

Steering Committee on Media and Information Society - CDMSI 23rd meeting 14-15 June 2023 (9h30 – 12h30; 14h00 – 17h30h)

CDMSI(2023)006

Meeting Report 14-15 June 2023 Strasbourg, Palais de l'Europe, room 3

1. Opening of the meeting

Mr Taavo Lumiste, Chair of the CDMSI, welcomed the members, participants and observers of the CDMSI. Mr Lumiste evoked the 4th Summit of Heads of State and Government of the Council of Europe that took place in Reykjavík on 16 and 17 May 2023 as an opportunity to take stock and discuss further work of the Organisation based on the outcomes of the Summit.

2. Adoption of the agenda

The CDMSI adopted the meeting agenda (Appendix 1) and agreed on some proposed changes to the order of business. The list of participants and information on the gender distribution appear in Appendix 2.

Welcoming remarks

Mr Patrick Penninckx, Head of Information Society Department, welcomed the participants and presented the outcomes of the 4th Summit of the Council of Europe. In particular, he referred to the Reykjavik Declaration titled "United around our values" and the establishment of the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine through an Enlarged Partial Agreement. He recalled the commitment of member states to the European Convention on Human Rights and the European Court of Human Rights. Also, in the "Reykjavik Principles for Democracy" member states have emphasised the importance of the Council of Europe democracy pillar and the actions that have to be taken in order to reverse democratic backsliding.

Mr Penninckx recalled some relevant activities and initiatives of the Information Society Department, such as the negotiation process for the future Framework Convention on Artificial Intelligence and the forthcoming launch of the Council of Europe Campaign for the Safety of Journalists. He also stressed the importance for member states to ratify the Protocol amending the Convention for the protection of individuals with regard to automatic processing of personal data ('Convention 108') and thus ensure its expeditious entry into force.

Mr Penninckx underlined that since February 2022, the Council of Europe has been actively supporting Ukrainian journalists, media community and the authorities in fulfilling their urgent needs and creating conditions to continue reporting and documenting evidence on war and possible war crimes. Since January 2023, the Council of Europe is implementing a two-year project "Safeguarding Freedom of Expression and Freedom of Media in Ukraine" in the framework of the Council of Europe Action Plan for Ukraine "Resilience, Recovery and Reconstruction" 2023-2026. The purpose of this project is to enable a pluralistic media environment in Ukraine through harmonisation of legal and policy frameworks in line with European standards.

3. Ongoing standard setting work

3.1 Committee of Experts on Increasing Media Resilience (MSI-RES)

Ms Urška Umek, Secretary of the MSI-RES – Head of Media unit, updated the CDMSI members on the outcome of the 3rd meeting of the MSI-RES held on 30-31 March 2023. The *draft Guidelines on the responsible implementation of artificial intelligence (AI) in journalism* and the *Good practices for sustainable media financing* have been further revised in the light of the exchanges held and the members' comments. Both texts aim to enhance the resilience of the media sector. The Guidelines are to provide guidance on the use of AI systems, which can be an important competitive factor in the digital marketplace, while the Good practices are to highlight the positive market and regulatory developments which can contribute to the financial sustainability of media.

The Guidelines tackle a challenging and fast-changing topic, the complexity of using journalistic AI systems further impacted by the introduction of generative AI. They are to include guidance on issues such as the factors influencing the decision to use AI in newsrooms, how to incorporate AI in editorial processes and reinterpret journalistic values in light of the new technologies, what editorial responsibilities are attached to the implementation of AI, special characteristics of journalistic production and distribution to be considered by technology developers and platforms, and how to ensure transparency and oversight over the use of AI in journalism. The Good practices, on the other hand, look at different models of media financing and analyse the trends in member states, highlighting both the conditions that boost the viability of the news media and those that limit it. The conclusions and recommendations are to help States in forecasting future developments and enact media policies which can ensure sustainability in the changing media markets.

A discussion followed, allowing the members of the CDMSI to express their views and support to the work of the MSI-RES. Focusing on some of the most pressing challenges of AI in journalism, it was reaffirmed that publishers' editorial control necessarily extended to the implementation of AI in newsrooms and that it is paramount for the audiences and the public to be informed about the functioning of AI systems applied by the media. Full transparency needs to be ensured with regard to synthetic content in particular, although it was emphasised by the members that AI systems should facilitate journalists' work but should not be used to replace them.

3.2 Committee of experts on the Integrity of Online Information (MSI-INF)

Mr Andrin Eichin, Chair of the MSI-INF, and the Ms Evangelia Vassalou, Secretary of the MSI-INF, updated the CDMSI members on the outcome of the 3rd meeting of the MSI-INF held on 27-28 March 2023. The CDMSI was informed about the progress made in the work on the draft *Guidance Note on countering the spread of online mis- and disinformation through fact-checking and platform design solutions in a human-rights compliant manner and the <i>Explanatory Memorandum* that will accompany the Guidance Note. Mr Eichin recalled that the draft Guidance Note is articulated, in its operative part, on three subsections containing recommendations on fact-checking, on platform design solutions and on empowerment of users, respectively.

