

Committee of experts on freedom of expression and digital technologies (MSI-DIG)



**MSI-DIG(2020)03
17 September 2020**

**1st meeting, 15-16 September 2020
Online meeting via KUDO**

Meeting Report

1. Patrick Penninckx, Head of the Council of Europe Information Society Department, opened the meeting and welcomed members and participants, underlining the great importance attached by the Council of Europe to the work of Expert Committees, particularly in the fast-evolving field of digital technologies. He further pointed out that this biennium of inter-governmental work, unfortunately and due to the COVID-19 pandemic, required adjustments in its usual meeting schedule, allowing for a first full meeting only in September 2020 (Agenda in Appendix 1). He expressly thanked the members of the MSI-DIG and the rapporteurs for the impressive work already done towards the attainment of the group's terms of reference. Artemiza Chisca, Head of the Media and Internet Division, welcomed members and participants and provided information on the Council of Europe's Steering Committee on Media and Information Society ([CDMSI](#)), to which the MSI-DIG is a sub-ordinate body, as well as on its activities and priorities within the current biennium and beyond. Charlotte Altenhöner-Dion, Secretary to the MSI-DIG, introduced the main objectives of Council of Europe standard-setting work and presented the working methods of Expert Committees, in line with [CM/Res\(2011\)24](#). She also provided some background to the MSI-DIG's terms of reference and expected deliverables. The members of the MSI-DIG introduced themselves and presented their initial views on the most important challenges to be addressed by the Committee regarding the impacts of digital technologies on freedom of expression.

2. With only one candidate proposed for each of the functions, the MSI-DIG unanimously elected Ms Natali Helberger (the Netherlands) as its Chair and Mr Viktors Makarovs (Latvia) as its Vice-chair. Mr Michael Kogler (Austria) was appointed Gender Equality Rapporteur.

3. The list of confirmed participants appears in Appendix 2. Of the 52 confirmed participants, there were 27 women (52%) and 25 men (48%).

4. The MSI-DIG took note of its [Terms of Reference](#) and of [Resolution CM/Res\(2011\)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods](#). It discussed form and scope of the deliverables that it is expected to finalise by the end of its mandate in December 2021, based on the preliminary drafts prepared by the rapporteurs.

Conclusions and decisions

5. With respect to the [draft guidance note on best practices towards effective legal and procedural frameworks for self-regulatory and co-regulatory mechanisms of content moderation](#), the MSI-DIG welcomed the preliminary draft prepared by the rapporteur Joe McNamee, commending its advanced state and its relevance to the ongoing policy debate on content moderation in member States and at EU level. Experts considered that the guidance provided should be as concrete as possible, while noting that the role of this deliverable as per the terms of reference is to provide context and background to a complex challenge and to enhance problem identification, rather than to produce concrete guidelines. It was further suggested to make clearer that the term 'content moderation' includes acts of curation and amplification/de-amplification, going beyond removal, and to extend references to privacy challenges in content moderation. The exceptionalism of content regulation that does not compare easily to other forms of self- and co-regulation should be accentuated, as should be the inherent challenge of scale. The guidance note should clearly build on previous Council of Europe standard-setting work, drawing also from related work of other international organisations. It was further suggested to include references to the role and rights of human curators in content moderation, to better reflect experiences with automated tools, to address decentralised solutions in more detail, and to also consider alternative modes of content moderation, including from the professional media sphere.

6. The MSI-DIG welcomed the preliminary [draft recommendation on the impacts of digital technologies on freedom of expression](#), as prepared by the rapporteurs Alexandra Borchardt and Cristian Vaccari, applauding its advanced state and format and the fact that it already addressed most of the relevant issues in the guidelines. They suggested that the addition of another sub-section on design features of digital technologies, as well as possibly some provisions regarding the rights/responsibilities stemming from the use of digital technologies should be considered. The meaning of 'regulation' should be more clearly explained, including in terms of its purpose and reach. Overall, the terminology in the text should be further streamlined, including a clearer definition of the types of technologies and companies that are addressed. It should further be more clearly stipulated who is addressed in the various provisions, differentiating between the different roles and responsibilities of states vs. non-state actors. References to previous CDMSI standard-working instruments should be more explicitly added and built on, for instance by including references to human rights impact assessments and to a right of users to informational self-determination. The empowerment of users should be further highlighted in the text, as should be the overarching need for stricter transparency requirements, including as main regulatory principles. The sub-section on multi-stakeholderism should take into account its limitations as experienced so far, in that processes are often opaque and participation of civil society in actual decision-making processes still elusive. More accountability should be introduced as well as firm requirements for more feedback on how consultations are reflected in the outcome.

