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**STEERING COMMITTEE ON  
THE MEDIA AND NEW COMMUNICATION SERVICES  
(CDMC)**

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**2nd meeting of the CDMC  
29 November to 2 December 2005  
Meeting room of the Directorate General of Human Rights**

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**MEETING REPORT**

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**Items 1 and 2 of the agenda:            Opening of the meeting and adoption of the agenda**

1.        The Steering Committee on the Media and New Communication Services (CDMC) held its 2nd meeting from 29 November to 2 December 2005 in Strasbourg. The meeting was chaired by Mr Karol JAKUBOWICZ (Poland).

2.        The Chairperson opened the meeting and welcomed the participants. The list of participants is set out in Appendix I.

The CDMC was informed of the demise of Ms Carolyn MORRISON, a former member the CDMC in respect of the United Kingdom. Ms MORRISON had been a member of the Bureau and had chaired the Steering Committee from 1 January 2001 to 31 December 2002. The CDMC recalled her dedication and priceless contribution to the work of the Committee and her commitment to human rights and, more particularly, to freedom of expression and information and freedom of the media. The CDMC paid tribute to Ms MORRISON's memory.

Mr Philippe BOILLAT, recently appointed Director of Directorate 2 in the Directorate General of Human Rights of the Council of Europe, introduced himself to the Steering Committee. He recalled the core objectives of the Council of Europe and highlighted the importance of Steering Committees within the Council of Europe, with particular reference to their key role in designing means for protecting and promoting human rights.

3.        The CDMC decided to consider certain items that had not been included in the draft agenda and agreed to the order of business. The agenda, as adopted, is set out in Appendix II (which also contains the list of documents).

Upon the request of one delegation, it was underlined that documents to be considered by the CDMC should be circulated in good time to allow for adequate preparation and consultation with relevant authorities. Preferably, documents should be circulated at least three weeks before a meeting. It was also noted that circulating documents raising complex matters less than two weeks before a meeting was likely to prevent adequate consideration at the meeting in question and could well require postponing the item to the following meeting.

For easy reference, the Secretariat was asked to resume the practice of listing documents under the relevant items of the draft agenda.

**Item 3 of the agenda:            Decisions of the Committee of Ministers of interest to the work of the CDMC****a.        Message from the Committee of Ministers to the committees involved in intergovernmental cooperation at the Council of Europe**

4.        The CDMC took note of the message addressed on 28 September 2005 by the Committee of Ministers to all Council of Europe committees involved in intergovernmental cooperation (CM(2005)145rev), notably as regards the request that committees adapt the

priorities of intergovernmental action to those set out in the Action Plan adopted at the Third Summit of Heads of State and Government of the Council of Europe. It also noted that the Committee of Ministers recalled the core objectives of the Council of Europe, namely preserving and promoting human rights, democracy and the rule of law, and underlined that all Council of Europe activities must contribute to this fundamental objective.

5. The CDMC observed that the Summit Action Plan does not set out any tasks for the Steering Committee other than those already covered by the Action Plan of the 7th European Ministerial Conference on Mass Media Policy (Kyiv, 10 and 11 March 2005).

Nonetheless, it considered necessary to keep the matter under regular review, in particular in the context of reporting on the implementation of the Summit decisions and with a view to making proposals on the measures which could be taken to implement the Action Plan. It agreed to take this into account when drawing up meeting reports and other documents to be submitted to the Committee of Ministers.

#### **b. Other decisions of the Committee of Ministers**

6. The Steering Committee took note of various responses provided on its behalf by the Bureau to the Committee of Ministers since the last CDMC meeting, namely as regards Parliamentary Assembly Recommendation 1702 (2005) on freedom of the press and the working conditions of journalists in crisis situations and Parliamentary Assembly Recommendation 1706 (2005) on media and terrorism, as well as on the draft Council of Europe Disability Action Plan prepared by the Committee on the Rehabilitation and Integration of People with Disabilities (CD-P-RR) and the draft Recommendation on ways of improving the relationships between health authorities and the media prepared by the European Health Committee (CDSP) (cf. Appendices III, IV and VI to document CDMC-BU(2005)006).

7. As regards Recommendation 1706 (2005), a few delegations underlined the importance of distinguishing between “monitoring the treatment of terrorism in European media” (cf. paragraph 11 (i) of the Recommendation) and monitoring implementation of Council of Europe standards concerning freedom of expression and information in the media in the context of the fight against terrorism. While agreeing with this observation, other participants signalled that the coverage or treatment of terrorism by the media can be an indicator of and provide information on the degree to which relevant standards are respected.

8. Concerning the draft Recommendation on ways of improving the relationships between health authorities and the media prepared by the European Health Committee (CDSP), the CDMC confirmed that, as indicated by the Bureau in its response, it would be preferable to prepare a text of a general nature regarding relations between public authorities and the media. The Steering Committee stands ready to prepare such a text.

**Item 4 of the agenda: Terms of reference of the CDMC****a. Draft terms of reference of the CDMC**

9. At its previous meeting, the CDMC asked the Bureau to prepare new terms of reference (the current ones expire on 31 December 2005), ensuring that they fully cover the Action Plan adopted at the 7th European Ministerial Conference on Mass Media Policy (Kyiv, 10 and 11 March 2005), taking account of the priorities identified by the Third Summit of Heads of State and Government of the Council of Europe and the central importance of human rights in the Steering Committee's work.

10. When discussing the draft new terms of reference, the CDMC also resumed consideration of the question of taking a stand on cases involving grave and systematic violations of the right to freedom of expression and information (cf. item 6 (a), paragraphs 16 to 18 below). It adopted the approach of including in the draft terms of reference the possibility to "draw attention of the Committee of Ministers and the Secretary General of the Council of Europe to cases involving violations of freedom of expression and information".

11. The CDMC approved the draft new terms of reference prepared by the Bureau, subject to certain changes.<sup>1</sup> The Committee of Ministers is requested to consider the draft terms of reference prepared by the CDMC (cf. Appendix III to document CDMC(2005)27) and, if appropriate, to adopt them.<sup>2</sup>

**b. Request by the non-governmental organisation Online/More Colour in the Media (OL/MCM) for observer status with the CDMC, the MC-S-IS and the MC-S-MD**

12. Shortly before its previous meeting, the CDMC received a request from the non-governmental organisation Online/More Colour in the Media (OL/MCM) for observer status with the CDMC and all of its Groups of Specialists. Subsequently, OL/MCM limited its request to the CDMC and two of its subordinate bodies, namely the Group of Specialists on human rights in the Information Society (MC-S-IS) and the Group of Specialists on media diversity (MC-S-MD).

Mr Eduard KLUTE presented on behalf of OL/MCM information concerning the status, composition and work of that organisation. In particular, he mentioned that it was envisaged to change the status of OL/MCM from a foundation – which he himself described as a loose organisation – to a membership organisation. Mr KLUTE highlighted inter alia OL/MCM's activities in the areas of cultural and ethnic minorities, dialogue between minorities, and refugees, especially from the angle of access to media and communication services. He also gave some examples of organisations that form part of its network and the parts of Europe in which OL/MCM or members of its network have been active. He pointed out the uniqueness

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<sup>1</sup> The draft terms of reference were subsequently submitted to the Legal Advice Department and the Directorate of Strategic Planning of the Council of Europe. None had comments to make.

<sup>2</sup> Since the meeting took place, the Committee of Ministers has adopted the Resolution on committees and subordinate bodies, their terms of reference and working methods. The Directorate for Strategic Planning is currently examining the draft terms of reference of the CDMC to align it with this Resolution, before it is subsequently submitted to the Committee of Ministers.

of OL/MCM as an observer that specialises in media diversity and expressed his conviction that it would make a valuable contribution to the work of the CDMC, the MC-S-IS and the MC-S-MD.

13. The CDMC discussed the criteria that should apply to the granting of observer status with the CDMC and its subordinate bodies, an issue that had been addressed in meetings of the CDMM and the Bureau in 2001. It was reiterated that observers should be representative at European level, have broad experience in the area of competence of the CDMC or the subordinate bodies for which they request observer status, and be able to make an effective and high quality contribution to the relevant bodies' activities. A decision to grant an organisation observer status should not be understood as unlimited in time and the CDMC reserves the right not to renew an observer's status.

14. The CDMC concluded that OL/MCM appeared capable of making a contribution to media diversity aspects of the Steering Committee's work, in particular in the context of the work of the MC-S-MD. It therefore decided to grant OL/MCM observer status with the MC-S-MD and to amend that Group of Specialists' terms of reference accordingly. However, although this may change when it becomes a membership organisation, as a foundation, OL/MCM cannot at present claim the representativeness required for an observer with the Steering Committee itself.

The CDMC also considered that OL/MCM could become an excellent partner in raising awareness and disseminating standards currently being developed by the MC-S-IS and encouraged the Secretariat to explore ways in which to associate OL/MCM in its activities aimed at raising awareness and at the implementation of relevant standards.