The Guidance Note, focusing on the systems embedded in the operation of platforms, recognises that the latter's gatekeeping role is vital – but not necessarily neutral – as to how people discover and create content. That is why platforms' engagement with content and also the governance structures underpinning such engagement are to follow the principles of human rights-by-design and safety-by-design, further operationalised in the draft Guidance Note. As these processes rely to a considerable extent on AI systems, it was decided to make any necessary adjustments in definitions and other possible elements to bring the Guidance Note in line with the future Framework Convention on Artificial Intelligence. Digital processes need to go hand in hand with building effective community responses and resilience, individual and collective, to disinformation and other forms of false or manipulative information which is increasingly accessible online. Many robust initiatives and strategies concerning fact-checking and media and information literacy have been initiated to that end in recent years, and the Guidance Note makes use of their outcomes to propose the most effective and feasible measures.

A first draft of the Explanatory Memorandum has also been elaborated, which is structured on the basis of the main pillars of the Guidance Note, explaining its purpose and scope. Following a brief exchange on the draft deliverable, Mr Eichin informed the CDMSI members that their input will be dully taken into account for both the draft Guidance note and its Explanatory Memorandum, in view of the fourth and last meeting of the expert committee.

3.3. Committee of Experts on Strategic Lawsuits against Public Participation (MSI-SLP)

Ms Flutura Kusari, Co-rapporteur of the MSI-SLP, and the Ms Giulia Lucchese, Secretary of the MSI-SLP, updated the CDMSI members on the outcome of the 3rd meeting of the MSI-SLP held on 18-19 April 2023. The version of the *draft Recommendation on countering the use of strategic lawsuits against public participation (SLAPPs)* communicated to the CDMSI is the product of several rounds of revisions taking into consideration the inputs and remarks received in the framework of the 3rd meeting. The expert committee has also been following and discussing the developments concerning the EU set of initiatives on anti-SLAPPs. Ms Kusari recalled that the draft Recommendation provides a definition of SLAPPs and refers to specific forms of SLAPPs, as well as key terms and criteria, in order to help member States to identify SLAPPs at national level. Mr Željko Sampor, Vice-Chair to the MSI-SLP and Co-rapporteur of the Explanatory Memorandum accompanying the draft Recommendation, presented the draft document and highlighted its scope and methodology.

The final revision of the text is to focus, among others, on refining the definitions of key terms such as "public participation" and "public interest" to render them as comprehensive and inclusive as possible, and on defining specific features of the SLAPPs indicators with utmost clarity. The MSI-SLP

will further work on streamlining and shortening certain sections of the text, such as on structural safeguards. Procedural safeguards are to be strengthened with a view to empowering judicial authorities to actively direct the course of proceedings from an early stage. As for data collection, it was agreed to provide more orientation in the Explanatory memorandum as to what data should be collected and how to elaborate their analysis. Regarding measures to support SLAPPs targets and victims, the final text is to further concretise the existing guidance, focusing on identifying measures whose implementation is most realistic and feasible in practice, also based on current experience. The MSI-SLP will also work on the finalisation of the Explanatory Memorandum, with a view to provide a document facilitating the understanding and effective implementation of the measures indicated in the draft Recommendation.

Following an exchange of views on the draft recommendation, the CDMSI agreed to submit the draft, as soon as possible, to public consultation ahead of the fourth and last meeting of the MSI-SLP.

4. Future work of the CDMSI/future terms of reference

Ms Artemiza-Tatiana Chisca, Secretary to the CDMSI - Head of the Media and Internet Governance Division, provided information about the Organisation's process of adopting the Terms of Reference for the work of intergovernmental structures in the next quadrennium (2024-2027). While the Committee of Ministers bears the responsibility for the adoption, the proposals are discussed with the sectoral steering and other committees in order to gain a wide consensus on the most important topics that need addressing through standard-setting and other instruments. In the case of the CDMSI, the initial consultation was carried out in the Bureau at its April meeting, whereupon the proposals for future work were refined by the Secretariat.

Two new expert committees subordinated to the CDMSI are expected to be approved by the Committee of Ministers; one is to prepare a draft Recommendation on online safety and empowerment of content creators and users, while the second is to produce the Guidelines on the impact of generative artificial intelligence (AI) on freedom of expression. Other proposed topics of future work will include a synthesis of Council of Europe's standards on countering disinformation and analysis of foreign disinformation campaigns, exploring the conditions for online pluralism and the role of national regulatory authorities in the platformed media environment, as well as the impact of immersive reality applications on freedom of expression. In addition, a number of supporting tools/good practice collections will be developed to more effectively implement the Council's standards on hate speech, defamation and media and information literacy.

