

Bureau of the Steering Committee on Media and Information Society



CDMSI-BU(2014)002
10/04/2014

Report of the 5th meeting (19-20 March 2014) (Strasbourg, Palais de l'Europe, Room 14)

1. Opening of the meeting

The Bureau took note of the information about the streamlining and reinforcement of Secretariat support for the CDMSI in order to ensure better service for activities falling under the CDMSI's mandate with regard to media and Internet. The secretariat of the Committee of experts on safety of journalists (MSI-JO) is ensured by Onur Andreotti. The secretariat of the Committee of experts on Cross-border flow of Internet traffic and Internet freedom (MSI-INT) is ensured by Elvana Thaçi.

2. Adoption of the agenda

The Bureau adopted the agenda of its meeting in view of the preparation of the agenda of the CDMSI.

3. Information by the Chair and the Secretariat

3.1 Draft Committee of Ministers Declaration on the protection of journalism and safety of journalists and other media actors

The Bureau noted that the examination of the draft declaration by the Committee of Ministers Rapporteur Group on Human Rights (GR-H) has been postponed to 3 April 2014, due to other urgent human rights issues. It is expected that the draft be submitted to the Committee of Ministers for adoption on 16 April¹.

3.2 Draft Committee of Ministers' Recommendation to member states on a Guide to human rights for Internet users

The Bureau was informed that the draft recommendation has been finalised ad-referendum on 17 February 2013 and further to submission to the Council of Europe's Legal advice department and Editorial Unit, it had been transmitted to the Committee of Ministers for possible adoption. The Bureau noted that the examination of the draft recommendation by GR-H has been postponed to 3 April 2014. Nonetheless, it is expected that the draft will be submitted to the Committee of Ministers for adoption on 16 April.

¹ Subsequently, the Committee of Ministers decided to postpone the adoption of the draft declaration to 30 April 2014, closer to the World Press Freedom Day (3 May)

The Bureau emphasised the need for a wide publicity and outreach in respect of the Guide, once it is adopted. It noted the steps taken so far and stressed the need to launch a dedicated web site at the time of adoption or soon thereafter as a matter of priority.

3.3 Committee of Ministers Thematic debate on "Safety of journalists - further steps for the better implementation of human rights standards" (12/12/2013)

The Bureau took note of information provided by the Secretariat. In particular, it noted the operational proposals made by the Secretary General to the Committee of Ministers, in particular a Round table on safety of journalists scheduled for 19 May 2014 (see also item 5.2)

4. Implementation of Council of Europe adopted standards in member states

The Secretariat presented orally ways and models for a possible follow-up of adopted standards.

The Bureau proposed that the issue be discussed further during the plenary meeting of the CDMSI on the basis of written suggestions prepared by the Secretariat. The Bureau generally favours a thematic approach for the review of the implementation of adopted texts as well as by members on a voluntary basis.

5. Media

Standard setting activities

5.1 Committee of experts on protection of journalism and safety of journalists (MSI-JO)

The Bureau took note of information on the 1st meeting of the MSI-JO that took place on 3 and 4 March 2014. A written report will be available in the coming days.

It discussed the scope of the work of the Committee of experts and examined a draft outline structure for a recommendation on the protection of journalism and safety of journalists that will be the core of the work of the committee. This future draft will follow a differentiated approach for the categories of people to be granted protection (professional journalists, non-professionals who produce journalistic content in the general interest, whistle-blowers, etc...) and will include concrete proposals for implementation.

5.2 Round table on safety of journalists (19 May 2014)

The Bureau took note of the preparation of a Round Table on safety of journalists, to be held on 19 May 2014, as one of the actions proposed by the Secretary General as follow-up to the Committee of Ministers Thematic debate of 12 December 2013. The Round table is prepared in collaboration with the MSI-JO and will aim at identifying ways of better addressing severe human rights violations against journalists. It will gather representatives of institutions and media freedom organisations and focus on the following questions: What is being done by international organisations for the safety of journalists in hostile environments in practical terms? Are there early warning mechanisms in place? Are they fit for purpose and capable of triggering the necessary protective or remedial action? What measures are in place to address the lack of investigation into attacks against journalists? What can the Council of Europe add? What are effective ways of protecting journalists? What deeper problems are underlying the lack of safety for journalists or is it a stand-alone issue? How to ensure protection for those who are not professional journalists and are communicating in the public interest, such as human rights defenders or whistle blowers? Can an Internet-based platform contribute to establishing rapid response capacity? What would be the conditions for such a platform and for a rapid response capacity?

