C. Kettemann](#), Lecturer, University of Frankfurt

**12:30 - 14:00**

**Lunch**

**14:00 - 15:30**

**Session 6 - Strengthening our commitment to freedom of expression in all contexts: Policies - Actions - Tools**

**Points to discuss**

- How can we build a European momentum for an on-going and intensive dialogue amongst all stakeholders, which is vital to the achievement of freedom of expression in all contexts, including at times of crisis?
- How can a decisive step be taken towards reinforcing the Council of Europe's collective action in co-operation with other international organisations in the context of the promotion of freedom of expression in Europe?

**Moderator:** [Mr Jean-Paul Marthoz](#), Journalist, Committee to Protect Journalists EU Correspondent

**Panellists**

[Ms Krisztina Stump](#), Deputy Head of Unit G.1 (Converging Media and Content), European Commission

[Mr Marius Lukosiunas](#), Program Specialist, Division of Freedom of Expression and Media Development, UNESCO

[Mr Jan Kleijssen](#), Director of the Information Society and Action against Crime Directorate, Council of Europe

[Mr Matjaž Gruden](#), Director of the Policy Planning Directorate, Council of Europe

**Rapporteur:** [Ms Elda Brogi](#), Scientific Coordinator, Centre for Media Pluralism and Media Freedom, Robert Schuman Centre for Advanced Studies, European University Institute

**15:30 - 16:00**

**Preliminary conclusions**

Preliminary conclusions from the general rapporteur of the Conference, [Mr Tarlach McGonagle](#), Senior Researcher and Lecturer, Institute for Information Law (IViR) University of Amsterdam

**16:00 - 16:15**

**Closing remarks**

[Mr Philippe Boillat](#), Director General, Directorate General Human Rights and Rule of Law, Council of Europe