**Item 5 of the agenda: Work programme of the CDMC in 2006**

15. The CDMC took note of the work plan concerning items from the Kyiv Action Plan not covered by the terms of reference of the groups of specialists (document CDMC(2005)019). This provides some information on the CDMC's own programme for 2006. Additional information results from the work plans of each of the groups of specialists. A clearer picture of the CDMC's future work will emerge when those work plans are updated (cf. in this connection, paragraph 42).

**Item 6 of the agenda: Working methods of the CDMC**

**a. Taking a stand on cases involving grave and systematic violations of the right to freedom of expression and information**

16. The CDMC recalled its discussion at its previous meeting on this subject (cf. CDMC(2005)012 fin, paragraph 30) and noted the steps taken by the Secretariat to explore the matter with other Council of Europe departments (cf. CDMC-BU(2005)006, paragraph 4).

17. There was consensus among CDMC members to the effect that conflict or overlap with the monitoring and/or political role of other Council of Europe bodies (e.g. Committee of Ministers, Parliamentary Assembly, Secretary General) should be avoided. Further, the CDMC agreed with the Bureau's view that it should be possible for an issue of serious concern to be brought to the attention of the Secretary General and that nothing prevents the CDMC (or the Chair on behalf of CDMC members) from addressing a message to the Committee of Ministers should such a case arise.

18. Without prejudice to future developments on the matter, the CDMC decided that, should the occasion arise, it would make full use of existing mechanisms. In this connection, the Steering Committee took note of examples of the powers of the Secretary General, in particular under Article 52 of the European Convention on Human Rights ("On receipt of a request from the Secretary General of the Council of Europe any High Contracting Party shall furnish an explanation of the manner in which its internal law ensures the effective implementation of any of the provisions of the Convention") and paragraph 7 of the Committee of Ministers Declaration on the protection of journalists in situations of conflict and tension ("in urgent cases, the Secretary General [can] take speedily all appropriate action on receipt of reports on infringements of rights and freedoms of journalists in member states in situations of conflict and tension" and "member states [are called upon] to co-operate with the Secretary General in this regard").

The CDMC decided to propose that the possibility to draw the attention of the Committee of Ministers and the Secretary General of the Council of Europe to cases involving violations of freedom of expression and information be spelled out in its new terms of reference (cf. paragraph 10 above).

**b. Classification and publication of documents of the CDMC and its subordinate bodies**

19. At its previous meeting, the CDMC had asked the Bureau to prepare, in cooperation with the Secretariat, draft rules on classification and publication of documents with a view to providing maximum transparency to the Steering Committee's work.

At this second meeting, the CDMC considered the draft rules on classification and publication of documents, noting the comments made by the Council of Europe Legal Advice Department, and adopted them, subject to certain amendments.

20. At the proposal of the Bureau, the CDMC also decided to transmit the new rules to the Standing Committee on Transfrontier Television, inviting the latter to consider adopting a similar approach (cf. document CDMC(2005)017def).

**c. Adoption of meeting reports and lists of decisions (abridged meeting reports)**

21. The CDMC noted that the draft Resolution on committees and subordinate bodies, their terms of reference and working methods (currently under consideration by the

Committee of Ministers)<sup>3</sup> provides for the adoption of an abridged meeting report (lists of decisions) before the end of a meeting and that full meeting reports are to be published within one month of the meeting in question. It also noted that other Council of Europe committees have already abandoned the practice of adopting the full meeting report by the end of the meeting concerned and that the rules currently in force do not allow for translation of a full meeting report by the end of a meeting.

The CDMC confirmed that its own procedures should be aligned with the above-mentioned Resolution (in its final form) and with prevailing practice. It decided that draft meeting reports should be submitted to all CDMC members by e-mail for comments and that on this basis the text should be finalised by the Chairperson.

**Item 7 of the agenda:           Draft Recommendation on the right of the public to information on major events where exclusive rights have been acquired**

22.     The CDMC recalled that no decision had been taken on the draft Recommendation at its first meeting, since this was a controversial issue and the majority of delegations had not had an opportunity to consult their authorities.

23.     In the ensuing discussion, three main policy positions emerged:

Some member states thought that the draft Recommendation should be approved, subject to certain modifications, on the grounds that the proposed wording struck a satisfactory balance between the public's right to information about major events for which exclusive rights had been acquired and the rights of organisers of events, owners of premises, authors and other rights holders.

Other delegations considered that the draft Recommendation should be rejected because, among other reasons, its application could pose problems in their respective countries. In particular it could cause difficulties for rights holders of major events or weaken existing national rules on the matter.

Finally, several members of the Committee thought that the text could be adopted, subject to certain modifications, in particular the removal of references to news agencies, radio and/or Information Society news services, which might conceivably imply a return to Recommendation R (91) 5.

Some experts also noted that, even if the Recommendation were adopted, they would be uncertain how to implement it in practice.

24.     The Committee noted that there was no consensus on the draft Recommendation, which was the result of four years' work by specialist and *ad hoc* groups and discussions within the CDMC/CDMM. Nor was it clear whether continued work on the subject would produce results that could be taken any further or what the objective of such work would be.

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<sup>3</sup> This Resolution has since been adopted by the Committee of Ministers

The CDMC therefore decided not to continue work on the draft Recommendation.

**Item 8 of the agenda: Examination of the alignment of the laws on defamation with the relevant case-law of the European Court of Human Rights, including the issue of decriminalisation of defamation**

25. By decision of 24 November 2004, the Committee of Ministers instructed the Steering Committee *inter alia* to look into “the alignment of laws on defamation with the relevant case-law of the European Court of Human Rights, including the issue of decriminalisation of defamation”. Further, the Ministers participating in the European Ministerial Conference on Mass Media Policy (Kyiv, 10 and 11 March 2005) asked for the “review [of] the situation in member States regarding legislation on defamation through the media with a view, if necessary, to taking any appropriate initiatives in order to ensure that their domestic legislation and practice comply with Council of Europe standards.” An account of the CDMC’s previous discussions on the subject can be found in the report on its first meeting (CDMC(2005)012 fin, paragraphs 36 to 44).

**a. Exchange of views with guest speakers**

26. The CDMC pursued consideration of the matter through an exchange of views on the issue of decriminalisation of defamation with Mr Alain LACABARATS, Director of the Documentation and Research Service of the Court of Cassation (France), Chairperson of the Consultative Council of European Judges (CCJE), Mr Alexey KOJEMIAKOV, Secretary to the European Committee on Legal Co-operation (CDCJ), Mr Philippe BOILLAT, former member of the CDCJ and former Chairperson of the Steering Committee for Human Rights (CDDH), and Mr Humbert de BIOLLEY, Deputy Secretary of the European Committee on Crime Problems (CDPC), as well as Mr Alexander IVANKO, on behalf of the OSCE Representative on Freedom of the Media. The CDMC thanked them for their valuable contribution.

It emerged that the above-mentioned guests shared the view that, in the interest of preserving the right to freedom of expression and information, the objective should be to decriminalise defamation (except with regard to particularly grave conduct relevant to society at large and sometimes considered together with defamation, such as hate speech and incitement to violence).

27. More specifically, Mr LACABARATS gave examples of steps taken in certain countries to eliminate deprivation of liberty in respect of defamation, but made clear that remaining sanctions of a criminal nature should be repealed as the threat of criminal sanctions can have the effect of limiting freedom of expression.

In his view, having regard to the provisions of the European Convention on Human Rights and to the case-law of the Court, “defamation has no place in criminal law”. Any exceptions to this approach are capable of undermining the protection of freedom of expression.

Moreover, punitive measures in the context of civil proceedings are also capable of limiting freedom of expression. Consequently, the proportionality between the compensation that can be awarded and the actual damages suffered must be ensured.

28. Mr KOJEMIAKOV transmitted a message from Mr Sjaak JENSEN, Chairperson of the CDCJ, highlighting the importance of the subject, the view that the objective should be to decriminalise defamation given that civil law should suffice to deal with it, and the importance of proportionality in the treatment of defamation under civil law (i.e. excluding punitive damages).

Mr KOJEMIAKOV also mentioned the likelihood that the CDCJ consider this subject in 2006, possibly with a view to issuing guidance to judicial authorities.

29. Mr BOILLAT underlined that dealing with defamation under criminal law should be limited to exceptionally grave cases, such as those amounting to hate speech and incitement to violence. He also raised the question whether statements known to be false and made deliberately to cause harm should be dealt with under criminal law, but reaffirmed that the mere threat of criminal sanctions (or punitive civil measures) can amount to interference with the rights protected under Article 10 of the European Convention on Human Rights.

