

Strasbourg, 8 June 2011

CDMC-BU(2011)002  
[Français](#)  
[Pdf](#)

**BUREAU OF THE  
STEERING COMMITTEE ON  
THE MEDIA AND NEW COMMUNICATION SERVICES**

**(CDMC-BU)**

---

**Meeting of  
9 to 11 May 2011  
Room G.05, Agora building  
Strasbourg**

---

**Meeting report**

---

### **Executive summary**

During the meeting, the Bureau prepared the 14th meeting of the CDMC and in particular:

- examined draft comments on Parliamentary Assembly Recommendation 1950(2011) on Protection of journalists' sources, to be finalised and adopted by electronic consultation;
- examined a draft Committee of Ministers Recommendation on a new notion of media and recommended that it be finalised at the 14th CDMC meeting and forwarded to the Committee of Ministers for adoption;
- examined a draft Committee of Ministers Declaration on Internet governance principles and recommended that it be finalised at the 14th CDMC meeting and forwarded to the Committee of Ministers for adoption;
- examined a draft Committee of Ministers Recommendation on the protection and promotion of Internet's universality, integrity and openness and recommended that it be finalised at the 14th CDMC meeting and forwarded to the Committee of Ministers for adoption;
- examined a draft Committee of Ministers Declaration on public service media governance, as well as a draft Committee of Ministers Recommendation on public service media governance and its appendix, Guiding principles for Public Service Media Governance and requested that both texts be merged in a single document, finalised at the 14th CDMC meeting and forwarded to the Committee of Ministers for adoption;
- examined a draft Committee of Ministers Declaration on the Protection of freedom of expression and information and freedom of assembly and association with regard to Internet domain names and name strings and recommended that it be finalised at the 14th CDMC meeting and forwarded to the Committee of Ministers for adoption;
- held exchanges of views with the Chairpersons of the bodies reporting to the CDMC and discussed their proposed standard-setting outputs;
- discussed the decisions taken by the Committee of Ministers regarding the on-going reform of the Council of Europe and the future intergovernmental structures;
- discussed work on gender equality matters concerning media-related standards and suggested that it be further discussed by the CDMC in light of further steps requested from the Secretariat;
- discussed the issue of WikiLeaks and decided to revise a draft message, that was envisaged in December 2010, considering the possibility that it be redrafted into a draft Declaration of the Committee of Ministers covering the broader issue of threats to media in the online environment;
- agreed to continue work on the next ministerial conference (in the understanding that it should be done with caution given that responsibility for it will in due course lie with the proposed new Steering Committee on Information Society - CDSI).

## **1 and 2 Opening of the meeting and adoption of the agenda**

1. The Bureau adopted the agenda, as set out in Appendix II, with the addition of a draft Declaration on the protection of freedom of expression and information and freedom of assembly and association with regard to Internet domain names and name strings. The list of participants is set out in Appendix I. The meeting was chaired by Andris Mellakauls (Latvia) and was largely devoted to the preparation of the 14th meeting of the CDMC (14 to 17 June 2011).

2. The gender distribution of the 7 Bureau members participating in the meeting was as follows: 3 women (42.86%) and 4 men (57.14%).

3. Jan Kleijssen, Director of Standard Setting in the Directorate General of Human Rights and Legal Affairs of the Council of Europe, addressed the following issues with the Bureau:

- introduced Jörg Polakiewicz, the new Head of the Human Rights Development Department, in replacement of Jeroen Schokkenbroek, who took up other functions;
- on-going reform of the Council of Europe: according to current proposals, the CDMC will cease to exist as of the end of 2011, and will be replaced with a new Steering Committee with a broader mandate covering information society issues generally (Steering Committee on Information Society (CDSI));
- importance of implementation of adopted standards, in particular in the work of the MC-S-CI and following the conference on Internet Freedom (April 2011);
- WikiLeaks: recalled discussions on a possible draft CDMC message to the Committee of Ministers and considered possible follow-up action.

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

#### *Reform process*

4. In light of information provided by Jan Kleijssen, the Bureau discussed further the reform and the mission and activities of the future Steering Committee on Information Society (CDSI) and agreed to formulate some views which the Chairperson will disseminate to the CDMC. In particular, the Bureau held the strong view that “media” should feature in the Committee’s name and be mentioned more prominently in the terms of reference; this should also have an impact on the expected results and on the composition of the Committee, as well as on the continuity in the work accomplished over the last years.

