

## Steering Committee on Media and Information Society - CDMSI

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE


### CDMSI representation in events or meetings

#### Report: 2<sup>ND</sup> Meeting of Drafting group on Freedom of expression and Links to other Human rights (CDDH-EXP)

<b>Name of CDMSI member or participants</b>	Emir Povlakić
<b>Date and place of event or meeting</b>	27.-29 <sup>th</sup> September 2017, in Strasbourg, Council of Europe - Agora building, room 4
<b>Organiser</b>	Drafting group on Freedom of expression and links to other Human rights (CDDH-EXP)
<b>Title, aim and programme of event or meeting</b>	<p>The aim of the CDDH-EXP is to prepare a Guide to good practices on reconciling freedom of expression with other human rights and freedoms, in particular in diverse societies. The Guide will provide some practical solutions on clarifying limitations of the right to freedom of expression and balancing the variety of interests at stake in culturally diverse societies.</p> <p><b>Programme: Attached</b></p>
<b>List of participants</b> (please attach)	
<b>Useful contacts for CDMSI/Council of Europe work</b> (please attach a scanned copy of business cards which could be useful to colleagues or to the Secretariat)	<p>YES <input type="checkbox"/></p> <p>(see business cards in appendix)</p> <p>NO <input type="checkbox"/></p>

<p><b>Report</b></p> <p>(please describe main findings and results of the event or meeting; please specify implications for CDMSI work and added value for the CoE)</p>	<p><b>Findings:</b></p> <p>The structure of the Guide to good practices on the way of reconciling freedom of expression with other human rights and freedoms, in particular in diverse societies, is as follows:</p> <p>I Introduction</p> <p>II Background to the Guide</p> <ul style="list-style-type: none"> <li>- The CDDH's past relevant work (<b>relevant work of other CoE bodies – including CDMSI-, and of international or regional organizations will be referred to where appropriate in the text of the Guide or in footnotes so as to provide the reader with variety of tools</b>)</li> <li>- The terms of reference</li> <li>- The target group of the Guide – <b>between different target groups (such as: policy makers/public authorities in member States, civil society, NHRI's, private sector, media actors, etc.) the Group decided, after I presented upcoming Recommendation on roles and responsibilities of Internet intermediaries, that for the roles and responsibilities of internet intermediaries, to refer on upcoming CDMSI work</b></li> <li>- The selection criteria for good practices</li> </ul> <p>III Scope and content of the right to freedom of expression:</p> <p>A) Protection of freedom of expression</p> <p>B) Specific actors and their relation to freedom of expression:</p> <p>I – Specific Focus Area: Freedom of expression in political discourse</p> <p>II – Specific Focus Area: Fake news (disinformation) – <b>relevant work of the CDMSI will also be referenced</b></p> <p>IV Hate Speech and incitement to violence</p> <p>V Reconciling freedom of expression and other human rights</p> <p>A) Freedom of expression and right to private life</p> <p>B) Freedom of expression and freedom of thought, conscience and religion</p> <p>C) Freedom of expression and freedom of peaceful assembly and association</p> <p>D) Freedom of expression and prohibition of discrimination</p> <p>After introductory remarks made by Mr Hans-Jorg Berhens, Chairperson of the Drafting Group on Freedom of expression and links to other Human Rights, under item 2, a) exchange of views on the content and thematic issues to include in the Guide, I informed a group about CDMSI's current ToR and deliverables that we are expecting in forthcoming period (end of 2017):</p> <p>Draft Recommendation on media pluralism and transparency of media ownership, Feasibility study on the use of internet in electoral campaigns, Feasibility study on gender equality in the media coverage</p>
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	<p>of elections</p> <p>Draft recommendation on the roles and responsibilities of internet intermediaries, Study on the human rights dimensions of algorithms</p> <p>I also reported on our main activities in the previous period, such as:</p> <p>-Conference on “Promoting dialogue between the ECtHR and the media freedom community”, held on 24 March 2017, and informed that current and former judges of the Court together with media specialised lawyers, political decision-makers, academia and civil society analysed and discussed the ECtHR case law over the last 10 years in the field of media.</p> <p>Conference: Freedom of Expression Online: Evolving European jurisprudence and standard setting activities in the digital age (28 April 2017, Nicosia)</p> <p>on developments regarding the platform to promote protection of journalism and safety of journalists:</p> <p>the state of implementation of the Council of Europe Internet Governance Strategy 2016-2019 and, in particular, the progress made in formalising collaboration with the Internet industry.</p> <p>Council of Europe involvement and activities in the 2017: EuroDIG (Tallinn, 6-7 June 2017) and up-coming meeting of the Internet Governance Forum in Geneva, from 18 to 21 December 2017</p> <p>Our Cooperation activities</p> <p>I also mentioned the 4th Secretary General’s Annual Report on Democracy, Human Rights and the Rule of Law in Europe 2017, entitled ‘Populism – How strong are Europe’s checks and balances?’, and related to this Report I informed group about possible topics for a Conference of Ministers responsible for Media and Information Society, proposed umbrella topic “Threats to democracy” and our plan that inspiration should be drawn from the Secretary General’s reports, notably his most recent one of 2017.</p> <p>We discussed possible topics for further cooperation between CDMSI and CDDH</p> <p>At the end, I also thanked Ms Merete Bjeregaaard, member of the Secretariat of CDDH, for the participation and exchange views with our Committee on our meeting in June.</p> <p><b>Implications for CDMSI work:</b></p> <p>Since the idea is to collect best practices among member states, on reconciling freedom of expression with other human rights and freedoms, my impression is that the Guide will be very valuable document which could be used for future activities of the CDMSI, but also other CoE bodies.</p>
<p><b>Any other information</b></p>	<p>It will be very useful to continue our cooperation with CDDH and Drafting Group by sending representative.</p>