30. While making clear that the CDPC has not addressed this issue, Mr de BIOLLEY stressed that criminal law provisions have to respect certain general principles, such as legal clarity, proportionality and adequateness. In this connection, he referred to the Additional Protocol to the Council of Europe Convention on Cybercrime and the European Convention on the Prevention of Terrorism which foresee that states party to these instruments should adopt criminal law provisions respectively for acts of a racist and xenophobic nature committed through computer systems and for public provocation to commit terrorist offences.

Mr de BIOLLEY questioned whether, in cases other than hate speech or incitement to serious crimes, it would be in the public interest to deal with defamation under criminal law merely because an individual has suffered a prejudice as a result thereof. He advanced that the latter cases do not raise issues of public order, the functioning of society or the fundamental values of society.

31. Mr IVANKO stated that civil law is sufficient to deal with defamation.

He indicated that many OSCE participating states (which include a number of Council of Europe member states) retain criminal sanctions for defamation, including deprivation of liberty. Certain of those states argue that this does not amount to interference with freedom of expression because existing criminal law provisions are not applied. Mr IVANKO noted, however, that those provisions can, in fact, be applied at any time. Moreover, certain states where freedom of the media is an issue, use the fact that criminal law provisions on defamation remain in force in other specific countries (even if they are not applied) as an excuse to retain and continue to apply criminal law provisions for defamation.

Consequently, the OSCE Representative on Freedom of the Media advocates for states to impose a moratorium on the application of measures involving deprivation of liberty in connection with defamation or, as a first step, to issue guidelines not to hand down prison sentences for defamation and, ultimately, to repeal criminal law provisions on defamation.

Mr IVANKO also mentioned that 30 OSCE participating states (including some Council of Europe member states) specifically protect heads of state and that 37 participating states protect national symbols.

32. There was broad agreement among the guest speakers that the key to a balanced legal treatment of defamation resides in the right of reply, the availability of suitable procedures (e.g. for the rapid adoption of injunction orders) and that civil procedures are readily available. The importance of self-regulation in this context was also highlighted. Particular reference was made to the possibility of addressing this issue in the context of a new Recommendation on the assistance to victims currently under preparation by the Group of Specialists on assistance to victims and prevention of victimisation (PC-S-AV).

#### **b. Report of the informal working group on the decriminalisation of defamation**

33. At its last meeting, the CDMC agreed to establish an informal working group on decriminalisation of defamation, composed of experts from Bulgaria, Denmark, the Netherlands and Turkey. The group was asked to make proposals on the approach that might be adopted, taking due account of other competing rights and/or interests, and suggest the means that might be used to protect individuals in the absence of criminal law provisions on defamation.

34. The delegate from Bulgaria reported briefly on the work of the group. She thanked the delegations that had provided comments on the question of decriminalisation of defamation. Two of the members of the group (the representatives of Turkey and Bulgaria) had prepared papers on the subject and all had participated actively in the group's exchanges. Further, they identified means that might be used to protect individuals in the absence of criminal law provisions on defamation.

On the basis of the elements provided by the group, the Secretariat had been asked to prepare a preliminary draft reply to the Committee of Ministers; the informal working group and the Bureau contributed to the finalisation of the draft (cf. however paragraphs 35 to 37).

#### **c. Draft reply of the CDMC to the Committee of Ministers**

35. The CDMC pursued its discussions on the question of defamation and examined the draft reply to the Committee of Ministers (cf. preceding paragraph).

Some delegations expressed the opinion that the question of alignment of the laws on defamation with the relevant case-law of the European Court of Human Rights could not be dissociated from domestic practices. It became apparent that they would not support an assessment which, due to broad formulation, would tend to ignore or minimise this fact, nor a

text that could be interpreted as supporting decriminalisation of defamation. Some indicated that the contrary could well lead to delegations adopting conflicting positions in different Council of Europe bodies.

Other delegations considered that, while it would be appropriate to give an indication of the application in practice of the laws on defamation in member states, the question asked by the Committee of Ministers calls for a reply based on an overall assessment of the laws themselves (i.e. formal alignment); focussing the reply on practice would simply skirt the issue. Moreover, they expressed the belief that the CDMC is also asked for an opinion on the issue of criminal defamation from the viewpoint of its own work, namely safeguarding freedom of expression and the free flow of information; this involves engaging with the question of the desirability to decriminalise defamation. In this respect, several delegations made known their view that criminal law provisions on defamation represent a clear and actual threat to freedom of expression.

36. Certain observers mentioned the issue of jurisdiction shopping, and the resulting legal uncertainty, which arises as a result of the current reality of cross-border media and information services and the considerable variations in the legal treatment of defamation in different Council of Europe member states.

37. The CDMC explored ways to bring about a consensus in the reply to give to the Committee of Ministers. While it was accepted that alignment of national legislation with the case-law of the European Court of Human Rights should be pursued by all Council of Europe member states, the CDMC concluded that on the question of decriminalisation it would be more constructive to provide the Committee of Ministers with a full picture, showing the different positions of CDMC members on the subject.

Accordingly, the CDMC asked the Secretariat to prepare a draft response to the Committee of Ministers, having regard to the Steering Committee's discussions. The draft should set out in clear terms the relevant case-law of the European Court of Human Rights and identify the principles that flow from it; it should recommend action to promote alignment with the case-law of the European Court of Human Rights and also outline the different views expressed by delegations concerning the question of decriminalisation, as well as the reasons for the approach taken by particular countries, should they provide such an explanations. The draft should be circulated to CDMC members by 31 January 2006 in order for them to provide comments in good time for the Secretariat to produce a revised version well in advance of the next CDMC meeting (to be held from 29 May to 2 June 2006).

**Item 9 of the agenda: European Convention on Transfrontier Television**

38. The CDMC held an exchange of views on the future of the European Convention on Transfrontier Television. It considered that, when revised, the Convention should be brought into line with the new European Union Directive on audiovisual media services currently under preparation (the former "Television without Frontiers" Directive), while leaving open the possibility of also including certain questions falling within the Council of Europe human rights remit. The members also expressed the view that steps should be taken to encourage

ratification of the Convention by additional Council of Europe member states as well as by other countries.

The German delegation said that, in the absence of instructions from its government, it could not adhere to this position.

Another delegation indicated that the revision of the Convention may provide an opportunity to review or remove certain references (e.g. to “indecency”) that prevent ratification in its country, due to incompatibility with domestic legislation.

39. The CDMC took note with interest of the discussions of the Standing Committee on Transfrontier Television and of the steps being or to be taken to encourage ratification of the Convention by additional Council of Europe member states as well as by other countries. It expressed its support for those measures (encouragement through bilateral contacts between the Council of Europe and member states, including in the context of technical assistance and cooperation activities; contacts to be developed with appropriate regional organisations and participation of Standing Committee members or Secretariat in relevant meetings, e.g. of the Permanent Conference of the Audiovisual Mediterranean Operators (COPEAM)).

**Item 10 of the agenda: Copyright in the context of the work of the CDMC**

40. The Hungarian delegate presented his written comments on copyright (cf. document CDMC(2005)026). It was considered a useful contribution to the debate on the related items of the texts adopted at the 7th European Ministerial Conference on Mass Media Policy (Paragraph 10 of Resolution No. 3 and Paragraph 18 of the Action Plan).

41. The Chairperson underlined the importance of examining whether copyright poses a threat to the balance between competing human rights, in particular in view of the ease of transmission of and access to information and copyrighted works in the Information Society.

After a brief discussion on the subject, the CDMC agreed on the need to develop its understanding of copyright issues. It decided that a hearing on copyright be organised for the next meeting of the CDMC. The CDMC also asked the newly elected members of the informal working group (composed of the delegates from Armenia, Bulgaria, Hungary, “the former Yugoslav Republic of Macedonia”, Norway, Romania, the Slovak Republic, and led by the Armenian delegate) to prepare for the same meeting a draft questionnaire on the impact of copyright on human rights to be sent to member states.

**Item 11 of the agenda: Work of the CDMC’s subordinate bodies**

42. During the discussions concerning work of the CDMC’s subordinate groups, some participants expressed misgivings about the apparent tendency in some groups of specialists to consider that they can themselves change the groups’ terms of reference or that they can choose not to implement parts thereof.

It was recalled, in this connection, that the terms of reference of the groups flow from the Action Plan adopted during the 7th Ministerial Conference on Mass Media Policy, which was confirmed by the Third Council of Europe Summit. Consequently, the terms of reference ultimately respond to the will of Council of Europe member states themselves.

Further, the Chairperson recalled that the concrete results that the CDMC expects from the groups of specialists are the responses to the items of their terms of reference in the form of draft instruments of a standard-setting nature or policy papers that it can examine and, if appropriate, submit for adoption to the Council of Europe Committee of Ministers.

