

**STEERING COMMITTEE ON MEDIA AND INFORMATION SOCIETY (CDMSI)**

*Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.*

**Type of committee:** Steering Committee

Terms of reference valid from: **1 January 2018 until 31 December 2019**

<b>PILLAR/SECTOR/PROGRAMME</b>
<p><b>Pillar:</b> Rule of Law  <b>Sector:</b> Strengthening the Rule of Law  <b>Programme:</b> Information Society and Internet Governance</p>
<b>MAIN TASKS</b>
<p>Under the authority of the Committee of Ministers, the CDMSI steers the Council of Europe's work in the fields of freedom of expression, media, internet governance and other information society related issues and it oversees the work on personal data protection. The CDMSI advises the Committee of Ministers on all questions within its area of expertise, including freedom, independence, pluralism and diversity of media, safety of journalists, support for professional journalism, protection and promotion of human rights, in particular freedom of expression in the information society. The CDMSI facilitates and promotes co-operation among Council of Europe member states by developing common policies, reviewing their implementation and fulfilling any other activity which might be assigned to it by the Committee of Ministers. The CDMSI takes due account of relevant transversal perspectives. In particular, the CDMSI is instructed to:</p> <ul style="list-style-type: none"> <li>(i) identify emerging challenges to member States in areas within its expertise, conduct studies and legal analyses of human rights related issues and make proposals to the Committee of Ministers;</li> <li>(ii) evaluate, plan and carry out standard-setting activities, including review and consolidation of existing instruments;</li> <li>(iii) promote and facilitate awareness raising on and the implementation of Council of Europe standards by member States;</li> <li>(iv) ensure follow-up to Committee of Ministers decisions taken subsequent to the Council of Europe Conference of Ministers responsible for Media and Information Society (Belgrade, Serbia, 7 and 8 November 2013) and reflect on topics for possible discussion in future Ministerial Conferences;</li> <li>(v) oversee the implementation of the Council of Europe Internet Governance Strategy 2016-2019, focusing on the right to freedom of expression, and prepare, in consultation with other Steering Committees, an Internet Governance Strategy for the following period;</li> <li>(vi) co-ordinate standard-setting work in respect of the protection of personal data and the right to private life, in close association with other relevant Council of Europe bodies such as the T-PD and the CDCJ;</li> <li>(vii) follow and, as appropriate, contribute to the substantive aspects of co-operation programmes with Council of Europe member States and support activities to national initiatives in this field;</li> <li>(viii) take due account of a gender perspective, to building cohesive societies, and to promoting and protecting rights of persons with disabilities in line with the Council of Europe Disability Strategy 2017-2023 in the performance of its tasks<sup>1</sup>;</li> <li>(ix) take the European Convention on Human Rights and the evolving jurisprudence of the European Court of Human Rights into consideration in its thematic work;</li> <li>(x) follow the implementation of the non-binding instruments that it has prepared as well as conventions for which it has been given supervision by the Committee of Ministers;</li> <li>(xi) without prejudice to the mandates of intergovernmental committees of the Council of Europe that already follow the work of monitoring mechanisms, follow the activities of the relevant monitoring and other bodies or convention mechanisms;</li> <li>(xii) in accordance with decision CM/Del/Dec(2013)1168/10.2 of the Committee of Ministers, carry out, at regular intervals, within the limits of the available resources and bearing in mind its priorities, an examination of some or all of the conventions for which it has been given responsibility,<sup>2</sup> in co-operation, where appropriate, with the relevant convention-based bodies, and report back to the Committee of Ministers.</li> </ul>
<b>SPECIFIC TASKS</b>
<ul style="list-style-type: none"> <li>(i) Prepare a draft recommendation by the Committee of Ministers to member States on promoting a favourable environment for quality journalism in the digital age.</li> <li>(ii) Examine the follow-up to be given to the study on the human rights dimensions of automated data processing techniques (in particular algorithms and possible regulatory implications) with a view to the possible preparation of a standard-setting instrument.</li> <li>(iii) Carry out a study on the development and use of new digital technologies and services, including different forms of artificial intelligence, as they may impact peoples' enjoyment of fundamental rights and freedoms in the digital age – with a view to giving guidance for future standard-setting in this field.</li> </ul>

<sup>1</sup> Amended in accordance with the Committee of Ministers' decision to further mainstream the work in the area of Rights of Persons with Disability across the Organisation (Cf. CM/Del/Dec(2018)1312/11.1a).

<sup>2</sup> Cf. Relevant decision of the Committee of Ministers (CM/Del/Dec(2013)1168/10.2) and list of Conventions in CM(2017)132.

