



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 17 January 2007

CDMC(2006)027

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

(CDMC)

**4th meeting
28 November to 1 December 2006**

REPORT

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

1. The Steering Committee on the Media and New Communication Services (CDMC) held its 4th meeting from 28 November to 1 December 2006 in Strasbourg. The meeting was chaired by Mr Matthias Traimer (Austria) for the first day and by Mr Karol Jakubowicz (Poland) for the remainder of the meeting.

The Chairperson opened the meeting and welcomed the participants, particularly the representative of Article 19 who was participating for the first time as an observer. The list of participants is set out in Appendix I. The agenda, as adopted, appears in Appendix II.

The CDMC took note that, following his retirement from the National Broadcasting Council of Poland, this was the last Steering Committee that Mr Karol Jakubowicz would attend, in both his capacity as Chairperson and as Polish member of the Committee. The CDMC expressed its most sincere gratitude to Mr Jakubowicz for his exceptional leadership during his Chairmanship and for his incalculable contribution to its activities over many years, as well as to media-related work carried out by other Council of Europe bodies and services. His expertise, sound counsel and judgment will be sorely missed by the Steering Committee. The CDMC encouraged the Secretariat to continue to draw on Mr Jakubowicz's expertise when appropriate.

2. The Chairperson introduced Mr Jan Kleijssen who had recently been appointed Director of Directorate II of the Directorate General of Human Rights of the Council of Europe. Mr Kleijssen informed the Committee that he was very familiar with its work, the high quality of which was also recognised by the Committee of Ministers. He considered that, with its experience and reputation, the CDMC was very well placed to assist member states in meeting the current and future challenges faced by them in the field of media, the information society and the protection of freedom of expression.

Mr Kleijssen also briefly informed the Steering Committee that the budgetary situation of the Council of Europe was likely to remain difficult in 2007, with the need to guarantee the long-term effectiveness of the European Court of Human Rights as the main priority of the Organisation. He recalled that all decisions for future work would of course be subject to the necessary budgetary means being allocated to the work of the CDMC by the Committee of Ministers.

Mr Kleijssen recalled that intergovernmental committees were encouraged to make as much use as possible of electronic means of communication in their working methods. He also highlighted the need for committees to create synergies and to seek co-operation with other bodies, both within the Council of Europe, such as the Parliamentary Assembly, and with other international organisations.

Item 3 of the agenda: Decisions of the Committee of Ministers of interest to the work of the CDMC

3. The CDMC took note that the Committee of Ministers, at its 974th meeting on 27 September 2006, had adopted the Recommendation on the empowerment of children in the new information and communications environment as well as the Declaration on the guarantee of the independence of public service broadcasting. The Steering Committee also noted that the Committee of Ministers had taken note of its response on the alignment of laws

on defamation with the relevant case-law of the European Court of Human Rights, including the issue of decriminalisation of defamation, but had not provided any instructions for further action on that matter. The CDMC therefore decided that work on the matter could be considered completed.

4. The CDMC took note of the message of the Committee of Ministers to committees involved in intergovernmental co-operation within the Council of Europe, adopted on 28 September 2006 (cf. CDMC(2006)019) through which the Steering Committee is called upon to contribute to a comprehensive report on the implementation of the Action Plan adopted during the Warsaw Summit of Heads of State and Government which the Committee of Ministers has decided to prepare for the 117th Ministerial Session in May 2007. It noted that this contribution should supply appropriate information on what has been, is being and will be done in pursuance of the Summit Action Plan (which, for the CDMC, amounts to the Kyiv Action Plan adopted by the 7th European Ministerial Conference on Mass Media Policy, Kyiv, March 2005) and also seek to conduct a critical evaluation of the work carried out in recent years, both in terms of its relevance (i.e. to the Organisation's fundamental values) and its added-value (both intrinsically and in relation to the work of other international organisations or other committees of the Council of Europe).

The CDMC examined a draft text which had been prepared by the Secretariat at the request of the Bureau and discussed further elements which could be included. In the light of these discussions, delegations were requested to submit their contributions in writing to the Secretariat by the end of December 2006 so that the draft text could be completed. The CDMC mandated the Bureau to finalise the text and transmit it to the Committee of Ministers within the set timeframe (first quarter of 2007).