<b>Signature of CDMSI member or participant</b>	

STEERING COMMITTEE FOR HUMAN RIGHTS

(CDDH)

**DRAFTING GROUP ON FREEDOM OF EXPRESSION**

**AND LINKS TO OTHER HUMAN RIGHTS**

**(CDDH-EXP)**

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**Draft agenda**

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2<sup>nd</sup> meeting

27 September 2017 (9.30) – 29 September 2017 (13:00)

Council of Europe, Agora – Room G04

**Item 1:**           **Opening of the meeting and adoption of the agenda**

**Item 2:**           **Discussion of a Guide to good practices on the way of reconciling freedom of expression with other human rights and freedoms, in particular in culturally diverse societies:**

**a) exchange of views on the content and thematic issues to include in the Guide**

**b) discussion on an appropriate structure of the Guide**

**Item 3:**           **Preparation of a questionnaire to the member States with a view to collecting national good practices**

<b><u>Reference Documents</u></b>	
Report of the first CDDH-EXP meeting, 22-24 March 2017	CDDH-EXP(2017)R1
Analysis of relevant jurisprudence of the European Court of Human Rights regarding freedom of expression, as adopted by the CDDH at its meeting from 6 to 9 June 2017	CDDH(2017)R87 <u>Addendum III</u>
Preliminary study taking stock of existing instruments	CDDH-EXP(2017)03Rev
Relevant extracts of the 86 <sup>th</sup> CDDH meeting report (6-8 December 2016)	CDDH-EXP(2017)01
<b><u>Working Document</u></b>	
Preliminary structure for the draft Guide to good practices on the way of reconciling freedom of expression with other human rights and freedoms, in particular in culturally diverse societies	CDDH-EXP(2017)05

List of preliminary questions for collecting good practices from member States	Appendix
<b><u>Information Documents</u></b>	
<b><u>Council of Europe</u></b>	
Guidelines of the Committee of Ministers to member States on the protection and promotion of Human rights in culturally diverse societies ( <i>Adopted by the Committee of Ministers on 2 March 2016 at the 1249th meeting of the Ministers' Deputies</i> )	<a href="#">Link</a>
Freedom of expression - A guide to the implementation of Article 10 of the European Convention on Human Rights, by Monica Macovei	<a href="#">Link</a>
Factsheet – Hate speech	<a href="#">Link</a>
Factsheet – Protection of reputation	<a href="#">Link</a>
Freedom of expression and defamation- A study of the case law of the European Court of Human Rights	<a href="#">Link</a>
Research report - Internet: case-law of the European Court of Human Rights (updated: June 2015)	<a href="#">Link</a>
PACE Resolution 2144(2017) and Recommendation 2098(2017) on “Ending cyberdiscrimination and online hate”	<a href="#">Link</a> (Res. 2144(2017)) <a href="#">Link</a> (Rec. 2098(2017))
ECRI General Policy Recommendation N°15 on combating Hate Speech	<a href="#">Link</a>
<b><u>European Union</u></b>	
EU Human Rights Guidelines on Freedom of Expression Online and Offline	<a href="#">Link</a>
Violence, threats and pressures against journalists and other media actors in the EU - Contribution to the second Annual Colloquium on	<a href="#">Link</a>

Fundamental Rights, November 2016	
Incitement in media content and political discourse in member States of the European Union - Contribution to the second Annual Colloquium on Fundamental Rights, November 2016	<a href="#">Link</a>
<b><u>United Nations</u></b> A/HRC/31/18 Report of the Special Rapporteur on freedom of religion or belief (Focus: Two closely interrelated rights: freedom of religion or belief and freedom of opinion and expression)	<a href="#">Link</a>
Report of the Special Rapporteur to the General Assembly on the contemporary challenges to freedom of expression (A/71/373)	<a href="#">Link</a>
Report of the Special Rapporteur to the Human Rights Council on Freedom of expression, states and private sector in the digital age (A/HRC/32/38)	<a href="#">Link</a>
Report of the Special Rapporteur to the General Assembly on hate speech and incitement to hatred	<a href="#">Link</a>

**Item 4: Adoption of the meeting report**

**Item 5: Other Business**

Organisation of the work for the next meeting, 21-23 February 2018.