- (iv) Carry out a study on a possible standard-setting instrument on the promotion of media and information literacy in the digital environment.
- (v) Carry out a study on a possible standard-setting instrument on forms of liability and jurisdictional issues in the application of civil and administrative defamation laws in Council of Europe member States.
- (vi) Sharing of best practices in implementing freedom of expression standards through exchanges of experiences among CDMSI members and preparing compilations on:
  - safety of journalists;
  - media pluralism and transparency of media ownership;
  - institutional and financial independence of public service media;
  - mainstreaming a gender perspective and promotion of gender equality in the media;
  - principles for rule of law compliant enforcement on the internet, roles and responsibilities of internet intermediaries, and awareness-raising of human rights for internet users;
  - promotion of domestic internet freedom reports based on Council of Europe standards.
- (vii) Examine emerging issues related to freedom of expression in the digital age through hearings with experts and preparing thematic reports, including studies on common policies, on the following themes:
  - the phenomena of misinformation (“fake news”), manipulation and other threats in the digital context, their impact and responses;
  - diversity of content and freedom of expression in the context of filter bubbles and echo chambers;
  - new technologies including artificial intelligence and their impact on freedom of expression.

#### COMPOSITION

##### Members:

Governments of member States are invited to designate one or more representatives of the highest possible rank in the relevant fields (freedom of expression, media, internet governance and data protection policies).

The Council of Europe will bear the travel and subsistence expenses of one representative from each member state (two in the case of the state whose representative has been elected Chair).

Member States may send other representatives without the right to vote and without defrayal of expenses.

Each member of the committee shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.

In accordance with decisions CM/Del/Dec(2013)1168/10.2 of the Committee of Ministers, in cases where there is no convention-based body including all the Parties, non-member States are invited to take part, with a right to vote, in the committee meetings pertaining to the conventions to which they are Parties.

##### Participants:

The following may send representatives, without the right to vote and at the charge of their corresponding administrative budgets:

- Parliamentary Assembly of the Council of Europe;
- Congress of Local and Regional Authorities of the Council of Europe;
- European Court of Human Rights;
- Council of Europe Commissioner for Human Rights;
- Conference of INGOs of the Council of Europe;
- Committee of experts on Terrorism (CODEXTER);
- European Commission against Racism and Intolerance (ECRI);
- European Committee on Legal Co-operation (CDCJ);
- Consultative Committee of the Convention for the Protection of Individuals with regard to automatic processing of personal data (T-PD);
- Cybercrime Convention Committee (T-CY);
- Steering Committee for Human Rights (CDDH);
- Steering Committee for Education Policy and Practice (CDPPE);
- European Committee on Democracy and Governance (CDDG);
- Joint Council on Youth (CMJ);
- other Council of Europe intergovernmental committees as appropriate;
- European Audiovisual Observatory.

The following may send representatives without the right to vote and without defrayal of expenses:

- European Union (one or more representatives, including, as appropriate, the European Union Agency for Fundamental Rights – FRA);

- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;
- Organisation for Security and Co-operation in Europe (OSCE);
- Organisation for Economic Co-operation and Development (OECD);
- Organization of American States (OAS);
- UN agencies (United Nations Educational, Scientific and Cultural Organisation - UNESCO);
- International Telecommunication Union (ITU).

**Observers:**

The following may send representatives, without the right to vote and without defrayal of expenses:

- Belarus;
- Non-member States with which the Council of Europe has a Neighbourhood Partnership including relevant co-operation activities;
- Civil society and representatives of business, technical, professional and academic communities.

**WORKING METHODS****Plenary Meetings:**

48 members, 2 meetings in 2018, 3 days

48 members, 2 meetings in 2019, 3 days

**Bureau Meetings**

7 members, 2 meetings in 2018, 2 days

7 members, 2 meetings in 2019, 2 days

The Committee will appoint a Gender Equality Rapporteur from amongst its members.

The rules of procedure of the Committee are governed by Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

**SUBORDINATE STRUCTURE(S)**

The CDMSI provides a co-ordinating, supervising and monitoring role in the functioning of its subordinate bodies:

- Committee of experts on human rights dimensions of automated data processing and different forms of artificial intelligence (MSI-AUT);
- Committee of experts on Quality Journalism in the digital age (MSI-JOQ).

**Budgetary information\*****2018**

Meetings per year	Number of days	Members	Plenary €	Bureau €	Subordinate structures / Working groups	Secretariat (A, B)
2	3	48	135 300	19 000	-	3 A; 3 B

**2019**

Meetings per year	Number of days	Members	Plenary €	Bureau €	Subordinate structures / Working groups	Secretariat (A, B)
2	3	48	135 300	19 000	-	3 A; 3 B

\*The costs presented above take into consideration the per diem, travel, interpretation, translation and document printing. Costs calculated on the basis of the per diem and recharged services costs at their 2018 level.