**a. Group of Specialists on freedom of expression and information in times of crisis (MC-S-IC)**

**(i) Work of the MC-S-IC**

43. The Secretariat outlined the work of the MC-S-IC during its second meeting, held on 17 and 18 October 2005 (cf. document MC-S-IC (2005)011). In particular, the CDMC noted that the group had decided:

- to prepare a draft questionnaire for the purpose of monitoring the implementation of texts adopted by the Council of Europe on freedom of expression and information in times of crisis. The draft (entrusted in the first place to the representatives of the Netherlands and Bosnia and Herzegovina) will be considered by the group at its next meeting (to be held on 6 and 7 February 2006) and should be submitted to the Bureau of the CDMC in time for its next meeting (to be held on 12 and 13 April 2006). The MC-S-IC considered that Council of Europe member states should be asked to provide up-to-date responses to the questionnaire every two years and that for this purpose states should also seek the input of civil society;
- that existing international standards for freedom of expression and information in times of crisis are largely adequate, but further work should be carried out towards the possible drafting of operational guidelines on the practical implementation of those standards;
- to conduct additional research on the setting up of a forum on the rights and responsibilities of the media and the working conditions of journalists in times of crisis. The research should cover the issue of a possible information network on the media's contribution to inter-cultural and inter-religious dialogue. The results of this research (to be prepared by the Bulgarian representative, in consultation with the representatives of the Netherlands, the ENPA and the OSCE ) will be considered by the group at its next meeting and should be submitted to the Bureau of the CDMC in time for its next meeting;
- to consider, at its next meeting, a draft strategy and methodology for action (to be prepared by the representative of Armenia, in cooperation with the representatives of Georgia and the Russian Federation) in respect of encouraging the training of media professionals in order to provide professional and independent coverage of crisis situations;

- to conduct further research on this issue of establishing an award for media which have made an outstanding contribution to conflict prevention or resolution, understanding and dialogue. The MC-S-IC will consider the results of this research (entrusted in the first place to the Chair of the Group, the representative from Bosnia and Herzegovina) at its next meeting, and will decide upon further action to be taken;

44. The CDMC also noted that a report on international standards concerning freedom of expression and information in times of crisis prepared by Ms Katrin NYMAN-METCALF at the request of the MC-S-IC and a table of such standards prepared by the Secretariat suggest that civil wars are not covered by existing international instruments. Consequently, the MC-S-IC intends to examine ways of bridging this gap.

45. As regards investigative journalism, it is difficult to distinguish it from other forms of journalism. Nonetheless, its value and interest for society should be highlighted and member states might be encouraged to support this type of journalistic work.

**(ii) Conference “Safeguarding free speech and the right to information: media in times of crisis”**

46. The CDMC noted that the Secretariat had organised a Conference on “Safeguarding free speech and the right to information: media in times of crisis” in Strasbourg on 13 and 14 October 2005, and that several members of the MC-S-IC had attended. It welcomed the conclusions and recommendations of the Conference, which had contributed to the discussions during the subsequent MC-S-IC meeting.

**(iii) Proposals on action to be taken on, or amendments required to, the terms of reference of the MC-S-IC**

47. The Secretariat was asked by the CDMC at its last meeting to submit to the Bureau more detailed proposals on action that might be taken upon, or amendments required to, the terms of reference of the group. In view of the results of the MC-S-IC’s second meeting, the Secretariat feels that the group’s terms of reference as they stand broadly cover the areas of work required, but the work plan will have to be updated to incorporate new tasks assigned to the group and expected results.

48. Finally, the Secretariat informed the CDMC that Mr Jorge PEGADO LIZ, expert from Portugal, will retire and will therefore leave the MC-S-IC. Mr PEGADO LIZ had in the past taken part in the work of other groups of specialists. The CDMC thanked him for his work and wished him well in his retirement.

**b. Group of Specialists on public service broadcasting in the Information Society (MC-S-PSB)**

49. The Secretariat reported on the Group's second meeting, on 3 and 4 November 2005, and reviewed its activities (cf. document MC-S-PSB(2005)009).

50. In connection with the Group's work on adapting and developing the public service remit to the digital environment, particular reference should be made to Mr Christian NISSEN's study of public service media in the Information Society. This study will be published on the Media Division's Internet site and in a paper version, and will form the basis of a draft discussion paper on the subject. The draft will be considered at the next meeting of the MC-S-PSB.

The Chair of the CDMC welcomed the idea of publishing Mr NISSEN's study on the Internet, since he considered it to be an outstanding piece of work. He also referred to Parliamentary Assembly Recommendation 1641 (2004) on public service broadcasting, which called for a major new policy document on the subject. The MC-S-PSB draft discussion paper on how public service broadcasting should be developed and adapted to the digital environment might well be an appropriate response to this Recommendation.

51. The hearing on the role of public service broadcasters in promoting wider democratic participation by individuals, which had been held at the Group's second meeting, had contributed greatly to the Group's discussions, and could make a useful contribution to the draft discussion document and to a quite separate document describing the various public service broadcasting initiatives in this area. These documents will be prepared for the next meeting of the MC-S-PSB.

52. Turning to the independence of public broadcasting bodies, CDMC members who had not yet replied to the questionnaire on the implementation of Recommendation (96) 10 were encouraged to do so as rapidly as possible. The questionnaire will also be sent to independent experts, public service media and NGOs, so that the analysis of the situation in member states will be based on the fullest possible information. The Group will consider a preliminary draft analysis of the responses at its next meeting, to enable it, if necessary, to produce additional guidelines for the Recommendation.

53. Lastly, the Secretariat informed the CDMC that the Icelandic delegation, which had not yet been included in any one of the specialist groups with their expenses borne by the Council of Europe, had asked to join the MC-S-PSB in this capacity. The Steering Committee agreed to this request and decided that the terms of reference of that group of specialists be amended accordingly.

**c. Group of Specialists on media diversity (MC-S-MD)**

54. The Secretariat reported briefly on the second meeting of the MC-S-MD, held on 14 and 15 November 2005 (cf. MC-S-MD(2005)009).

55. Mr David WARD, who was in charge of the study on the impact of media concentration on diversity of content, had presented his preliminary report. The final report and the decisions of the MC-S-MD based on this report will be submitted to the CDMC for its next meeting (May-June 2006).

56. The MC-S-MD had prepared a questionnaire on the application of Recommendation Rec(2003)9 on the democratic and social contribution of digital broadcasting, and this will shortly be sent to the public authorities responsible for the transition to digital, with the assistance of the Committee's experts. The answers to the questionnaire, which would also be published online, should reach the Secretariat by early March, so that the MC-S-MD could consider them at its next meeting and pass on its conclusions to the next meeting of the CDMC.

57. A working group had been set up to prepare an update of Recommendations R (94) 13 on measures to promote media transparency and R (99) 1 on measures to promote media pluralism. A draft text will be ready for the next meeting of the MC-S-MD.

58. The Group had also noted the Convention on the protection and promotion of cultural expressions, adopted by the 33rd UNESCO General Conference, held in Paris from 3 to 21 October 2005. It had also noted that the Convention would enter into force three months after the date of deposit of the thirtieth instrument of ratification and had decided that a draft Recommendation of the Committee of Ministers should be prepared, urging Council of Europe member states to ratify the Convention. This would be submitted to the CDMC and then to the Committee of Ministers as soon as possible (cf. paragraphs 85 to 87 below).

#### **d. Group of Specialists on human rights in the Information Society (MC-S-IS)**

##### **(i) Work of the MC-S-IS**

59. The Secretariat reported on the 2nd meeting of the Group, held on 14 and 15 September 2005 (cf. document MC-S-IS (2005)12), and highlighted its main results, to be presented to the CDMC's 3rd meeting: a published study on the elaboration of the meaning of 'harmful content' and behaviours that carry a 'risk of harm' designed to provide the basis for further steps to promote coherence in the protection of children and young people in all media in the Information Society; a fully revised and updated paper and electronic version of the Council of Europe Handbook on Internet Literacy; and a draft Council of Europe instrument on the protection of children in the Information Society.

The latter document will inter alia: acknowledge the importance of children and young people's use of ICTs in a positive and critical manner to enable them to exercise and therefore enjoy their rights and freedoms; note that harmful content (as referred to in Council of Europe instruments) and online and related offline behaviours may carry a risk of harm; recommend that member states, as well as other key actors/stakeholders take steps to educate, empower and to promote the 'wellness' of children and young people in order to deal with harmful

content and behaviours; append information on the types of content and behaviours that may carry a risk of harm.

60. In the light of the Group's terms of reference to "develop[...] strategies to promote digital inclusion inter alia by means of media education", the Secretariat stressed that the above-mentioned instrument could also usefully recommend that the Council of Europe undertake to:

- develop guidelines to assist policy makers and practitioners/teachers to prepare children and young people to act positively and critically in using the Internet and other new communication services;
- develop guidelines for key actors in the Information Society inter alia to (i) advise on types of content and communications which children and young people can post, distribute or access online; (ii) advise on actions of children and young people when confronted with content and communications which may put them at increased risk of harm; (iii) offer accompanying advice to stakeholders, especially the private sector (e.g. Internet service and content providers) to help parents and children in respect of the creation, distribution and access to user generated content.