5. The CDMC also took note of the decision of the Committee of Ministers of 29 November 2006 concerning Recommendation 1773 (2006) of the Parliamentary Assembly on the 2003 guidelines on the use of minority languages in the broadcast media and the Council of Europe standards inviting the CDMC to make possible comments on the Recommendation by 1 April 2007. In this context, the CDMC highlighted the relevance of the work carried out on media and intercultural dialogue, as well as some of the issues being addressed by its groups of specialists, such as community media or the remit of public service media. It also considered that the work of the DH-MIN should be fully taken into account. Finally, attention was drawn to the fact that the issue of access of minorities to the media is also currently being dealt with by the European Union.

The CDMC asked the Secretariat to prepare a draft response to the Committee of Ministers on the basis of its discussions which could be sent to CDMC members for further comment. It mandated the Bureau to finalise the text and forward it to the Committee of Ministers before the due date.

Item 4 of the agenda:

Follow-up to the monitoring procedure of the Committee of Ministers on freedom of expression and information

6. The CDMC recalled that, by decision of 24 November 2004, the Committee of Ministers, in the follow up to its monitoring procedure concerning freedom of expression and information, instructed the Steering Committee on Mass Media (CDMM), which

subsequently became the Steering Committee on the Media and New Communication Services (CDMC), to look into the issue of media pluralism vis-à-vis media concentration.

Further, the Ministers participating in the Kyiv Ministerial Conference requested that the Council of Europe continue to monitor the development of media concentration in Europe, with a view to suggesting any legal or other initiatives which it may consider necessary in order to preserve media pluralism.

In this respect, the CDMC had decided that, in addition to the work being carried out by its subordinate Group of Specialists on Media Diversity (MC-S-MD), an additional document should be prepared looking at the risks to democracy or to democratic processes that might result from media concentration to an extent that could give media groups the power to separately or jointly set the agenda of public debate or shape public opinion.

7. The Bureau had subsequently worked on a draft declaration focusing on the media's role in democracy in the context of concentration, seeking to bring a definite added value to existing texts or texts currently under preparation. The CDMC approved the draft declaration subject to certain amendments and decided to transmit it to the Committee of Ministers for consideration with a view to its adoption.

The CDMC noted that this action responds to the Committee of Ministers on the subject and it contributes to the implementation of part I, section 3, of the Action Plan adopted by the Third Summit of Heads of State and Government of the Council of Europe, by reference to item 9 of the Kyiv Action Plan.

Item 5 of the agenda: Work programme for the CDMC in 2007

8. It was recalled that this item of the agenda was foreseen to provide the opportunity, if need be, for the Steering Committee to discuss priority issues or other matters related to its work programme. Whilst it was understood that the bulk of the CDMC's work would stem from its groups of specialists, delegations were nevertheless encouraged to use the item to reflect on possible new topics that could be put on the agenda for future work. It was suggested, in this context, that the subject of the next ministerial conference might be addressed during the next meeting.

Item 6 of the agenda: Working methods of the CDMC

9. The CDMC took note that, with a view to facilitating and streamlining the decision making process in the Committee of Ministers, all work emerging from the CDMC is first examined by the Group of Rapporteurs on Human Rights (GR-H). In this context, it was recalled that the terms of reference of each intergovernmental body, be it a steering committee or a group of specialists, will also be scrutinised by the relevant Group of Rapporteurs to ensure that the work with which it is being tasked is fully justified and relevant in the light of the Council of Europe's core objectives. The activities concerned and results pursued must be of clear added value to what already exists or is being done not only within the Council of Europe but also in other international organisations. All terms of reference should therefore be concrete and identify clearly the expected output.

Item 7 of the agenda: **Draft instruments submitted by the Groups of Specialists for consideration by the CDMC**

10. *Media pluralism and diversity:* In addition to the above-mentioned instructions from the Committee of Ministers (cf. paragraph 6), the Kyiv Ministerial Conference also requested that the Council of Europe examine the question of cultural diversity in light of the phenomenon of media concentration in the digital environment and to revise, if necessary, Recommendations Nos. R (99) 1 on measures to promote media pluralism and R (94) 13 on measures to promote media transparency.