5.3 Gender equality and the media

The Bureau took note of the information provided by the Secretariat on the follow-up to the recommendation on gender equality and the media.

There is a close co-operation with the Council of Europe Equality Division and the Gender Equality Commission (GEC) and the recommendation is widely used at each of their events, where media experts are also sent as much as resources allow. The recommendation has been translated into Russian and is currently being published as a brochure, to be disseminated via the Council of Europe contact network. Work is starting on a handbook as a follow-up to the Recommendation and the GEC conference on "Media and the Image of Women" (Amsterdam, 4-5 July 2013). The Bureau also noted that EBU will include the recommendation in its Initiative for Women Executives in the Media. Issues pertaining to gender and media will also feature in the 2014 Work Programme of the European Platform of Regulatory Authorities (EPRA). It will also discuss gender and media issues in connection with the fight against hate speech and discrimination on the occasion of two plenary sessions, in Budva on 6 June and in Tbilisi on 10 October.

5.4 Hate speech

The Bureau took note of the information provided by the Secretariat on activities carried out by the Council of Europe on the topic. Hate speech will be on the agenda of EPRA's agenda for its meeting in Budva (4-6 June 2014).

5.5 Transparency of media ownership

The Bureau took note of information by the Secretariat on possible work on the subject. It proposed that the CDMSI discusses the issue at its next meeting, focusing on the best use of existing resources, with a view to giving directions on a possible way forward.

Cooperation and outreach

5.6 On-going and future activities

The Bureau took note of on on-going and future co-operation projects as detailed in the reference document (MEDIA.COOP(2014)01). In particular, it noted the state of play of current projects concerning Ukraine: a project due to end in September may be extended, a seminar on safety of journalists in the course of their work is foreseen for 15 – 16 April in Kyiv. A second project has started in 2014 and is currently at an inception phase. The Bureau expressed the view that a regular up-date would suffice to keep the CDMSI correctly informed unless urgent developments would render extra information necessary.

6. Information Society and Internet Governance

Standard setting activities

6.1 Committee of Experts on cross-border flow of Internet traffic and Internet freedom (MSI-INT)

The Bureau took note of the information on the 1st MSI-INT meeting which took place on 17 and 18 March. The Committee discussed its terms of reference and expected results, and welcomed the setting up of informal working groups among its members to work in parallel on each deliverable.

The Bureau also examined a draft Committee of Ministers recommendation to member states on measures to safeguard network neutrality (CDMSI(2014)004). The draft builds on the Committee of Ministers declaration on the same subject (adopted on 29/09/2010), CDMSI discussions during its 5th meeting (3-6 December 2013) and the multi-stakeholder conference (April 2013) as well as working documents considered by the CDMSI. The Bureau welcomes

the MSI-INT discussion on the draft in its meeting on 17 and 18 March and took its suggestions into account.

The Bureau discussed the draft in detail, amended it and decided that, although the draft is already the result of a multi-stakeholder consultation held in the framework of the conference organised on the same topic in 2013, it would merit further consultation. Consequently, it decided to proceed in parallel with the CDMSI's consideration of the draft recommendation and multi-stakeholder consultations according to the following time line:

- by **Monday 24 March**: the Secretariat will integrate the proposed changes by the Bureau and send the draft to the Bureau;
- by **Friday 28 March**: the Bureau will send possible comments to the Secretariat;
- **31 March** (or at the latest 4 April): a revised version will be sent to the CDMSI for possible comments by **22 April** announcing at the same time the decision of the Bureau to open a multi-stakeholder dialogue online until 22 April unless objections raised by CDMSI members by 4 April;
- reiterating the need to observe the deadlines for sending documents as stipulated in CM Resolution (2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods, and being mindful of translation necessary, the Bureau decided that the version of 31 March will be the basis of the CDMSI discussions of the text.