Ms Chisca explained that the topics were formulated taking into account the evolving needs in the area of freedom of expression and media freedom, contacts with member states and contemporary academic research, paying attention to the principles of continuity with prior work, complementarity with other internal and inter-organisational processes and capacity considerations.

The draft Terms of Reference will be circulated to member states in August and subsequently discussed at the thematic and budgetary groups of rapporteurs of the Committee of Ministers before the final adoption by the Committee of Ministers in November 2023 of the Terms of Reference for the first biennium and provisionally approval of the proposals for the second one.

Once adopted, the CDMSI terms of reference are expected to contribute to the Council of Europe priorities set by the Reykjavík Summit. On this occasion, Ms Chisca also invited the members to reflect

about possible experts for the composition of the two future expert committees and the related elections during the next plenary meeting of the CDMSI.

5. Digital Governance

5.1 Council of Europe Committee on Artificial Intelligence - Information by Thomas Schneider, Chair of the CAI, and the secretariat

Mr Thomas Schneider, Chair of the CAI, updated the CDMSI on the recent work of the CAI. Since the last CDMSI plenary meeting, a first reading of the Zero Draft [Framework] Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law was completed. The Draft Framework Convention was elaborated as a unifying document; however, the CAI was facing the challenge of reaching a global consensus, as also states outside the Council of Europe had expressed their willingness to accede to the Convention. In this connection, Mr Schneider highlighted the importance of exchanges between states with divergent positions, in order to understand their respective positions and identify common ground for consensus. Ms Schneider also referred to the progress of the work of the European Union in the same field and the expectation that the future EU Artificial Intelligence Act would clarify the position of the European Union on important matters related to the design, development and use of AI in Europe.

Regarding the content of the Draft Framework Convention, Mr Schneider informed the CDMSI members and observers about the debate held on the scope of the instrument and the difficulties to define AI systems. He also mentioned the expected implementation mechanism and the importance of a human rights, democracy and rule of law risk impact assessment in relation to AI and its use. The members were finally informed that the CAI was going to publish a revised working draft and thereby make it available to the interested stakeholders.

The members of the CDMSI exchanged views on several elements of the future Convention, in particular the risk assessment system and the importance of aligning the future instrument with the legal framework of the European Union.

5.2 Council of Europe Digital Partnership Digital Partnership

Ms Rodica Ciochina, Programme Advisor, Media and Internet Division, evoked the history of the Partnership for the cooperation with Internet companies and their representative associations, in place since 2016. She stressed that it was part of the Council of Europe digital agenda 2022-2025 "Protecting human rights, democracy and the rule of law in the digital environment", reflecting the Organisation's inclusive approach and commitment to multi-stakeholder dialogue.

Ms Ciochina further listed the current partners and those who are either awaiting decision on membership or have expressed interest to join the Partnership, reiterating the criteria of membership. She informed the CDMSI about the recent and planned exchanges and the cooperation with partners, mentioning the exchanges held by the CDMSI with representatives of META and ongoing discussions with LEGO. Moreover, she provided information about the current joint work with the Institute of Electrical and Electronics Engineers (IEEE) on the impact of the Metaverse on human rights, democracy and the rule of law.

6. EU press freedom report "Fragile Progress" published by the Committee to protect journalists (CPJ).

Mr Tom Gibson, EU Representative and Advocacy Manager at Committee to Protect Journalists, presented the CPJ's report "Fragile Progress", a snapshot of the current state of play regarding the work of the EU institutions on media freedom. The comprehensive document provides an overview of the relevant EU legislation, both the instruments in force and those in preparation, and includes recommendations to the EU institutions and member states on defending press freedom and ensuring journalists' safety. Mr Gibson pointed out that the murders of journalists changed the way the European institutions were perceiving the threats against journalists. He also referred to the Recommendation CM/Rec(2016)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors and emphasised the CPJ's interest in achieving its effective implementation at national level; in this connection, he mentioned that the CPJ regularly scrutinised the national reforms in the field of media freedom. During the subsequent exchange, the importance of the future Council of Europe Campaign on the safety of journalists was underlined, as well as the efforts being made, also in the Council of Europe, to tackle the challenge of disinformation and propaganda.

7. Council of Europe's work of relevance for the CDMSI - latest developments

Exchange of views with Mr Roberto Fasino, Head of the Secretariat of the PACE Committee on Culture, Science, Education and Media

Mr. Fasino, Head of the Secretariat of the PACE Committee on Culture, Science, Education and Media, provided an update on the ongoing work of this Committee of relevance to the CDMSI. In particular, he referred to the Report "Countering SLAPPs: an imperative for a democratic society" (under preparation), stressing that its aim is to support the work of the MSI-SLP. The draft report will be presented for approval to the Committee in October and subsequently, in January 2024, to the PACE plenary meeting. In addition, a report titled "Guaranteeing media freedom and the safety of journalists: an obligation of member States" was under preparation and due to be approved by the Committee in December. Mr Fasino also expressed the commitment of the PACE Committee on Culture, Science, Education and Media to promote and actively contribute to the forthcoming Campaign for the safety of journalists.