7. The MSI-DIG agreed to continue its work on the expected results in parallel, in line with the draft roadmap (Appendix 3).
8. The MSI-DIG agreed to continue to invite other partners and stakeholders to its meetings in line with its terms of reference.

Any other business

9. The MSI-DIG agreed to hold its next meeting in Strasbourg in March 2021.
10. The Secretariat will prepare a draft meeting report to be sent to the Chair and Vice-Chair for consideration. Thereafter, the Secretariat will send the draft report to the MSI-DIG, allowing for comments within five full working days. In the absence of comments, the report will be deemed finalised and will be transmitted to the CDMSI for information. The progress of work of the MSI-DIG will be reflected in its draft documents and the reports of its meetings. Therefore, it is not considered necessary to produce comprehensive reports of meetings.

Appendix 1

Agenda

15 September 2020

10:00 – 12:30

1. Opening of the meeting by Patrick Penninckx, Head of Information Society Department
2. Information by the Secretariat – brief introduction to the working methods and procedures of intergovernmental committees and subordinate bodies (Resolution [CM/Res\(2011\)24](#)). Information on relevant standard-setting and reference work of the Council of Europe related to freedom of expression and digital technologies
3. Tour de Table
4. Election of Chairperson and Vice-chairperson and Appointment of Gender Equality Rapporteur

14:00 – 16:30

5. Discussion of the draft guidance note on best practices towards effective legal and procedural frameworks for self-regulatory and co-regulatory mechanisms of content moderation

16 September 2020

10:00 – 12:30

6. Discussion of the Draft recommendation of the Committee of Ministers to member States on the impacts of digital technologies on freedom of expression

14:00 – 16:30

7. Continuation of point 6
8. Discussion of the roadmap/timeline for the MSI-DIG in 2020 and 2021
9. Other business

Appendix 2 / Annexe 2

List of confirmed participants
Liste des participants confirmés

COMMITTEE MEMBERS / MEMBRES DU COMITÉ

Alexandra BORCHARDT, Co-Rapporteur for the draft recommendation / Co-Rapportrice pour le projet de recommandation

Head of Digital Journalism Fellowship, Hamburg Media School; Senior Research Associate, Reuters Institute for the Study of Journalism

Responsable de la bourse de journalisme numérique, École des médias de Hambourg ; Associée de recherche principale, Institut Reuters pour l'étude du journalisme

Natali HELBERGER, Chair of MSI-DIG / Présidente du MSI-DIG

Professor of Law and Digital Technology, with a special focus on AI, University of Amsterdam, The Netherlands

Professeure de droit et de technologie numérique, avec un accent particulier sur l'IA, Université d'Amsterdam, Pays-Bas

Fanny HIDVÉGI

Europe Policy Manager, Access Now

Responsable de la politique européenne, Access Now

Michael R. KOGLER, Gender Equality Rapporteur / Rapporteur sur l'égalité de genre

Legal advisor, Deputy Head of Department for Media (Law), Political Parties (Law), Federal Chancellery, Austria

Conseiller juridique, Chef adjoint, Département des médias (Droit), des partis politiques (Droit), Chancellerie fédérale, Autriche

Đorđe KRIVOKAPIC

Assistant Professor, Business Systems Organisation Department, Faculty of Organisational Sciences, University of Belgrade

Professeur assistant, Département d'organisation des systèmes d'entreprise, Faculté des sciences organisationnelles, Université de Belgrade

Aleksandra KUCZERAWY

Post-doctoral Researcher, Lecturer in Media Law, KU Leuven Centre for Information Technology & Intellectual Property Law

Chercheuse postdoctorale, Conférencière en curriculum de droit des médias, Centre de droit de l'informatique et de la propriété intellectuelle de la KU Leuven

Joe McNAMEE, Rapporteur for the guidance note / Rapporteur pour la note d'orientation

Independent Consultant, Ireland

Consultant indépendant, Irlande

Viktors MAKAROVS, Vice-Chair of MSI-DIG/ Vice-président du MSI-DIG

Special Envoy on Information Security Issues, Ministry of Foreign Affairs, Latvia

Envoyé spécial pour les questions de sécurité de l'information, Ministère des affaires étrangères, Lettonie

Martin MOORE

Senior Lecturer in Political Communication Education & Director of the Centre for the Study of Media, Communication and Power, King's College London