The terms of reference of future steering committees should be adopted by the Committee of Ministers in late June. The Bureau suggested that the matter be discussed by the CDMC during its 14th meeting.

#### *Standing Committee on Transfrontier Television (T-TT)*

5. The Bureau reiterated disquiet about the discontinuation of transfrontier television work, and noted the options referred to in document SG/Inf(2011)2 Final; it considered the merit in a Committee of Ministers resolution to be adopted quickly to avoid the current legal uncertainty due to the conflicting rules in the Council of Europe convention and the EU directive.

#### *PACE Recommendation 1962(2011) Religious dimension of intercultural dialogue*

#### *PACE Recommendation 1963(2011) Combating poverty*

6. The Committee of Ministers has invited the CDMC to provide comments on those two Parliamentary Assembly Recommendations by 15 September 2011. Els Hendrix (Germany) has agreed to prepare draft comments on the PACE Recommendation 1962(2011) and Elfa Yr Gylfadottir (Iceland) on the PACE Recommendation 1963(2011) having regard to observations that may be received from CDMC members and observers (requested by 20 May 2011). The drafts should be discussed and, if appropriate, adopted by the CDMC at its 14th meeting.

#### **4. Draft instruments or texts for consideration by the CDMC**

*Draft Recommendation of the Committee of Ministers to members states on a new notion of media*

7. The Bureau considered the draft and, subject to certain changes, recommended that it be approved by the CDMC at its next meeting and that it be submitted to the Committee of Ministers for adoption.

*Draft appendix to the Draft Recommendation of the Committee of Ministers to members states on a new notion of media [and related policy measures]*

8. The Bureau considered the draft and provided guidance for its finalisation, including the need for a better integration of the gender dimension. A revised version will be appended to the draft recommendation and made available in time for consideration at the 14th CDMC meeting.

*Draft Recommendation of the Committee of Ministers to members states on the protection of human rights with regards to search engines – MC-NM(2010)004*

*Draft Guidelines for search engine providers – MC-NM(2011)009*

*Draft Recommendation of the Committee of Ministers to members states on measures to protect and promote respect for human rights with regard to social networking services – MC-NM(2010)003*

*Draft Guidelines for social networking providers – MC-NM(2011)008*

9. The Bureau agreed to postpone the finalisation of these drafts to enable the data protection dimension to be developed and to allow time for further consultation with relevant private sector actors. It invited the CDMC to endorse this approach.

*Draft Declaration of the Committee of Ministers on Internet governance principles – MC-S-CI(2011)008rev2*

10. The Bureau considered the draft and, subject to certain changes, in particular in light of comments received during the Conference on Internet Freedom (see section 5.c below), recommended that the CDMC approve the draft at its next meeting and submit it to the Committee of Ministers for adoption.

*Draft Recommendation of the Committee of Ministers to member states on the protection and promotion of Internet's universality, integrity and openness – MC-S-CI(2011)009rev2*

11. The Bureau considered the draft and, subject to certain changes, in particular in light of comments received during the Conference on Internet Freedom (see section 5.c below), recommended that the CDMC approve the draft at its next meeting and submit it to the Committee of Ministers for adoption.

*Draft Declaration of the Committee of Ministers on public service media governance – MC-S-PG(2011)002rev4*

*Draft Recommendation of the Committee of Ministers on public service media governance – MC-S-PG(2011)003rev4, Appendix – Guiding principles for Public Service Media Governance*

12. The Bureau considered these drafts and requested that they be merged into a single document. It recommended that the CDMC approve the draft at its next meeting and submit it to the Committee of Ministers for adoption.

*Draft Declaration of the Committee of Ministers on the Protection of freedom of expression and information and freedom of assembly and association with regard to Internet domain names and name strings*

13. The Bureau considered the opportunity of a Committee of Ministers declaration on this subject and agreed to submit a draft to the CDMC for consideration at its next meeting, for its possible approval and transmission to the Committee of Ministers for adoption.

## **5. Work between meetings**

*CDMC comments on PACE Recommendation 1941(2010) Roma asylum seekers in Europe – CDMC (2011)001*

14. The Bureau noted that these comments were transmitted to the Committee of Ministers.

*CDMC comments on PACE Recommendation 1950(2011) Protection of journalists' sources – CDMC(2011)002*

15. The Bureau considered and finalised the draft prepared by Elfa Yr Gylfadottir and recommended that the CDMC adopts it by e-mail consultation and rapid transmission to the Committee of Ministers given that the initial due by date was soon to expire.