8. Follow-up to the CDMSI's previous work. Implementation of recent standard-setting instruments

8.1 Reports based on member states' answers to questionnaires:

- Measures taken to implement Recommendation CM/Rec(2016)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors

Mr Peter Noorlander, media law expert, Startup Director, Reporters Shield, informed the members of the CDMSI that an extended Implementation guide on journalists' safety had been prepared on the basis of their responses to a questionnaire covering the pillars of prevention and promotion (27 member states responded to the questionnaire). The purpose of the Guide, which complements the existing document covering protection and prosecution pillars, is to demonstrate good practices and to assist States in the implementation of the Recommendation CM/Rec(2016)4 of the Committee of

Ministers to member States on the protection of journalism and safety of journalists and other media actors. The guide includes a self-assessment tool that States can use to assess needs and the state of implementation of the 2016 Recommendation.

The Guide provides guidance on human rights-compliant legal frameworks for media independence and pluralism, stressing the importance of their ongoing review and especially the review of defamation laws. The Guide further highlights good practices regarding the use of criminal law provisions, such as legal systems with specific provisions for addressing violence against journalists, recent amendments in some states to strengthen the guarantees for journalists, for example, through anti-SLAPPs legislation, and proactive steps taken by some national courts. Moreover, the Guide includes information about legal guarantees provided in labour law, those concerning the online safety of journalists, as well as information on national action plans and initiatives to protect journalists' safety. The members of the CDMSI exchanged further information about national initiatives and action plans. The Extended Implementation Guide will be published on the occasion of the launch event of the Campaign for the Protection of Journalists' Safety.

 Measures taken to implement <u>Recommendation CM/Rec(2018)2 of the Committee of Ministers to</u> member States on the roles and responsibilities of internet intermediaries

Mr Matthias Kettemann, expert, Professor of Innovation, Theory and Philosophy of Law, University of Innsbruck, gave an overview of the state of implementation of Recommendation CM/Rec(2018)2 on the roles and responsibilities of internet intermediaries, identifying best practices and sharing suggestions that other states could follow. The analysis was based on a questionnaire replied by 20 member States. All responding States expressed a strong support for the goals of the Recommendation; however, the level of detail provided was rather low, reflecting the challenges faced by States in the implementation of the Recommendation. While some States were developing new implementing legislation, others were updating already existing legislation, with a majority of States having engaged in this context in multi-stakeholder dialogue. It appears however that few States have so far put in place transparency and risk assessment obligations for platforms. The steps taken by member States also needed to be seen in the light the developments related to the EU Digital Service Act (DSA), and more national measures could be expected in the next years. The review shows that there is space for normative improvement and further development for a more effective implementation of the Recommendation. The members of the CDMSI had a discussion about the responsibilities of internet intermediaries and the interest of States in bilateral and multilateral cooperation in the field.

8.2 Follow-up to implementation of <u>Recommendation CM/Rec(2022)16 on combating hate</u> speech - information by the secretariat, Ms Giulia Lucchese

Ms Giulia Lucchese provided an update on specific activities and initiatives carried out by the secretariat to promote Recommendation CM/Rec(2022)16 on combating hate speech and encourage its full and effective implementation. She recalled the related survey addressed to the both the CDMSI and the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) and indicated that a report based on the survey results and other sources would be presented at the spring plenary in 2024. The CDADI was also elaborating a study on preventing and combating hate speech in times of crisis. Ms Lucchese pointed out that further work on the implementation of the Recommendation was foreseen in the future CDMSI Terms of Reference, including a review of

promising practices at national level expected by the end of 2024 and a more comprehensive review report by 2027. Moreover, she informed the CDMSI about key events on hate speech that took place since its last plenary and highlighted that the Council of Europe was going to launch a future webpage on "Combating Hate Speech".

9. Council of Europe Cooperation activities on freedom of expression

Mr Cesare Pitea, Programme Manager at the Division of Co-operation on Freedom of Expression, provided an overview of the activities of the Division, with the current portfolio amounting to 14 co-operation projects including 15 beneficiaries.

One of the Division's priorities is to enhance a pluralistic and safe media environment in the project countries, which can be pursued through support to media legislation reforms, the promotion of the independence and effectiveness of national regulatory authorities and public service media, support to other stakeholders (media industry) and the establishment of networks and platforms for exchanging experiences. Moreover, the actions of the Division aim to ensure the safety of journalists and the protection of whistle-blowers by supporting investigative journalism and encouraging responsible and ethical journalism. Another area of intervention is the cooperation with partners locally to advance the alignment to international law on access to official documents (the Council of Europe's Convention on Access to Official Documents) and to strengthen personal data protection in its nexus with freedom of expression.