**(ii) Pan-European Forum on Human Rights in the Information Society: Responsible Behaviour by Key Actors**

61. The Secretariat reported on the results of the Forum and recalled the decision of the MC-S-IS, at its 2nd meeting in September 2005, to prepare a draft Council of Europe instrument containing guidelines for key actors in the Information Society (i.e. member states, private sector, civil society) in order to promote understanding of, and encourage respect for, human rights in their work.

**(iii) World Summit on the Information Society (WSIS) parallel event "From here to e-democracy: promoting e-participation and dealing with harmful content"**

62. The Secretariat reported on the Council of Europe parallel events at the Tunis Phase of WSIS and the message of Ms Maud de BOER-BUQUICCHIO, Council of Europe Deputy Secretary General, both of which underline the important role that the Council of Europe has to play in discussions on human rights and Internet governance as part of the WSIS follow-up and implementation phase and that it has to offer a multi-stakeholder platform for these discussions.

**Item 12 of the agenda: Internet governance**

63. Mr Christian SINGER, Head of Division in the Legal Service of the Austrian Federal Ministry for Transport, Innovation and Technology, explained the background to the issues surrounding Internet governance in the WSIS process and referred to the planned follow-up to be given to it by the Internet Governance Forum (IGF) to be held in Greece in June 2006.

The CDMC also took note of the paper on the subject submitted by Mr Mark CARVELL, Deputy Head of International Information Economy at the United Kingdom Department of Trade and Industry, who had been invited but was unable to take part in the meeting. The Chairperson thanked Mr SINGER and Mr CARVELL for their clear and informative explanations of the issues relating to Internet governance.

64. In the light of the final documents of the Tunis Phase of WSIS, the Chairperson underlined the important role of, and potential for, the CDMC to play an active role in the WSIS follow-up and implementation phase. In this respect, the added value of the Council of Europe as a an intergovernmental organisation was underlined by the comments of one delegation that pointed to the emphasis of the WSIS on the involvement of existing national government structures in Internet governance issues in particular those pertaining to public policy.

The CDMC concluded that Council of Europe human rights standards should be promoted in this domain and decided to transmit a message to the Committee of Ministers underlining the importance for the Council of Europe to be actively and directly involved in the WSIS follow-up and implementation phase, in particular as regards the new multi-stakeholder Internet Governance Forum (IGF) which will pursue dialogue on policy matters (cf. Appendix IV to document CDMC(2005)027).

**Item 13 of the agenda: Information on the work of other Council of Europe bodies of interest to the work of the CDMC**

**a. Parliamentary Assembly of the Council of Europe**

65. The Secretariat informed the CDMC of the relevant elements of PACE Resolution 1466 (2005) and Recommendation 1722 (2005) on the honouring of obligations and commitments by Ukraine, and Recommendation 1721 (2005) and Resolution 1465 (2005) on the functioning of democratic institutions in Moldova, as well as Recommendation 1710 (2005) on the honouring of obligations and commitments by the Russian Federation. Mr Vojtech TKÁČ of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly provided additional information on the Assembly's recent work.

In this context, one delegation requested that CDMC members be regularly informed of the technical assistance and cooperation activities of the Media Division. It was agreed that this type of information would be made available to CDMC members in an appropriate form at regular intervals.

**b. Congress of Local and Regional Authorities of the Council of Europe**

66. No information was available on recent work of the Congress of Local and Regional Authorities of the Council of Europe of interest to the work of the CDMC.

**c. Steering Committee for Human Rights (CDDH)**

67. The CDMC noted that the Committee of Ministers has given it observer status with the Group of Specialists on access to official documents (DH-S-AC), subordinate to the Steering Committee for Human Rights (CDDH). It decided that, resources permitting, the CDMC should be represented in that group by Ms Şebnem BİLGET (Turkey).

**d. Consultative Council of European Judges (CCJE)**

68. The CDMC noted that the Consultative Council of European Judges (CCJE) expects to consider the relations between the judiciary and the media in the near future. The Steering Committee welcomed the suggestion of the CCJE that both Council of Europe bodies cooperate in this context. Nonetheless, the CDMC confirmed that, as indicated by the Bureau in response to the request for comments on a draft recommendation on relations between health authorities and the media prepared by the European Health Committee (CDSP), it would be preferable to prepare a text of a general nature regarding relations between public authorities and the media. The CDMC decided to inform the Committee of Ministers that it stands ready to prepare such a text.

**e. Integrated Project “Good Governance in the Information Society”**

69. Mr Michael REMMERT, Project Manager of the Integrated Project of the Council of Europe on “Good Governance in the Information Society”, presented the recent work of the project.

Mr REMMERT drew the attention of the CDMC to the Recommendations Rec(2004)11 on legal, operational and technical standards for e-voting and Rec(2004)15 on electronic governance (“e-governance”) and to the Council of Europe Convention on Cybercrime, which had also been presented at the parallel event organised by the Council of Europe at the WSIS (cf. item 11 (d) (iii), paragraph 62 above).

Mr REMMERT also suggested that after the extension of the CDMC’s scope to include new communication services, the division of tasks within the Council of Europe between the CDMC and the Integrated Project on “Good Governance in the Information Society” had become clearer: whereas the former now has a precise mandate to safeguard human rights in the Information Society, the latter is entrusted with preserving democracy in this domain. In his view it then follows, that the CDMC should play a role in following up the Declaration of the Committee of Ministers on human rights and the rule of law in the Information Society (cf. document CM(2005)56 final).

70. The CDMC thanked Mr REMMERT for his proposals. Reference has already been made to the CDMC’s decision to transmit a message to the Committee of Ministers underlining the importance for the Council of Europe to be actively and directly involved in the WSIS follow-up and implementation phase, in particular as regards the new multi-stakeholder Internet Governance Forum (IGF) which will pursue dialogue on policy matters (cf. paragraph 64 above).

**f. Committee of Experts on Issues relating to the Protection of National Minorities (DH-MIN)**

71. The CDMC noted that the Committee of Experts on Issues relating to the Protection of National Minorities (DH-MIN) expects to consider the question of access of minorities to print media in the near future. The Steering Committee welcomed the suggestion of DH-MIN that both Council of Europe bodies cooperate in this context.

**Item 14 of the agenda: Other information of interest to the work of the CDMC**

**a. The second phase of the World Summit on the Information Society**

72. This point is dealt with under item 11 (d) (iii) and item 12 of the agenda (cf. paragraphs 62 to 64).

**b. Report on the United Kingdom Presidency of the European Union**

73. The delegate from the United Kingdom gave an oral presentation on the United Kingdom Presidency of the European Union. During this Presidency, the European Union has worked on two issues of interest to the CDMC: a draft recommendation on the protection of minors and the right to reply and the revision of the Television Without Frontiers Directive. The delegate informed the Committee on progress made on the two instruments, which will continue in 2006. The CDMC took note of this information.

**c. Adoption by UNESCO of the Convention on the protection and promotion of the diversity of cultural expressions**

74. This point is dealt with under items 11 (c) and 18 (b) of the agenda (cf. paragraphs 58, 85, 86 and 87).

**Item 15 of the agenda: Dates of the forthcoming meetings**

75. The CDMC took note of the timetable for its meetings in 2006 and for its subordinate bodies and the Standing Committee on Transfrontier Television (cf. document CDMC(2005)014). The CDMC will hold its third meeting from 30 May to 2 June 2006.

**Item 16 of the agenda: Items to be included on the agenda of the 3rd meeting of the CDMC**

76. The CDMC considered and approved the list of items to be included in the agenda for its second meeting (cf. document CDMC(2005)025).

**Item 17 of the agenda: Elections to the Bureau of the CDMC**

77. The Secretariat informed the CDMC that the terms of office of the Chairperson and the Vice-Chairperson as well as of Bureau members Ms Şebnem BİLGET (Turkey), Ms Saskia WIELSCHEN (the Netherlands) and Ms Bissera ZANKOVA (Bulgaria) will come to an end on 31 December 2005. Having already served a second consecutive term as a member of the Bureau, Ms BİLGET would not be eligible for another term.

78. The CDMC held elections to its Bureau, in accordance with the terms of Appendix II to Resolution (76) 3 of the Committee of Ministers on committee structures, terms of reference and working methods. The election results were:

- Mr Karol JAKUBOWICZ (Poland) was re-elected Chairperson for a second term of office of one year, expiring on 31 December 2006;
- Mr Matthias TRAIMER (Austria) was re-elected Vice-Chairperson for a second term of office of one year, expiring on 31 December 2006;
- Ms Bissera ZANKOVA (Bulgaria) was re-elected member of the Bureau for a second term of office of two years, expiring on 31 December 2007;
- Mr Eric FRANSSSEN (Belgium) and Ms Vesna POPOSKA (“the former Yugoslav Republic of Macedonia”) were elected members of the Bureau for an initial term of office of two years, expiring on 31 December 2007.