6.2 Council of Europe Internet Governance Strategy 2012-2015

The Bureau took note of the state of implementation of the Strategy. In particular, it took note of the report of the Conference "Shaping the Digital Environment – Ensuring our Rights on the Internet" held in Graz on 13-14 March 2014, by Maja Rakovic and Christina Lamprou, who attended it on behalf of the CDMSI.

The Bureau suggested that a message be sent by the CDMSI to relevant services of the Council of Europe drawing their attention to the elements of the strategy they are concerned with and which is in need of implementation. The message should refer to the terms of reference of the CDMSI in respect of its mandate to oversee the implementation of the Strategy.

Cooperation and outreach activities

6.3 *European Dialogue on Internet Governance (EuroDIG – 12-13 June 2014, Berlin)*

The Bureau took note of the preparation of the 2014 edition of EuroDIG with an emphasis on multistakeholderism.

6.4 *Internet Governance Forum (IGF, Istanbul, 25 September 2014)*

The Bureau took note of information on the preparation of the event, which will be on "Connecting Continents for Enhanced Multistakeholder Internet Governance".

The Bureau expressed the view that the CDMSI could make proposals for workshops, thus raising the visibility of the Council of Europe in the field of internet governance and enhancing the impact of its standard setting work. It tasked the Secretariat to send information to the CDMSI in that respect

6.5 *ICANN*

The Bureau took note of the Council of Europe Secretary General's involvement in the High level ICANN panel on global internet co-operation and governance mechanisms (London, 13/12/2013).

6.6 On-going and future activities

The Bureau welcomed developments as regards co-operation activities in the field of internet governance and encouraged further efforts in this respect.

It also took note of the Council of Europe future participation in the NetMundial event in Sao Paulo as well as in the Freedom Online Coalition – free and secure internet for all events (Tallinn, 28-29 April) with a possible press conference on the occasion of the launching of the Guide on Human Rights for Internet Users.

7. Data protection

Standard setting activities

As regards the state of play of the modernisation of the 108 Convention, the Bureau noted that, during its first meeting (12-14 November 2013), the ad hoc Committee of data protection (CAHDATA) carried out an exhaustive reading of the modernisation proposals adopted by the Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108). Consideration will resume on the basis of a revised document at the second CAHDATA meeting.(28-30 April 2014).The issue of the right to vote of the European Union has yet to be settled.

At its plenary meeting of 2-4 June 2014 the Consultative Committee of the Convention 108 (T-PD) will finalise the revised draft of the Recommendation on the protection of personal data used for employment purposes in order to transmit it to the CDMSI for consideration and approval.

8. Information about work of other organisations and other Council of Europe bodies

8.1 Participation of CDMSI in events and meetings

The Bureau noted the last information given by the Greek delegate on the conference on "Protection of minors in the digital era" (Athens, 14-15 April 2014). The CDMSI will be represented by Maja Rakovic, who will also moderate several panels.

It also noted that it had not been possible for any CDMSI members to attend the event organised by the European Association of Regional Televisions (CIRCOM), mainly due to late information.

It took note also that Maja Rakovic will represent the CDMSI in the Council of Europe Conference on Growing with Children's Rights (Dubrovnik 27-28 March 2014).

The Bureau emphasized the need to be selective in the CDMSI participation in events. It proposed that this issue be discussed during the 6th plenary meeting.

8.2 Parliamentary Assembly of the Council of Europe (PACE)

The Committee of Ministers decided at its meeting on 12-13 February 2014 to transmit the Parliamentary Assembly Recommendation 2036(2014) on Revision of the European Convention on Trans frontier Television and the Parliamentary Assembly Recommendation 2033 (2014) – "Internet and politics: the impact of new information and communication technology on democracy" to the Steering Committee on Media and Information Society (CDMSI) for information and possible comments. The Bureau considered the draft CDMSI comments prepared on the basis of comments received from CDMSI members. In order to meet the deadline set by the Committee of Ministers (18 April 2014), the Bureau decided that the drafts should be sent to the CDMSI as soon as possible for possible approval via e-mail by 11 April 2014.

The Bureau expressed the wish to improve co-operation with the Parliamentary Assembly. It discussed the possibility and the modalities to invite members of PACE Sub-Committee on Media and Information Society to have exchanges with the CDMSI and for CDMSI participation in Sub-Committee meetings.