Mr Pitea gave concrete examples of assistance and support for legal and institutional reforms, referring to co-operation projects in Albania, Armenia, Bosnia and Herzegovina, Georgia, the Republic of Moldova, Montenegro, and North Macedonia.

He added that the activities of the Division would also support the Campaign for the Safety of Journalists and the implementation of the future Recommendation on countering the use of strategic lawsuits against public participation (SLAPPs).

10. Possible modernisation of the European Convention on Transfrontier Television (ECTT)

Ms Urška Umek, Head of Media Unit, presented the outcomes of the work of the dedicated reflection group and the replies to the questionnaire distributed to the national regulatory authorities (NRAs) by the EPRA. The questionnaire inquired whether the respondent States and their regulators encountered any problems or issues of concern in the context of transfrontier provision (reception or (re)transmission) of audiovisual media services, either between EU and non-EU jurisdictions, or between non-EU jurisdictions. Issues of concern could involve, for example, problems determining jurisdiction, problems stemming from the lack of a harmonised licensing framework across Europe, stricter content (programming) or advertising rules in a country of reception than the country of origin, cases of derogation from freedom of reception, or a lack of cooperation by relevant foreign authorities.

Ms Umek explained that 15 replies with useful information had been received from the NRAs. She observed that concrete problems have arisen in the transfrontier provision of media services and that they could mostly be resolved through informal or formal bilaterial cooperation between the competent NRAs, based on the provisions of domestic laws or European instruments. Moreover, several regulators either evoked problems which could not be resolved on the basis of the ECTT

(propaganda and disinformation originating from non-signatories of the Convention) or did not report having encountered any major issues of concern. A document with an analysis of options for further work was also prepared, listing the advantages and disadvantages of each option. The first option would be to suspend further consideration of the ECTT revision, the second option to propose the revision of the ECTT in its entirety, and the third option to propose the elaboration of a binding instrument with a material scope different from the one covered by the AVMSD, codifying the existing principles of media freedom.

Ms Umek mentioned that the preliminary findings from the questionnaire were presented at the 24th meeting of the CDMSI Bureau on 13 April 2023. Given the variety of replies to the NRA questionnaire, coupled with the variety of positions expressed by the reflection group, the Bureau members took the view that there was as yet insufficient support for any particular course of action to be taken.

Similarly, the CDMSI members reaffirmed that the challenges relating to the ECTT remained vital and agreed to keep the topic on the CDMSI agenda and encourage members and observers to report on any relevant developments in the area of transfrontier provision of audio-visual media services. The CDMSI would reassess at a later stage and in light of relevant future developments and member States' support whether there might be a need for renewed regulatory intervention in this area.

11. Council of Europe's work of relevance for the CDMSI - latest developments (continued)

Ms Sophie Valais, Deputy Head of the Department for Legal Information of the European Audiovisual Observatory, informed the CDMSI that the Presidency of the executive Council of the EAO was held by Portugal. She invited the CDMSI members to follow updates on the implementation of the Audiovisual Media Services Directive (AVMSD) in the dedicated database and informed them about the legal mapping of third countries' approximation to the Directive. This analysis will be published on the respective websites of the European Audiovisual Observatory and the European Commission. Ms Valais also informed the CDMSI about the "AVMSD Notes" which offer a targeted analysis of the national provisions on the selected topics of the European works, protection of minors and commercial communication. Moreover, she provided further information about the latest legal publications and the pilot publication on the promotion of European works and financial obligations of different services. She also referred to the events of the European Audiovisual Observatory.

Ms Emmanuelle Machet, Head of the EPRA Secretariat, provided information about EPRA's work on the topics of media information for public good and the future of content delivery. During the Plenary meeting in Oslo (31 May-2 June 2023) the key discussion focused on securing public interest content in the digital age. Ms Machet also provided updates about the work of the EPRA's Taskforce on Media and Information Literacy ("EMIL") and the AI & Regulators Roundtable. Regarding the cooperation with the Council of Europe, she highlighted the facilitating role of the EPRA for the case study on the application of the ECTT and stressed that there have been discussions to develop a process for the cooperation with the Council of Europe on the regulatory capacity-building projects. She finally informed the CDMSI that the next EPRA meeting would take place in Bucharest on 18- 20 October 2023.