79. The CDMC noted that the terms of office of the other two members of the Bureau, namely Ms Delia MUCICA (Romania) and Ms Pernille RAHBK (Denmark) will expire on 31 December 2006.

80. The CDMC expressed its most sincere thanks to the two outgoing members of the Bureau of the Steering Committee, Ms Şebnem BİLGET and Ms Saskia WELSCHEN, for their contribution to the work of the Bureau.

**Item 18 of the agenda: Other business**

**a. Belarus: the situations as regards freedom of expression and information and possible action by the CDMC**

81. Following a proposal by the Bureau, the Chairperson invited the CDMC to hold an exchange of views on reports of grave violations of freedom of expression in Belarus.

The representative of Belarus objected to the holding of a discussion concerning the situation of freedom of expression and of the media in his country inter alia because his authorities had not been properly informed of and consulted on the matter, nor offered the opportunity to

present their views. He also questioned the CDMC's competence to consider the situation of media freedom in a country which is not a Council of Europe member state.

However, the general view was that the CDMC should pursue its intended discussion. Certain participants made clear their view that, although not a Council of Europe member state, Belarus remains a European country and, given their indivisible nature, any human rights concerns in that country are the collective concern of all persons and organisations striving to promote the respect of such rights.

82. Particular reference was made to the Statement on freedom of expression and of the media in the Republic of Belarus made by the Ministers of the States participating in the 5th European Ministerial Conference on Mass Media Policy, which already in 1997 noted considerable restrictions to media freedoms.

The CDMC's attention was also drawn to the statement on the political situation and the independence of the media in Belarus made on 5 July 2005 by Benita FERRERO-WALDNER, Commissioner for External Relations and European Neighbourhood Policy of the European Commission, in which Ms FERRERO-WALDNER expressed serious concern over the "growing repression of political parties, non-governmental organisations and independent media outlets" and spoke of the need to send "a very clear message to the population [of Belarus] that they have not been forgotten, and that we would enhance our support to civil society and democratic forces in Belarus."

Current concerns are also highlighted by restrictions recently introduced by a Presidential decree on foreign aid which may seriously hamper the implementation of technical assistance activities and which may lead to increased isolation of Belarus and adversely affect the population (cf. Declaration from the Presidency of the Council of the European Union on behalf of the European Union on Restrictions on technical assistance to Belarus of 30 August 2005).

83. Many participants concluded that Belarusian media professionals operate in very adverse conditions and that the Council of Europe should support democratic reform and the upholding of human rights in Belarus, prominently including the right to freedom of expression and information.

84. The CDMC agreed that it would be desirable to hold an extensive exchange of views on this matter in the future.

**b. Draft Recommendation concerning the UNESCO Convention on the protection and promotion of the diversity of cultural expressions**

85. The Committee welcomed the adoption of the Convention on the protection and promotion of the diversity of cultural expressions by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) at its 33<sup>rd</sup> session (3 to 21 October 2005).

86. The Swiss expert referred to the fundamental principles set out in the Convention and drew attention to Article 6 (h), which authorised states to adopt measures aimed at enhancing cultural diversity in the media, including through public service broadcasting.

87. The CDMC noted that the Convention had a number of important points in common with certain Council of Europe instruments, particularly various Committee of Ministers Declarations and Recommendations concerning the media.

Following the proposal of the MC-S-MD (cf. paragraph 58), the Committee decided to submit a draft text to the Committee of Ministers, recommending member states to ratify the Convention on the protection and promotion of the diversity of cultural expressions as soon as possible (cf. Appendix II to document CDMC(2005)027). The text would be sent to the Committee of Ministers after the relevant Council of Europe bodies concerned with culture had been consulted.

**Item 19 of the agenda: List of decisions**

88. The CDMC decided to adopt the list of decisions/abridged report, subject to certain amendments. The full meeting report would be sent to members at the earliest opportunity, with a view to its adoption following the procedure and within the time frame mentioned in paragraph 3 above.

\* \* \*

**APPENDIX I****List of participants****MEMBER STATES / ETATS MEMBRES****Albania/Albanie**

Mr Armand SKAPI, Director of the Press and Information Directorate, Ministry of Foreign Affairs, TIRANA

**Andorra/Andorre****Armenia/Arménie**

Mr Garegin CHUGASZIAN, Executive Director, IT Foundation, YEREVAN

**Austria/Autriche**

Mr Matthias TRAIMER, Head of Department, Media Affairs and Information Society, Federal Chancellery, VIENNA

Mr Christian SINGER, Ministry of Transport, Innovation and Technology, Post and Telecommunications Branch, Head of Division PT2, Legal Service

**Azerbaijan**

Mr Nazim ISAYEV, Deputy Head of the Department for social-political issues, Executive Office of the President of the Republic of Azerbaijan, BAKU

**Belgium/Belgique**

M. Eric FRANSSSEN, Attaché au Service Général de l'Audiovisuel et des Multimédias, Ministère de la Communauté française de Belgique, BRUXELLES

Ms Saskia DIERICKX, Ministry of the Flemish Community, Administration Médias, Adjoint du Directeur, BRUXELLES

**Bosnia and Herzegovina/Bosnie et Herzégovine**

Ms Dunja MIJATOVIC, Director of Broadcasting, Communications Regulatory Agency, SARAJEVO

Ms Amelia ODOBASIC, Head of Public Affairs, Communications Regulatory Agency, SARAJEVO

**Bulgaria/Bulgarie**

*[apologised for absence/excusée]*

Mlle Zornitza ANGUELOVA, Expert supérieur, Division « Développement de la Société de l'Information », Ministère des Transports et des Communications, SOFIA

Ms Bissera ZANKOVA, Media expert, Ministry of Transport and Communications, SOFIA

**Croatia/Croatie**

Ms Ivana MORIĆ, Minister Plenipotentiary, Directorate for International Organizations and Security, Ministry of Foreign Affairs and European Integration, ZAGREB

**Cyprus/Chypre**

*[apologised for absence/excusé]*

Mr Andreas CHRISTODOULOU, Media Section, Ministry of the Interior, Dem., NICOSIA 1082

Mr Neophytos EPAMINONDAS, Director, Cyprus Radiotelevision Authority

Dr Eleonora GAVRIELIDES, Head of Foreign Media Section, Press and Information Office, Ministry of Interior NICOSIA

**Czech Republic/République Tchèque**

Mr Artuš REJENT, Media Department, Ministry of Culture, PRAGUE

**Denmark/Danemark**

Ms Pernille RAHBK, Head of Section, Ministry of Culture, COPENHAGEN

**Estonia/Estonie**

Mr Peeter SOOKRUUS, Head of Media and Copyright Department, Ministry of Culture, TALLINN

**Finland/Finlande**

Ms Kristina HAUTALA-KAJOS, Senior Adviser, Ministry of Education and Culture, Science and Culture, HELSINKI

Ms Aleksandra PARTANEN, Ministry of Transport and Communications, HELSINKI

**France**

Mme Martine COQUET, Chef du bureau des affaires juridiques et multilatérales, Direction de l'audiovisuel extérieur et des techniques de communication, Ministère des Affaires Etrangères, PARIS

M. Frédéric DEROIN, Adjoint au chef du bureau des affaires européennes et internationales, Service du Premier ministre, Direction du développement des médias, PARIS

**Georgia/Géorgie**

[Apologised/Excusée]

Mrs Elena MARTSHILASHVILI, Deputy Head of International Law Department, Ministry of Foreign Affairs

**Germany/Allemagne**

Mr Bernd MÖWES, Head of Media Section, Federal Government Commissioner for Culture and the Media, BERLIN

Ms Stephanie SCHMIEDING, Bavarian State Chancellery, Department Media and Film, MUNICH

**Greece/Grèce**

Mme Despina VENIZELOU, Press Attaché, Secrétariat Général pour la Communication, Secrétariat Général pour l'Information, ATHENES

**Hungary/Hongrie**

Mr György OCSKÓ, Head of Presidential Secretariat, National Radio and Television Commission (ORTT), BUDAPEST

Ms Viktória PÁLÓCZI-HORVÁTH, Counsellor, Department for Strategic Planning and EU Coordination, Ministry of Cultural Heritage, BUDAPEST

**Iceland/Islande**

Ms Áslaug Dóra EYJÓLFSDÓTTIR, Adviser, Office of cultural affairs, Ministry of Education, Science and Culture, REYKJAVIK

**Ireland/Irlande**

[Apologised/Excusé]

Mr John LARKIN, Assistant Principal, Broadcasting Policy Division, Department of Communications, Marine and Natural Resources, DUBLIN