Maître de conférences en éducation à la communication politique et Directeur du Centre pour l'étude des médias, de la communication et du pouvoir, King's College de Londres

Katie MORRIS

Head of Online Harms Regulatory Policy, Department for Digital, Culture, Media and Sport (DCMS), United Kingdom

Responsable de la politique de réglementation des préjudices en ligne, Département pour le numérique, la culture, les médias et le sport (NCMS), Royaume-Uni

Karmen TURK

Partner at a pan-Baltic law firm TRINITI, Estonia; lecturer in IT-Law program, University of Tartu, Estonia

Avocate et associée d'un cabinet juridique pan-balte TRINITI, Estonie ; Conférencière en curriculum de droit informatique, Université de Tartu, Estonie

Cristian VACCARI, Co-Rapporteur for the draft recommendation / Co-Rapporteur pour le projet de recommandation

Professor of Political Communication and Co-Director of the Centre for Research in Communication and Culture at Loughborough University

Professeur de communication politique et co-directeur du Centre de recherche en communication et culture de l'université de Loughborough

Livia WALPEN

Senior Policy Advisor for International Relations at the Swiss Federal Office of Communications **Apologised**

*Conseillère politique principale pour les relations internationales à l'Office fédéral suisse de la communication **Excusée***

COUNCIL OF EUROPE MEMBER STATES / ÉTATS MEMBRES DU CONSEIL DE L'EUROPE

AZERBAIJAN / AZERBAÏDJAN

Javid MUSAYEV

Head of the division of the State communication policy, Department for the Work with NGOs and Communication, Administration of the President of the Republic of Azerbaijan

Chef de la division de la politique de communication de l'Etat, Département pour le travail avec les ONG et la communication, Administration du Président de la République d'Azerbaïdjan

CYPRUS / CHYPRE

Elena FYSENTZOU

Press and Information Officer, Press and Information Office of Cyprus

Attachée de presse et d'information, Bureau de presse et d'information de Chypre

DENMARK / DANEMARK

Laura HVASS JØRGENSEN

Danish Ministry of Justice
Ministère de la justice du Danemark

ITALY / ITALIE

Daniele LOI

Deputy to the Permanent Representative, First Secretary, Permanent Representation of Italy to the Council of Europe
Adjoint au Représentant permanent, Premier secrétaire, Représentation permanente de l'Italie auprès du Conseil de l'Europe

ROMANIA / ROUMANIE

Ștefan JICOL

Director general, General Directorate of Public Policies, General Secretariat of the Government of Romania
Directeur général, Direction générale des politiques publiques, Secrétariat général du gouvernement de la Roumanie

RUSSIAN FEDERATION / FÉDÉRATION DE RUSSIE

Alexey PEREVOSHCHIKOV

Deputy Director of the Directorate of International Relations of the All-Russian State Television and Radio Broadcasting Company
Directeur adjoint de la Direction des relations internationales de la Société nationale de télévision et de radiodiffusion de Russie

Alexey SAZHINOV

Deputy to the Permanent Representative of the Russian Federation to the Council of Europe
Adjoint au Représentant permanent de la Fédération de Russie auprès du Conseil de l'Europe

SERBIA / SERBIE

Maja ZARIC

Media Advisor, Media Department, Ministry of Culture and Information of the Republic of Serbia
Conseillère en médias, Département des médias, Ministère de la culture et de l'information de la République de Serbie

SWITZERLAND / SUISSE

Jorge CANCIO

International Relations Specialist, Federal Office of Communications (OFCOM) – Switzerland
Spécialiste en relations internationales, Office fédéral de la communication (OFCOM) – Suisse

TURKEY / TURQUIE

Candaş AYNAGÖZ

Assistant Expert, Official from Radio and Television Supreme Council, Ankara
Expert adjoint, fonctionnaire du Conseil supérieur de la radio et de la télévision, Ankara

Tolga BAŞBOZKURT

Rapporteur Judge, Court of Cassation Judge
Juge rapporteur, Juge à la Cour de cassation

Ahmet Metin GÖKLER

Counsellor (Rapporteur Judge), Permanent Representation of Turkey to the Council of Europe
Conseiller (Juge rapporteur), Représentation permanente de la Turquie auprès du Conseil de l'Europe

Dinser ŞAHİN

Deputy Head of International Relations Department, Ankara
Chef adjoint du Service des relations internationales, Ankara

Mehmet Zübeyr ŞENGÜL

Expert, Official from Radio and Television Supreme Council, Ankara
Expert, Fonctionnaire du Conseil supérieur de la radio et de la télévision, Ankara