## **6. Work of CDMC subordinate bodies**

*Committee of Experts on New Media – (MC-NM)*

Report of the meeting of the Committee of Experts on New Media, 28 and 29 March 2011 – MC-NM(2011)013

16. The Committee of Experts on New Media met in Strasbourg on 28 and 29 March. Thomas Schneider, Chairperson of the Expert Committee, gave an overview of work done to date by the MC-NM. He also encouraged Bureau members to attend the upcoming European Dialogue on Internet Governance (EuroDIG), in Belgrade (30 and 31 May).

*Ad hoc Advisory Group on Public Service Media Governance (MC-S-PG)*

Report of the meeting of the Ad hoc Advisory Group on Public Service Media Governance – MC-S-PG(2011)004

17. The Ad hoc Advisory Group on Public Service Media Governance met in Strasbourg on 21 and 22 March. Tim Sutter, Chairperson of the group, gave an overview of the Group's work to date. The MC-S-PG considered that, to the extent possible, the work foreseen by the current terms of reference has been accomplished. The Group responded incidentally to the question of post-institutional public service media models and considered that additional work on the subject would exceed the current mandate's framework and duration.

The Bureau recommended that the CDMC accepts these views and agree that MC-S-PG work be discontinued.

*Ad hoc Advisory Group on Cross-border Internet (MC-S-CI)*

Report of the meeting of Ad hoc Advisory Group on Cross-border Internet – MC-S-CI(2011)011

Conference on Internet Freedom (18 and 19 April 2011) – Andris Mellakauls's conclusions, rapporteur of the conference

18. The Ad hoc Advisory Group on Cross-border Internet met in Strasbourg on 21 and 22 February. Wolfgang Kleinwächter, Chairperson of the group, gave an overview of work done to date, underlining the pioneering work done in this field by the Council of Europe, and which finds a parallel in that of other organisations (e.g. NATO, OECD) whose results understandably respond to their own remit and idiosyncrasy. He emphasised the multistakeholder process for the preparation of the draft texts proposed for approval and the need to extend this approach to all stakeholders. He also reported on the Conference on Internet Freedom, held in Strasbourg on 18 and 19 April. He suggested that a similar conference could be organised in 2012, perhaps in association with other international organisations.

*Ad hoc Advisory Group on the Protection of Neighbouring Rights of Broadcasting Organisations (MC-S-NR)*

19. The Secretariat conveyed information received on the process for mandating the European Commission to negotiate a convention, which is pending approval by the European Council, expected in June.

The Bureau discussed the question of resources, in particular staff, needed for carrying the project to fruition, given that it has not been identified as a key Council of Europe priority.

Against this background, the Bureau noted, on the one hand, the convention revision process under way (see notes above in respect of the Convention on Transfrontier Television) and, on the other hand, the scarce success of the 2000 Convention on the legal protection of services based on, or consisting of, conditional access and the lack of entry into force of the 1994 Convention relating to questions on copyright law and neighbouring rights in the framework of transfrontier broadcasting by satellite. In light of this, the Bureau agreed to ask CDMC members to seek from their authorities a clear position as to priority level and support for further Council of Europe work on neighbouring rights. It also asked the Secretariat to meet European Commission officials dealing with this subject in order to assess the level of their support for this project.

The Bureau agreed that, should work on neighbouring rights be pursued, further extra-budgetary resources would be necessary (beyond the generous voluntary contributions already made by Finland) including possibly in the form of a seconded intellectual property international law specialist.

## **7. Work programme for the CDMC in 2011**

### *Libel tourism*

20. The Bureau proposed that the CDMC recommend work on this field to be pursued but not necessary in 2011 unless resources are made available, and that it be included in the terms of reference of the future steering committee (CDSI).

### *Gender mainstreaming and gender proofing*

- Draft terms of reference for Group of Specialists on Strategies to combat gender stereotypes in the media – EG-S-SGM
- Mainstreaming gender equality in the work of the CDMC, proposals for the next steps by Elfa Yr Gylfadottir (Iceland) – CDMC-BU(2010)003
- PACE Rec 1931(2010) Combating sexist stereotypes in the media
- CDMC comments on PACE Rec 1931(2010) Combating sexist stereotypes in the media – CDMC(2010)020Rev2Final

21. The Bureau asked the Secretariat to present concrete proposals for further work on gender equality matters concerning media-related standards in light of CDMC discussions to date.