The Bureau asked the Secretariat for specific suggestions and to invite the Secretariat of the Sub-Committee to give a general overview of PACE work to the CDMSI, preferably during the next meeting.

8.3 European Committee on Legal Co-operation (CDCJ)

The Bureau took note of progress on the Draft Recommendation on protecting whistle-blowers, prepared by the CDCJ, which should be submitted to the Committee of Ministers for adoption in May 2014. The Bureau proposed that the CDMSI examine the recommendation, and explore possible follow-up action jointly with the CDCJ.

8.4 Consultative Council of European Prosecutors (CCPE)

The Bureau took note of the Opinion (2013) No. 8 of the Consultative Council of European Prosecutors on relations between prosecutors and the media. It suggested that the CDMSI considers providing comments.

9. Budget and administrative matters

10. Priorities of CDMSI work and working methods

Participation of CDMSI members in other meetings/events

The Bureau emphasized the need for early information on meetings or events where the CDMSI could be represented. It asked the Secretariat to provide CDMSI members who attend events with a reporting template.

It also emphasized the importance of a multistakeholder approach and consultation in the preparation of Council of Europe standards, which should enhance their relevance.

Reports of CDMSI meetings

The Bureau agrees to a proposal by the Secretariat to shorten the abridged report to be adopted at the end of each CDMSI meeting into a list of decisions, thus simplifying its adoption.

11. Other questions

Freedom of expression issues related to Ukraine

The Bureau noted concerns about developments regarding the media in Ukraine and Crimea. It noted the wider considerations of the situation by relevant Council of Europe bodies, and expressed interest in being informed in due course.

The Bureau expressed its willingness, upon CM request, to action in respect of freedom of expression and the media in Ukraine.

12. Draft agenda of the 6th CDMSI meeting (20-23 May 2014)

The Bureau draws the attention on the format of the meeting (2 half days + 2 full days), chosen to enable all participants to arrive in Strasbourg on time for its opening. The plenary sessions having been shortened from 4 to 3 days, it emphasised the need for punctuality and discipline in interventions, in order to be able to cover the whole of the agenda.

Appendix

LIST OF PARTICIPANTS

**5th MEETING OF THE BUREAU OF THE
STEERING COMMITTEE ON MEDIA AND INFORMATION SOCIETY
(CDMSI-BU), 19-20 March 2014
Strasbourg, Council of Europe, Palais de l'Europe, room 14)**

Ms Maja Rakovic (Chair/ Présidente) , Counsellor, Ministry of Foreign Affairs, Serbia /Serbie

Mr Thomas Schneider, (Vice-Chair / Vice-président) International Affairs, Federal Office of Communication, Federal Department for the Environment, Transport, Energy and Communication, Switzerland/Suisse

Mr Mark Carvell, Media Team, Department for Culture, Media and Sport, United Kingdom /Royaume- Uni

Ms Christina Lamprou, Head of the Department of Audiovisual Affairs, Directorate of Mass Media - General Secretariat of Information and Communication, Hellenic Republic

Mr Éanna Ó Conghaile, Principal Officer, Broadcasting Policy Division, Department of Communications, Energy & Natural Resources,

Mr Emir Powlakic, Head of Division for Licensing, Digitalization and Coordination in Broadcasting, Communications Regulatory, Bosnia and Herzegovina/Bosnie-Herzegovine

Ms Bissera Zankova, Media Expert / Consultant, Ministry of Transport, IT and Communications, Bulgaria/Bulgarie

SECRETARIAT

Mr Jan Malinowski, Head of Information Society Department, Directorate General of Human Rights and Rule of Law

Ms Silvia Grundmann, Secretary of the CDMSI, Head of Media Division, Directorate General of Human Rights and Rule of Law (DGI)

Ms Onur Andreotti, Administrator, Media Division, DG I

Ms Elvana Thaçi, Administrator, Media Division, DG I

Mr Lee Hibbard, Administrator, Internet Governance Unit, DG I

Ms Loreta Vioiu, Administrator, Internet Governance Unit, DG I

Ms Maria Michaelidou, Administrator, Data Protection Unit, DG I

Ms Anne Boyer-Donnard, Principal Administrative Assistant, Media Division, DG I

(Gender distribution of the 7 Bureau members attending the meeting: 3 women (43%), 4 men (57%))