Yakup YILDIRIM

Counsellor (Rapporteur Judge), Permanent Representation of Turkey to the Council of Europe
Conseiller (Juge rapporteur), Représentation permanente de la Turquie auprès du Conseil de l'Europe

Taha YÜCEL

Member of Radio and Television Supreme Council, Ankara
Membre du Conseil Supérieur de l'Audiovisuel, Ankara

UKRAINE

Gulsanna MAMEDIEVA

Director of Directorate for European Integration of the Ministry of Digital Transformation
Directrice de la Direction de l'intégration européenne du ministère de la transformation numérique

Oleksii TARABUKIN

Head of the General Department for Information Policy and Information Security from the Ministry of Culture and Information Policy of Ukraine
Chef du Département général de la politique de l'information et de la sécurité de l'information du ministère ukrainien de la culture et de la politique de l'information

**NON-MEMBER STATES HAVING OBSERVER STATUS WITH THE COUNCIL OF EUROPE /
ETATS NON-MEMBRES AYANT LE STATUT D'OBSERVATEUR AUPRES DU CONSEIL DE L'EUROPE**

MEXICO

Lorena ALVARADO QUEZADA

Deputy Permanent Observer, Permanent Mission of Mexico to the Council of Europe
Adjointe à l'Observateur Permanent, Mission Permanente du Mexique auprès du Conseil de l'Europe

OTHER PARTICIPANTS / AUTRES PARTICIPANTS

Nikita AGGARWAL

Research Associate, Digital Ethics Lab, Oxford Internet Institute, Faculty of Law, University of Oxford

Associé de recherche, Laboratoire d'éthique numérique, Institute Internet d'Oxford, Faculté de droit, Université d'Oxford

Isabel AMOSSE

Head of Advocacy, Reporters without Borders (RSF), Paris

Responsable du plaidoyer, Reporters sans Frontières (RSF), Paris

Guilherme CANELA

Chief of Freedom of Expression Section, UNESCO

Chef de la Section de la liberté d'expression, UNESCO

Jennyfer CHRETIEN

General Delegate, Digital Renaissance, Paris

Déléguée Générale, Renaissance Numérique, Paris

Lisa DITTMER

Advocacy Officer for Internet Freedom, Reporters without Borders (RSF), Germany

Responsable de la défense de la liberté sur Internet, Reporters sans Frontières (RSF), Allemagne

Nicola FRANK

Head of Institutional and International Relations, European Broadcasting Union (EBU)

Responsable des relations institutionnelles, Union Européenne de Radio-Télévision (UER)

Julia HAAS

Assistant Project Officer, Office of the Representative on Freedom of the Media, Organization for Security and Co-operation in Europe (OSCE)

Chargée de projet adjoint, Bureau du Représentant pour la liberté des médias, Organisation pour la sécurité et la coopération en Europe (OSCE)

Xianhong HU

Program Specialist, Sector of Digital Transformation, UNESCO

Spécialiste de programme, secteur de la transformation numérique, UNESCO

Per IBOLD

Minister Counsellor, Delegation of the European Union to the Council of Europe

Ministre conseiller, Délégation de l'Union européenne auprès du Conseil de l'Europe

Louisa KLINGVALL

Policy Officer, European Commission, Directorate General Justice and Consumers Unit C.2 Fundamental rights Policy

Responsable des politiques, Commission européenne - Direction générale de la justice et des consommateurs Unité C.2 Politique des droits fondamentaux

Cornelia KUTTERER

Senior Director, European Government Affairs, Rule of Law & Responsible Tech, Microsoft
Directrice principale, Affaires gouvernementales européennes, État de droit et technologie responsable, Microsoft

Elise LASSUS

Research Officer, Research & Data Unit, European Union Agency for Fundamental Rights
Chargée de recherche, Unité Recherche et données, Agence des droits fondamentaux de l'Union européenne

Evdoxia NERANTZI

Government Affairs Coordinator, CELA, Corporate, External and Legal Affairs
Coordinatrice des affaires gouvernementales, CELA, Affaires générales, externes et juridiques

Lennig PEDRON

ICON, Co-founder & President, Switzerland
ICON, co-fondateur et président, Suisse

Mehdi RAFENNE

Chargé de mission, Digital Renaissance, Paris
 Chargé de mission, Renaissance Numérique, Paris

David REICHEL

Research Officer, Research & Data Unit, European Union Agency for Fundamental Rights
Chargé de recherche, Unité Recherche et données, Agence des droits fondamentaux de l'Union européenne