## **8. Implementation of Council of Europe standards on media and new communication services prepared under the authority of the CDMC**

### *Roles and responsibilities of the European ISPs*

22. The Bureau recognised the importance of the issue but agreed that, having regard to the limited resources available, work on this field would not be possible in 2011 but might be considered by the future steering committee (CDSI).

### *Follow-up on the Resolution on developments in anti-terrorism legislation in Council of Europe member states and their impact on freedom of expression and information*

- Texts adopted by the 1st Council of Europe Conference of Ministers responsible for Media and new Communication Services (Reykjavik, May 2009)
- Committee of Ministers Declaration of 13 January 2010 on measures to promote the respect of Article 10 of the European Convention on Human Rights.

23. The Bureau proposed that, subject to availability of resources, work on a standard setting document (a Committee of Ministers recommendation) on this subject commence in the second half of 2011 with the objective of finalising it in 2012 (for consideration by the future steering committee - CDSI).

### *WikiLeaks*

- Draft message from the Steering Committee on the Media and New Communication Services (CDMC) to the Committee of Ministers in respect of recent events related to WikiLeaks
- « A new era for privacy » - Council of Europe Secretary General's article in European Voice, 26 January 2011

24. At the end of 2010, the Bureau proposed to send a CDMC message to the Committee of Ministers on the issue of WikiLeaks. In view of the time elapsed, it asked the Secretariat to revise the draft message, enriching it with the conclusions of discussions held at the Conference on Internet Freedom (18 and 19 April) and broadening it slightly and to submit it to the CDMC for consideration at its 14th meeting. The Bureau envisaged the possibility of turning the text into a draft declaration on the protection of freedom of expression and access to information with regards to independent digital media; it asked the Secretariat to prepare, resources permitting, a preliminary draft.

### *Egypt / possible consequences of shut down of internet connections*

25. The Bureau recommended that the CDMC discuss the issue, aiming at an in-depth discussion at its 15th meeting (November 2011), which could result in further standard-setting activity. It considered desirable that this matter be discussed at the next EuroDIG and IGF, including from the perspective private sector actions with a bearing on the exercise of freedom of expression and the right to impart and receive information, and member states' positive obligations.

## **9. Working methods**

### *Restricted web sites*

26. The Secretariat explained that most steering committees in the Council of Europe have moved to open web sites, while handling sensitive issues by e-mails. Currently, for security reasons, accessing restricted web sites requires an individual password for each person, which also needs to be changed every 6 weeks. Moreover, the document management system in the Council of Europe is likely to change in the coming years, rendering restricted sites obsolete.

While wishing more transparency, the Bureau decided that such a decision should be left to the future steering committee.

### *Meeting documents*

Proposal for a new format for the agenda/notes/order of business of meetings

27. The Secretariat presented a proposal for a simplified format for meetings agenda, order of business and annotations to the agenda, bringing the three documents prepared so far into one more synthetic and succinct, goal-oriented document.

The Bureau recommended that the CDMC accepts such a proposal.

## **10. Next Council of Europe Conference of Ministers responsible for Media and New Communication Services**

- Invitation letter from the Serbian Minister of Culture
- Council of Europe Secretary General's reply to the Serbian Minister of Culture
- CM Resolution (71) 44 on Conferences of Specialised Ministers
- CM Resolution (89) 40 on the future role of the Council of Europe in European Construction

28. The Bureau agreed to continue work on the next ministerial conference (in the understanding that it should be done with caution given that responsibility for it will lie with the CDSI). The theme could involve exploring the media (in light of the proposed Recommendation on a new notion of media) and freedom of expression dimensions of developments (and possible future disruptions) in the political market place.

## **11. Internet Governance and implementation of WSIS action lines**

### *EuroDIG, Belgrade 30-31 May 2011*

The Bureau took note of information provided by the Secretariat about the preparation of and the programme for the 4th EuroDIG.

### *IGF, Nairobi, 27-30 September 2011*

29. The Bureau took note of the information provided by the Secretariat about the programme of the up-coming IGF and the Council of Europe contribution and participation.