**Italy/Italie**

Ms Lucia MARZANO, Représentation Permanente de l'Italie auprès du Conseil de l'Europe

**Latvia/Lettonie**

Mrs Dace BUCENIECE, Lawyer, National Broadcasting Council of Latvia, RIGA

**Liechtenstein**

[Apologised/Excusé]

**Lithuania/Lituanie**

Ms Laura BAŠKYTE, State Officer, Information Society Development Department, Ministry of Culture, VILNIUS

**Luxembourg**

*[apologised for absence/excusée]*

Mme Isabelle MARINOV, Ministère d'Etat, Service des Médias et des Communications, LUXEMBOURG

*[apologised for absence/excusée]*

Ms Natascha GOMES, Ministère d'Etat, Service des Médias et des Communications, LUXEMBOURG

**Malta/Malte**

*[apologised for absence/excusée]*

Dr Peter GRECH, Assistant Attorney General, Office of the Attorney General, VALLETTA

**Moldova**

[Apologised/Excusé]

M. Iurie VITON, Deputy Head of Mass Media Division, Ministry of Foreign Affairs, CHISINAU

**Monaco**

[Apologised/Excusée]

**Netherlands/Pays-Bas**

Ms Saskia WELSCHEN, Senior Adviser International Media Policy, Department for Media, Literature and Libraries (MLB), Ministry of Education, Culture and Science, DEN HAAG

**Norway/Norvège**

Mr Olav GUNTVEDT, Assistant Director General, Norwegian Ministry of Culture and Church Affairs, Department of Media and Copyright, OSLO

**Poland/Pologne**

Mr Karol JAKUBOWICZ, Chairperson of the CDMC/Président du CDMC, Expert, National Broadcasting Council, WARSAW

**Portugal**

M. Agostinho PISSARREIRA, Instituto da Comunicação Social, LISBOA

**Romania/Roumanie**

Madame Delia MUCICĂ, Secrétaire Général, Ministère de la Culture et des Cultes, BUCAREST

Mademoiselle Elly-Ana TÂRNĂCOP-MOGA, Conseillère d'intégration européenne, Ministère de la Culture et des Cultes, BUCAREST

**Russian Federation/Fédération de Russie**

Mr Boris N. MALAKHOV, Deputy Director, Information and Press Department, Ministry of Foreign Affairs, MOSCOW

Mr Nadzhaf ABDULLAEV, Head of Division, Information and Press Department, Ministry of Foreign Affairs, MOSCOW

**San Marino/Saint Marin**

[Apologised/Excusé]

M. Nicola CECCAROLI, Segretario particolare Segretario di Stato per gli Affari Esteri e Politici  
SAN MARINO

**Serbia and Montenegro / Serbie et Monténégro**

Mrs Milka TADIC-MIJOVIC, Editor of the weekly "Monitor" Magazine, PODGORICA

**Slovakia/Slovaquie**

Mr Željko SAMPOR, Media and Copyright Division, Ministry of Culture, BRATISLAVA

**Slovenia/Slovénie**

[Apologised/Excusé]

Mr Sašo GAZDIĆ, Head of the Department of Media and Audiovisual Culture, Ministry of Culture, LJUBLJANA

**Spain/Espagne**

Ms Maria Luisa GIL FERRER, Head of Area, Telecommunications and Information Society's Secretary of State, Ministry of Industry, Tourism and Commerce, MADRID

**Sweden/Suède**

Ms Karin LIBY, Head of Section, Media Division, Ministry of Education, Research and Culture, STOCKHOLM

**Switzerland/Suisse**

M. Frédéric RIEHL, Division des Affaires internationales, Office fédéral de la communication, Département fédéral de l'environnement, des transports, de l'énergie et de la communication, BIENNE

M. Pierre SMOLIK, Division des Affaires internationales, Office fédéral de la communication, Département fédéral de l'environnement, des transports, de l'énergie et de la communication, BIENNE

**"The former Yugoslav Republic of Macedonia"/"L'ex-République Yougoslave de Macédoine"**

Ms Vesna POPOSKA, Agency for Information, SKOPJE

**Turkey/Turquie**

Dr Zahid AKMAN, President of the Radio and Television Supreme Council, ANKARA

Dr Davut DURSUN, Member of the Radio and Television Supreme Council, ANKARA

Mrs Şebnem BİLGET, Head of International Relations Department, Radio and Television Supreme Council, ANKARA

Mrs Belma ÖRS, Media Expert, Radio and Television Supreme Council, ANKARA

**Ukraine**

Mr Victor VOYTOVYCH, Head of the Council of Europe Division, Ministry of Foreign Affairs of Ukraine, UN and International Organisations Department, KYIV

**United Kingdom/Royaume-Uni**

Mr Chris BONE, Head of International Broadcasting, Department for Culture, Media and Sport, LONDON

**OTHER PARTICIPANTS / AUTRES PARTICIPANTS****Parliamentary Assembly / Assemblée Parlementaire**

Mr Vojtech TKÁČ, Committee on Legal Affairs and Human Rights

**Congress of Local and Regional Authorities of Europe / Congrès des Pouvoirs Locaux et Régionaux de l'Europe**

*[apologised for absence/excusée]*

**European Commission/Commission européenne**

Ms Simona MARTORELLI, DG Information Society and Media, BRUSSELS

**OBSERVERS /OBSERVATEURS****Belarus**

Mr Andrey POPOV, Counsellor OSCE and Council of Europe Division, Ministry of Foreign Affairs, MINSK

Mr Victor NOVIKOV, Représentant du Bélarus auprès du Conseil de l'Europe

**Canada****Holy See/Saint-Siège**

Mgr Enrique PLANAS, Chef du Bureau, Pontifical Council for Social Communication, VATICAN CITY

**Japan/Japon**

Mr Yasushi FUKU, Consul (Attorney), Consulate General of Japan, STRASBOURG

**Mexico/Mexique****United States of America/Etats-Unis d'Amérique****Nordic Council of Ministers/Conseil nordique des Ministres****Organisation for Security and Co-operation in Europe (OSCE) / Organisation pour la Sécurité et la Coopération en Europe (OSCE)**

Mr Alexander IVANKO, Special Advisor, Office of the OSCE Representative on Freedom of the Media

Mr Roland BLESS, Senior Advisor, Office of the OSCE Representative on Freedom of the Media

**Association of Commercial Television in Europe (ACT) / Association des Télévisions Commerciales Européennes (ACT)**

Ms Julie RUFF, Chargée d'Affaires Européennes, ACT

**European Audiovisual Observatory / Observatoire européen de l'audiovisuel**

Mr Wolfgang CLOSS, Executive Director

**European Broadcasting Union / Union Européenne de Radio-Télévision**

Mr Michael WAGNER, Directeur adjoint, Département des Affaires juridiques, Union Européenne de Radio-Télévision

Mr Heijo RUIJSENAARS, Conseiller juridique, Département des Affaires juridiques, Union Européenne de Radio-Télévision

**European Federation of Journalists / Fédération européenne des Journalistes****European Newspaper Publishers' Association / Association européenne des éditeurs de journaux**

Mr Peter HULTENGÅRD, European Newspaper Publishers', Association – ENPA

**EuroISPA****Conference of INGOs / Conférence des OINGs**

Mr Gabriel NISSIM, Président du Regroupement « Droits de l'Homme » de la Conférence des OING

**Other**

Item 4 on the agenda

Mr Ed KLUTE, On-line More Colour in the Media

Item 8 on the agenda

Mr Alain LACABARATS, Chairperson of the Consultative Council of European Judges (CCEJ)

Mr Alexy KOJEMIAKOV, Secretary to the European Committee on Legal Co-operation (CDCJ), DGI, Council of Europe

Mr Humbert de BIOLLEY, Deputy Secretary to the CDPC

Item 11 on the agenda

Mr Michael REMMERT, Project Manager, "Good Governance in the Information Society", Directorate General of Political Affairs / Chef de Projet, "Bonne gouvernance dans la société de l'information", Direction Générale des Affaires Politiques

**SECRETARIAT**

Mr Philippe BOILLAT, Director, Directorate II, Directorate General of Human Rights – DG II / Directeur, Direction II, Direction Générale des Droits de l'Homme - DG II

Mr Hanno HARTIG, Head of Media, Equality and Minorities Department, Directorate General of Human Rights – DG II / Chef du Service Médias, Egalité et Minorités, Direction Générale des Droits de l'Homme - DG II

Mr Jan MALINOWSKI, Head of Media Division, Secretary of the CDMC, Directorate General of Human Rights - DG II/ Chef de la Division Médias, Secrétaire du CDMC, Direction Générale des Droits de l'Homme - DG II

Ms Charlotte de BROUDELLES, Administrative Officer, Secretary of the MM-S-MD and Co-Secretary of the T-TT, Directorate General of Human Rights - DG II / Administratrice, Secrétaire du MM-S-MD et Co-Secrétaire du T-TT, Direction Générale des Droits de l'Homme - DG II