12. Council of Europe Campaign on the protection of journalists' safety

The Secretariat informed the CDMSI about the launch of the <u>Campaign of the Council of Europe for</u> the <u>Safety of Journalists</u> in Riga on 5 October 2023. The launch of the Campaign will introduce the

high-level Conference: "The Pen is Mightier than the Sword? Meeting today's challenges to freedom of expression and the safety of journalists", co-organised by the Latvian Presidency of the Committee of Ministers and the Media and Internet Division. During the conference, the participants will discuss about the national efforts to safeguard the vital role played by journalists for democracy, including in times of crisis and/or conflict. The topic of disinformation will also be addressed.

Furthermore, the secretariat provided information about the role of the National Focal Points under the Campaign. The National Focal Points will provide a linkage between the campaign's managing structures and relevant counterparts and their first meeting will take place on the occasion of the official launch of the Campaign.

Regarding the National Committees on the safety of journalists, these are expected to operate as an interagency structure, bringing together representatives of agencies and organisations involved in the implementation of the Campaign at the national level, the Secretariat underlined their key role in the identification of domestic needs and challenges and the coordination of the efforts made to address these challenges.

The Secretariat also provided information about the national action plans and other good practices that have been discussed during the Workshop on the existing initiatives on the safety of journalists that took place on 1-2 June 2023 in Strasbourg. The workshop highlighted the importance of an inclusive policy for the protection of journalists and their safety, also involving interaction with local and regional actors to identify specific concerns/trends at local and regional levels. It pointed to problems related to the lack of protection mechanisms or, where mechanisms and/or initiatives do exist, the absence of a holistic approach or of appropriate funding. The workshop also offered an opportunity to discuss some more specific concerns, such as risks for freelancers and women journalists, and resulted in useful input for the future Campaign. A listing of initiatives at national level will be developed and made available on the Campaign dedicated webpage.

13. Exchange with partners of the platform to promote the protection of journalism and safety of journalists

Mr Riccardo Gutiérrez, Secretary General of the European Federation of Journalists (EFJ), highlighted that the Council of Europe Platform to promote the protection of journalism and safety of journalists is a tool that has become instrumental to the dialogue and interaction between the Organisation, its member states, CSOs and journalists' associations. Recent modifications introduced to improve the Platform system are based on suggestions from States and are to make the Platform more efficient and credible. Alerts now have a field that indicates the actions expected from the State for each case listed. Moreover, systemic alerts will be introduced to cover structural threats that do not concern specific isolated cases but incidents that can affect several countries. The Platform will also incorporate a response time for States (three months to respond to posted alerts). Mr Gutiérrez expressed concerns regarding the growing number of alerts and the cases of impunity for attacks or murder of journalists; he also stressed that in Europe around 150 journalists were in prison. Furthermore, he referred to cases illustrating how surveillance legislation can be diverted from its legitimate use to repress journalists. Mr Gutiérrez also made some critical remarks regarding issues raising concern for journalists in the text of the European Media Freedom Act (EMFA) currently being discussed in the framework of the EU institutions.

Mr William Horsley, who represents the Association of European Journalists and is also international Director of the Centre for Freedom of the Media, University of Sheffield, alerted to the findings of the Annual Report of the partner organisations to the Platform (War in Europe and the Fight for the Right to Report) showing that there is a widespread degradation of press freedom across the whole of Europe. He informed the CDSMI that in 8 years of its existence the Platform has recorded [as of 15 June 2023] 1,573 alerts, of which 699 have been replied to by States, amounting to a response rate of 51.5 percent. He stressed that the Partners urged member States to radically improve the record of replies and to step up remedial actions. Moreover, Mr Horsley shared the Partners' prime concerns and recommendations to member States. In that context, he stressed that impunity is a dangerous pattern breeding more violence and more fatal attacks against journalists. He also referred to failures of national legal orders to provide justice for the murders of journalists.

14. Recent country-specific developments in the field of freedom of expression

The members of the CDMSI had a tour de table on recent country-specific developments in the field of freedom of expression. Ms Olha Herasymiuk, Chair of the National Council of Television and Radio Broadcasting of Ukraine and member of the CDMSI in respect of Ukraine, provided information about the new media law in Ukraine which came into force on March 2023. Ms Elfa Yr Gylfadottir, Director, Media Commission, Ministry of Education, Science and Culture of Iceland, presented the Recommendations of the Nordic Think Tank for Tech and Democracy published in the end of April. The Recommendations are calling Nordic States to remain united towards the threats to Democracy and have been discussed among the Ministries of culture in all the Nordic countries. Some of them, such as Denmark, have already taken actions.