## 12. Information on the work of, and co-operation with, other Council of Europe bodies, of interest to the CDMC

- a). Parliamentary Assembly of the Council of Europe (PACE)
- b). Steering Committee for Human Rights (CDDH)
- c). Committee of Experts for the Development of Human Rights (DH-DEV)

### *d). European Committee on Legal Cooperation (CDCJ)*

30. The Bureau acknowledged that it would be desirable that the terms of reference of the future steering committee (CDSI) avoids overlap with the CDCJ (e.g. data protection and ICT and the law) while ensuring synergies (e.g. as regards libel tourism).

### *e). Consultative Committee on the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (T-PD)*

31. The Bureau took note of the information provided by the secretariat on the on-going modernisation of the 108 Convention, the request by a non-European country to join the Convention (Uruguay), and the participation of experts from the T-PD in the up-coming EuroDIG and IGF.

### *f). Cybercrime Convention Committee (T-CY) and Octopus conference*

32. The Bureau considered that activities concerning cybercrime should continue to pay due attention to human rights issues and in consequence to CDMC and future CDSI work.. It also agreed that the CDMC should present its work at the next conference on Cybercrime.

### *g). Steering Committee for Equality between Women and Men (CDEG)*

33. The Bureau noted that the Committee of Ministers did not retain the proposal for a joint working group on sexist stereotypes in the media. The Bureau confirmed its support for this work; the CDMC should designate suitable experts bringing together media freedom and equality expertises should it be pursued.

### *h). Committee of Experts on terrorism (CODEXTER)*

The Bureau asked the Secretariat to follow-up the issue of information which CODEXTER or its Secretariat may already have available in respect of review of anti-terrorism legislation.

### *i). European Committee for Social Cohesion (CDCS)*

### *j). Forum on the Future of Democracy (FFD)*

34. The Bureau expressed the desirability that the Forum on the Future of Democracy be included in the preparation work for the next ministerial conference.

## 13. Other information of interest to the work of the CDMC and the Bureau

### 14. Administrative and budgetary matters

35. The Bureau took note of information on staff and secretariat re-organisation.

### 15. Other business

APPENDIX I

LIST OF PARTICIPANTS

**Members**

Mr Andris MELLAKAULS (Chair)  
Member  
Advisor to the Minister of Culture  
National Broadcasting Council  
LATVIA

Mr Garegin CHUGASZYAN  
Executive Director  
IT Foundation  
ARMENIA

Mrs Elfa Yr GYLFADOTTIR  
Head of Division  
Department of Cultural Affairs  
Ministry of Education, Science and Culture  
ICELAND

Ms Els HENDRIX  
Internationale Zusammenarbeit im Medienbereich; Rundfunk  
International Media Cooperation  
Der Beauftragte der bundesregierung für Kultur und Medien  
GERMANY

Mr Emir POVLAČIĆ  
Head of Division for Licensing  
Digitalization and Coordination in Broadcasting  
Communications Regulatory Agency  
BOSNIA-HERZEGOVINA

Ms Maja RAKOVIĆ  
Advisor, Media Department  
Ministry of Culture  
SERBIA

Mr Thomas SCHNEIDER  
Federal Office of Communications  
SWITZERLAND

\* \* \*

**Participants**

Mr Tim SUTER  
Managing Director  
Chair, Ad hoc advisory group on public service media governance (MC-S-PG)  
Perspectives  
UK

Mr Wolfgang KLEINWÄCHTER  
Chair, Ad hoc advisory group on cross-border internet (MC-S-CI)  
Professor, University of Aarhus  
International Association for Media and Communication Research (IAMCR)

**Secretariat**

Mr Jan KLEIJSEN  
Director, Directorate of Standard Setting, Directorate General Of Human Rights and Legal Affairs,  
Council of Europe

Mr Jörg POLAKIEWICZ  
Head of Human Rights Development Department, Directorate of Standard-Setting, Directorate  
General of Human Rights and Legal Affairs, Council of Europe

Mr Jan MALINOWSKI, Head of Department, Information Society, Media and Data Protection  
Division

Ms Sophie KWASNY, Administrator, Information Society, Media and Data Protection Division

Ms Elvana THAÇI, Administrator, Information Society, Media and Data Protection Division

Ms Natalia VOUTOVA, Administrator, Information Society, Media and Data Protection Division

Ms Anne BOYER-DONNARD, Administrative Assistant Principal, Information Society, Media and  
Data Protection Division