Mr Eugen CIBOTARU, Administrative Officer, Secretary of the MM-S-PSB and of the MM-WG-EX, Directorate General of Human Rights - DG II / Administrateur, Secrétaire du MM-S-PSB et du MM-WG-EX, Direction Générale des Droits de l'Homme - DG II

Mr Lee HIBBARD, Administrative Officer, Secretary of the MM-S-IS, Directorate General of Human Rights - DG II/ Administrateur, Secrétaire du MM-S-IS, Direction Générale des Droits de l'Homme - DG II

Mr Ivan NIKOLTCHEV, Media Division, Secretary of the MM-S-IC, Directorate General of Human Rights - DG II / Division Médias, Secrétaire du MM-S-IC, Direction Générale des Droits de l'Homme - DG II

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Ms Franziska KLOPFER, Media Division, Directorate General of Human Rights – DGII / Division Médias, Direction Générale des Droits de l'Homme - DG II

Mr Nicolas WEVELSIEP, Media Division, Directorate General of Human Rights – DGII / Division Médias, Direction Générale des Droits de l'Homme - DG II

**Interpreters/Interprètes**

Mme Gillian WAKENHUT

Mr Robert SZYMANSKI

Mr Olivier OBRECHT

Mme Marianne HUMMEL

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## APPENDIX II

### Agenda including list of documents

#### **Items 1 & 2: Opening of the meeting and adoption of the agenda**

- Draft agenda, CDMC (2005) OJ2
- Notes on the draft agenda, CDMC (2005) OJ2 notes
- Draft order of business, CDMC (2005) OT2
- Report of the meeting of the CDMC-BU (24-25 October 2005), CDMC-BU (2005) 6
- Report of the 1st meeting of the CDMC (21-24 June 2005), CDMC(2005)12fin
- Abridged report of the 1st meeting of the CDMC (21-24 June 2005), CDMC(2005)13fin

#### **3 Decisions of the Committee of Ministers of interest to the work of the CDMC**

##### **a. Message from the Committee of Ministers to the committees involved in intergovernmental cooperation at the Council of Europe**

- Message from the Committee of Ministers to the committees involved in intergovernmental cooperation at the Council of Europe, CM(2005)145 rev
- Report of the meeting of the CDMC-BU (24-25 October 2005), CDMC-BU(2005)6

##### **b. Other decisions of the Committee of Ministers**

- Draft Disability Action Plan
- Draft Recommendation on the ways of improving the relationships between health authorities and the media health authorities and the media

#### **4 Terms of reference of the CDMC**

##### **a. Draft terms of reference of the CDMC**

- Draft terms of reference of the CDMC, CDMC(2005)16
- Current terms of reference of the CDMC, CDMC(2005)1

##### **b. Request by the non-governmental organisation Online/More Colour in the Media (OL/MCM) for observer status with the CDMC, the MC-S-IS and the MC-S-MD**

- Request for observer status, CDMC(2005)20

#### **5. Work programme of the CDMC in 2006**

#### **6. Working methods of the CDMC**

##### **a. Taking a stand on cases involving grave and systematic violations of the right to freedom of expression and information**



## 11. Work of the CDMC's subordinate bodies

- Work plan in respect of items of the Kyiv Action Plan not covered by the terms of reference of the Groups of Specialists, CDMC(2005)19
  - a. Group of Specialists on freedom of expression and information in times of crisis (MC-S-IC)**
    - (i) Work of the MC-S-IC**
  - Report of the 2nd meeting of the MC-S-IC (17-18 October 2005), MC-S-IC(2005)11
    - (ii) Conference “Safeguarding free speech and the right to information: media in times of crisis”**
  - Results of the conference, CDMC(2005)23
    - (iii) Proposals on action to be taken on, or amendments required to, the terms of reference of the MC-S-IC**
  - Terms of reference of the Groups of Specialists, CDMC(2005)2
- b. Group of Specialists on public service broadcasting in the Information Society (MC-S-PSB)**
  - Report of the 2nd meeting of the MC-S-PSB (3-4 November 2005), MC-S-PSB(2005)9
- c. Group of Specialists on media diversity (MC-S-MD)**
  - Report of the 2nd meeting of the MC-S-MD (14-15 November 2005), MC-S-MD(2005)9
- d. Group of Specialists on human rights in the Information Society (MC-S-IS)**
  - (i) Work of the MC-S-IS**
  - Report of the MC-S-IS (15-15 September 2005), MC-S-IS 2005)12
    - (ii) Pan-European Forum on Human Rights in the Information Society: Responsible Behaviour by Key Actors**
  - General Report on the Pan-European Forum

**(iii) World Summit on the Information Society (WSIS) parallel event  
“From here to e-democracy: promoting e-participation and dealing  
with harmful content”**

- Agenda and Commitment adopted by the World Summit on the Information Society
- Speech by Maud de Boer-Buquicchio, Deputy Secretary General of the Council of Europe delivered at the Seventh Plenary Session of the WSIS
- Initial comments by the EU and the acceding countries Romania and Bulgaria, on the report of the Working Group on Internet Governance, WSIS-II/PC-3/CONTR/19-E
- Declaration of the Committee of Ministers on human rights and the rule of law in the Information Society, CM(2005)56final
- Human Rights and the Information Society: a preliminary overview prepared by Karol Jakubowicz, MC-S-IS(2005)13

**12. Internet governance**

- Speech by Maud de Boer-Buquicchio, Deputy Secretary General of the Council of Europe delivered at the Seventh Plenary Session of the WSIS
- Initial comments by the EU and the acceding countries Romania and Bulgaria, on the report of the Working Group on Internet Governance, WSIS-II/PC-3/CONTR/19-E
- Report from the Working Group on Internet Governance
- Background report by the Working Group on Internet Governance
- Message from the Steering Committee on the Media and New Communication Services (CDMC) to the Committee of Ministers regarding Human Rights in the Information Society with particular reference to Internet governance, CDMC(2005)31
- Background Paper on Internet Governance, prepared by Mark Carvell (Deputy Head of International Information Economy at the United Kingdom Department of Trade & Industry), CDMC(2005)31

**13. Information on the work of other Council of Europe bodies of interest to the work of the CDMC**

**a. Parliamentary Assembly of the Council of Europe**

- Recommendation 1710 (2005), Honouring of obligations and commitments by the Russian Federation
- Recommendation 1721 (2005), Functioning of democratic institutions in Moldova
- Recommendation 1722 (2005), Honouring of obligations and commitments by Ukraine
- Resolution 1455 (2005), Honouring of obligations and commitments by the Russian Federation
- Resolution 1465 (2005), Functioning of democratic institutions in Moldova
- Resolution 1466 (2005), Honouring of obligations and commitments by Ukraine

**b. Congress of Local and Regional Authorities of the Council of Europe**

- c. **Steering Committee for Human Rights (CDDH)**
    - Terms of reference of the CDDH for the DH-S-AC with a view to drafting a legally binding instrument on access to official documents
  - d. **Consultative Council of European Judges (CCJE)**
  - e. **Integrated Project “Good Governance in the Information Society”**
  - f. **Committee of Experts on Issues relating to the Protection of National Minorities (DH-MIN)**
- 14. Other information of interest to the work of the CDMC**
- a. **The second phase of the World Summit on the Information Society**
  - b. **Report on the United Kingdom Presidency of the European Union**
  - c. **Adoption by UNESCO of the Convention on the protection and promotion of the diversity of cultural expressions**
- 15. Dates of the forthcoming meetings**
- Draft timetable of meetings of the CDMC and its subordinate bodies in 2006, CDMC(2005)14
- 16. Items to be included on the agenda of the 3rd meeting of the CDMC**
- Items to be included on the agenda of the 3rd meeting of the CDMC, CDMC(2005)25
- 17. Elections to the Bureau of the CDMC**
- Elections to the Bureau of the CDMC, CDMC(2005)22
- 18. Other business**
- a. **Belarus: the situations as regards freedom of expression and information and possible action by the CDMC**
    - Declaration from the Presidency on behalf of the European Union on Restrictions on technical assistance to Belarus
    - Speech by Benita Ferrero-Waldner, EU Commissioner for External Relations and European Neighbourhood Policy
    - Statement on freedom of expression and of the media in the Republic of Belarus, adopted at the 5th European Ministerial Conference on Mass Media Policy

**b. Draft Recommendation concerning the UNESCO Convention on the protection and promotion of the diversity of cultural expressions**

- Draft Recommendation by the Committee of Ministers to member States Concerning the UNESCO Convention on the protection and promotion of the diversity of cultural expressions, CDMC(2005)29

**19. List of decisions**

- Draft list of decisions of the 2nd meeting of the CDMC (29 November to 2 December 2005), CDMC(2005)27