15. Exchange of view with Mr Ahmet-Murat Kiliç, Head of the Digital Transformation and Elearning Unit, Education Department

Mr Ahmet-Murat Kilic, Head of the Digital Transformation and E-learning Unit, Education Department, provided information about the Council of Europe's Digital Citizenship Education (DCE) Programme which is preparing citizens to live in a technologically enriched world. He explained that access to education is related to digital technology and stressed that all projects of the department aim to empower learners of all ages towards competences of democratic culture, in order to tackle the challenges brought by digital evolution. He referred to Recommendation CM/Rec(2019)10 of the Committee of Ministers to member States on developing and promoting digital citizenship education and specified that Digital Citizenship is a broader concept that encompasses digital literacy, digital competences, citizenship's skills and information literacy. Based on this Recommendation, the department launched a project on artificial intelligence and education. In the context of this project, a literacy review was conducted and a report (entitled: Artificial intelligence and education - A critical view through the lens of human rights, democracy and the rule of law - Empower learners of all level) was prepared with important conclusions for a better understanding of the links between education and AI. He also informed the CDMSI that an instrument on the application of AI systems in education will be prepared in parallel with the work of CAI. Following the presentation of Mr Kiliç, the CDMSI discussed the certification of educational applications, specific groups of learners, the digital cooperation with LEGO and future fields of work in media and information literacy.

16. Participation in events of relevance for the CDMSI

Information about the participation of the Council of Europe in the International Fora on Digital Governance was provided in written form.

17. Other business

The members of the CDMSI agreed to hold its next plenary meeting on 29 November - 1st December 2023 in Strasbourg.

18. Approval of the abridged meeting report

The CDMSI agreed in writing to adopt the abridged meeting report.

Steering Committee on Media and Information Society - CDMSI

23rd meeting 14-56 June 2023 (9h30 – 12h30; 14h00 – 17h30h)

> CDMSI(2023)004 15 May 2023

Agenda

14-15 June 2023 Strasbourg, Palais de l'Europe room 3

14 June 2023

Morning Session 09:30 - 12:30

1. Opening of the meeting

Mr Taavo Lumiste, Chair of the CDMSI

2. Adoption of the agenda

3. Ongoing standard setting work

3.1 Committee of Experts on Increasing Media Resilience (MSI-RES)

For information and discussion

- Report of the 3rd meeting of the MSI-RES (30-31 March 2023)
- Draft Guidelines on the responsible implementation of artificial intelligence (AI) in journalism
- Collection of good practices for sustainable media financing update on the questionnaire on the national legislation and practices in the field

Information by Ms Urška Umek, Secretary to the MSI-RES

10:45 – 11:00 Coffee break

Welcoming remarks

Mr Patrick Penninckx, Head of Information Society Department

3.2 Committee of experts on the Integrity of Online Information (MSI-INF)

For information and discussion

- Report of the 3rd meeting of the MSI-INF (27-28 March 2023)
- Draft guidance note on countering the spread of online mis- and disinformation through fact-checking and platform design solutions in a human-rights compliant manner

Information by Mr Andrin Eichin, Chair of the MSI-INF, and Ms Evangelia Vasalou, Secretary to the MSI-INF

3.3. Committee of Experts on Strategic Lawsuits against Public Participation (MSI-SLP)

For information, discussion and decision on public consultation

- Report of the 3rd meeting of the MSI-SLP (18-19 April 2023)
- Draft recommendation on countering the use of strategic lawsuits against public participation (SLAPPs)

Information by Ms Flutura Kusari, Co-rapporteur of the MSI-SLP, and Ms Giulia Lucchese, Secretary to the MSI-SLP

Afternoon session 14:00 – 17:30

4. Future work of the CDMSI/future terms of reference

For information and discussion

Information by Ms Artemiza-Tatiana Chisca, Secretary to the CDMSI

15:15 – 15:30 *Coffee break*

5. Digital Governance

- **5.1** Council of Europe Committee on Artificial Intelligence Information by Mr Thomas Schneider, Chair of the <u>CAI</u>, and the secretariat
- **5.2** Council of Europe Digital Partnership <u>Digital Partnership (coe.int)</u>

Participation in the International Fora on Digital Governance

Information by Ms Rodica Ciochina, Programme Advisor, Media and Internet Division

6. EU press freedom report "Fragile Progress" published by the <u>Committee to protect</u> journalists (CPJ).

Presentation by **Tom Gibson**, CPJ's lead advocate in Brussels

7. Council of Europe's work of relevance for the CDMSI - latest developments

Exchange of views with Mr Roberto Fasino, Head of the Secretariat of the PACE Committee on Culture, Science, Education and Media

15 June

Morning Session 09:30 - 12:30

8. Follow-up to the CDMSI's previous work. Implementation of recent standard-setting instruments

For information and discussion

- **8.1** Reports based on member states' answers to questionnaires:
 - Measures taken to implement <u>Recommendation CM/Rec(2016)4 of the Committee</u> of <u>Ministers to member States on the protection of journalism and safety of</u> journalists and other media actors
 - Presentation by Mr Peter Noorlander, expert, Startup Director, Reporters Shield
 - Measures taken to implement <u>Recommendation CM/Rec(2018)2 of the Committee</u> of <u>Ministers to member States on the roles and responsibilities of internet intermediaries</u>
 - <u>- Presentation by Prof. Matthias Kettemann, expert, Professor of Innovation, Theory and Philosophy of Law, University of Innsbruck</u>
- **8.2** Follow-up to implementation of CM/Rec(2022)16 on combating hate speech information by the secretariat, Ms Giulia Lucchese