Maria Luisa STASI

Senior Legal Officer, Article 19, Defending freedom of expression and information, United Kingdom
Conseillère juridique principale, Article 19, Défendre la liberté d'expression et d'information, Royaume-Uni

Iris de VILLARS

Head of Tech Desk, Reporters without Borders (RSF), Paris
Chef du Tech Desk, Reporters sans Frontières (RSF), Paris

Diana VLAD-CÂLCIC

Directorate-General for Communication Networks, Content and Technology, e-commerce & Platforms, European Commission
Direction générale des réseaux de communication, du contenu et de la technologie, du commerce électronique et des plates-formes, Commission Européenne

Sandra WACHTER

Personal Assistant Sophie Cray, Associate Professor and Senior Research Fellow, Oxford Internet Institute, University of Oxford
Assistante personnelle de Sophie Cray, professeure associée et chercheuse principale, Institut d'Internet d'Oxford, Université d'Oxford

Deniz YAZICI

Adviser, Office of the Organization for Security and Co-operation in Europe (OSCE), Representative on Freedom of the Media

Conseiller, Bureau du Représentant de l'Organisation pour la sécurité et la coopération en Europe (OSCE) pour la liberté des médias

COUNCIL OF EUROPE SECRETARIAT / *SECRETARIAT DU CONSEIL DE L'EUROPE*

Patrick PENNINCKX

Head of Information Society Department
Chef du Service de la société de l'information

Artemiza-Tatiana CHISCA

Head of Media and Internet Division, Secretary to the Steering committee on media and information society (CDMSI), Information Society Department
Chef de la Division médias et internet, Secrétaire du Comité directeur sur les médias et la société d'information (CDMSI), Service de la société de l'information

Charlotte ALTENHÖNER-DION

Secretary to MSI-DIG, Head of Internet Governance Unit, Media and Internet Division, Information Society Department
Secrétaire du MSI-DIG, Chef de l'Unité gouvernance de l'internet, Division médias et internet, Service de la Société de l'information

Dominique WULFRAN

Assistant, Media and Internet Division, Information Society Department
Assistante, Division médias et internet, Service de la société de l'information

INTERPRETERS / INTERPRÈTES

Gillian WAKENHUT

Katia DI STEFANO

Appendix 3**Roadmap of the MSI-DIG****2020****15 - 16 September****1st MSI-DIG meeting**

Introduction into working methods and processes
 Election of the Chair and Vice-chair, Appointment of Rapporteur
 Discussion of scope and main issues to be covered in deliverables

29 September**19th CDMSI Bureau meeting**

Report on the 1st MSI-DIG meeting

24 – 26 November**20th CDMSI Plenary meeting**

Report on MSI-DIG work progress, CDMSI orientation on deliverables and timetable

2021**17-18 March (tbd)****2nd MSI-DIG meeting**

Discussion of the advanced draft of the recommendation on the impacts of digital technologies on freedom of expression
 Discussion of the advanced draft of the guidance note on best content moderation practices, possible finalisation
 Agreement to consult with relevant steering and conventional committees and to conduct open consultations with other stakeholders on the draft recommendation

April**20th CDMSI Bureau meeting**

Report on the 2nd MSI-DIG meeting and overall work progress.
 Invitation to CDMSI members to provide feedback on the draft deliverables at the plenary meeting

June**21st CDMSI Plenary meeting**

Report on MSI-DIG work progress and CDMSI feedback on and input into the draft deliverables. Possible finalisation of the draft Guidance Note. Agreement to consult with relevant steering and conventional committees and to conduct open consultations with other stakeholders on the draft recommendation

September**3rd MSI-DIG meeting**

Discussion and finalisation of the draft Committee of Ministers recommendation to member states on the impacts of digital technologies on freedom of expression, taking into account comments obtained through the public consultations

Discussion and finalisation of the Guidance Note on best content moderation practices

October**21st CDMSI Bureau meeting**

Report on the 3rd MSI-DIG meeting and overall work progress. Discussion of the draft Committee of Ministers recommendation to member States on the impacts of digital technologies on freedom of expression and agreement on submitting the draft for approval to the CDMSI Plenary. Discussion and finalisation of the draft Guidance Note on best content moderation practices

November**22nd CDMSI Plenary meeting**

Approval of the draft Committee of Ministers recommendation on the impacts of digital technologies on freedom of expression for submission to the Committee of Ministers following final editorial and legal checks