10:45 – 11:00 Coffee break

9. Council of Europe Cooperation activities on freedom of expression

Information provided by Mr Cesare Pitea, Programme Manager, Co-operation on Freedom of Expression Division

10. Work progress related to the European Convention on Transfrontier Television (ECTT)

Report on the outcomes of the work of the reflection group on the ECTT and related consultations.

Information provided by Ms Urška Umek, Head of the Media Unit

For information and discussion on subsequent steps

11. Exchange of view with Mr Ahmet-Murat Kiliç, Head of the Digital Transformation and Elearning Unit, Education Department

Advancing education through a human-rights based digital transformation

- Digital citizenship education: Preparing citizens to live in a technologically enriched world
- o Being online
- o Well-being online
- o Rights online
- Artificial Intelligence and Education: Harnessing the potential of digital technologies
- Guidelines to support equitable partnerships of education institutions and the private sector: A positive engagement

Afternoon session 14:00 – 17:30

12. Council of Europe's work of relevance for the CDMSI - latest developments (continued)

Exchange of views with the Secretariat of the <u>European Audiovisual Observatory</u>, <u>Ms Sophie Valais</u>, <u>Deputy Head of Department for Legal Information</u>; <u>Ms Emmanuelle Machet</u>, Head of the <u>EPRA</u> Secretariat

For information and discussion

13. Participation in events of relevance for the CDMSI

Information provided by the CDMSI members

Information provided by the Secretariat

Ms Rodica Ciochina on IGF, Eurodia

Ms Urska Umek on EPRA

Ms Giulia Lucchese on RightsCon

Ms Artemiza-Tatiana Chisca

14. Council of Europe Campaign on the protection of journalists' safety

Launch of the <u>Campaign</u>
Ms Rodica Ciochina

<u>National focal points</u> and <u>national committees</u> for the safety of journalists Ms Artemiza-Tatiana Chisca, Ms Giulia Lucchese

National initiatives on the protection of journalists' safety

Information provided by the Secretariat

For information and discussion

15:45-16:00 Coffee break

15. Exchange with partners of the <u>platform to promote the protection of journalism and safety of journalists</u>

Discussion, Mr Riccardo Gutiérrez, Mr William Horsley

16. Recent country-specific developments in the field of freedom of expression

Tour de table,

- Olha Herasymiuk from Ukraine
- Elfa Yr Gylfadottir from Iceland on Nordic approach to democratic debate in the age of Big Tech: https://pub.norden.org/nord2023-004/

GENERAL REFERENCE DOCUMENTS

Terms of reference	CDMSI terms of reference 2022-2025
Terms of reference	MSI-INF terms of reference 2022-2023
Terms of reference	MSI-RES terms of reference 2022-2023
Terms of reference	MSI-SLP terms of reference 2022-2023

CM/Res(2021)3	Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods
Final declaration and resolutions	Conference of Ministers responsible for Media and Information Society: Artificial intelligence – Intelligent politics; Challenges and opportunities for media and democracy. Adopted Final Declaration and Resolutions, (Nicosia, 10-11 June 2021)
Conference report	Council of Europe Conference of Ministers responsible for Media and Information Society (Nicosia, 10-11 June 2021) – Conference report

RECENT MEETING REPORTS

CDMSI-BU(2023)002	Report of the 24 th CDMSI Bureau Meeting (13 April 2023)
MSI-INF(2023)11	Report of the 3 rd meeting of the MSI-INF (27-28 March 2023)
MSI-SLP(2023)11	Report of the 3 rd meeting of the MSI-SLP (18-19 April 2023)
CM(2022)109	Abridged report of the 21 st meeting of the CDMSI (1-2 June 2022)
CDMSI(2022)003	Long report of the 21 st meeting of the CDMSI (1-2 June 2022)
CDMSI-BU(2022)02	Report of the 23 rd CDMSI Bureau meeting (3 November 2022)
CDMSI-BU(2022)01	Report of 22nd CDMSI Bureau meeting (7 April 2022)

Steering Committee on Media and Information Society (CDMSI) / Comité directeur sur les médias et la société de l'information (CDMSI)

23rd meeting – 14-15 June 2023 / 23^e réunion – 14-15 juin 2023

List of participants / *Liste de participants*

Total number of participants: / Nombre total des participants : 85 Gender distribution: 48 men (56%) / 37 women (44%) / Parité entre hommes : 48 hommes (56%) / 37 femmes (44%)

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