In response, the CDMC's subordinate Group of Specialists on Media Diversity (MC-S-MD) prepared a draft recommendation updating the two instruments, given that transparency of media ownership is vitally important for the purposes of assessing and ensuring media pluralism. Having regard to the Ministers' decisions, in revising these texts, the CDMC took account of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) Convention on the protection and promotion of the diversity of cultural expressions which attaches considerable importance to international and regional co-operation with a view to its implementation.

11. The CDMC examined the draft recommendation and approved it subject to a number of amendments, and decided to transmit it to the Committee of Ministers for consideration with a view to its adoption.

The CDMC noted that this action responds to the Committee of Ministers on the subject and it contributes to the implementation of part I, section 3, of the Action Plan adopted by the Third Summit of Heads of State and Government of the Council of Europe, by reference respectively to items 10, 11 and 12 of the Kyiv Action Plan.

12. *Public service media:* The Ministers participating in the above-mentioned Ministerial Conference also requested that the Council of Europe examine how the remit of public service broadcasting organisations should be developed and adapted by member states to suit the new digital environment, and to formulate any legal or other proposals which it may consider advisable for this purpose.

In response, the CDMC's subordinate Group of Specialists on public service broadcasting in the Information Society (MC-S-PSB) prepared a draft recommendation which includes guiding principles for adapting the remit of public service media in the information society.

The CDMC examined the draft recommendation and approved it subject to certain amendments, and decided to transmit it to the Committee of Ministers for consideration with a view to its adoption.

The CDMC noted that this action responds to the Committee of Ministers on the subject and it contributes to the implementation of part I, section 3, of the Action Plan adopted by the Third Summit of Heads of State and Government of the Council of Europe, by reference to item 15 of the Kyiv Action Plan. It also responds to Recommendation 1641 (2004) of the Parliamentary Assembly, which calls for a "new major policy document on public service broadcasting taking stock of recent technological developments". The CDMC underlined the fact that its proposed approach is vital for public service media and is also consistent with the

views expressed by Mrs Viviane REDING, Member of the European Commission responsible for Information Society and Media.

Item 8 of the agenda: Implementation of Council of Europe standards on media and freedom of expression

(a) Implementation of non-binding instruments prepared under the authority of the CDMC

15. The CDMC took note of the Bureau's discussions on the work being carried out in respect of Recommendation (2000) 23 on the independence and functions of regulatory authorities for the broadcasting sector and agreed to discuss this issue at its next meeting.

(b) Discussion of a possible future mechanism for promoting respect of Article 10 of the European Convention on Human Rights

16. The CDMC held a first exchange of views on a possible future mechanism for promoting respect of Article 10 of the European Convention on Human Rights. The CDMC considered that the proposal merited further consideration and asked the Secretariat to develop in more detail the paper prepared for this first discussion, particularly with a view to addressing more fully the points or questions raised during the meeting. Such a document would, in turn, allow CDMC members to obtain preliminary reactions from relevant national authorities with a view to assessing the potential political support for such a mechanism, and to enable the Steering Committee to decide what the next steps might be. The CDMC therefore decided to resume discussions on this item at its next meeting.

Item 9 of the agenda: Internet governance

(i) Possible follow-up of the Council of Europe to the Internet Governance Forum (Greece, 30 October to 2 November 2006)

17. The Secretariat informed the CDMC of the Council of Europe's contributions to, and its participation during, the Internet Governance Forum (IGF) which included the participation of experts¹ as panelists both in the main plenary sessions on "openness" and "security" and in several other workshops one of which was organised by the Council of Europe itself².

¹ The participating Council of Europe experts were: Senator Paschal Mooney, Government Spokesperson on Foreign Affairs (Ireland), broadcaster/journalist, human rights activist; Mrs Hanne Sophie Greve, Justice (Norway), former judge at the European Court of Human Rights; Professor dr. Dirk Voorhoof, Ghent University-Belgium/Copenhagen University-Denmark (Belgium); Professor dr. Yves Pouillet (Belgium), Director of the CRID - University of Namur-Belgium; and Prof. Henrik W. K. Kaspersen, President of the Council of Europe Cybercrime Convention Committee. In addition, the following took part in the Council of Europe workshop: Ms Rikke Frank Jørgensen, Senior adviser, The Danish Institute for Human Rights, Copenhagen (Denmark); Mr Fred Tipson, Senior Policy Counsel and Director for International Development Policy, Microsoft, US.

² Council of Europe workshop on human rights and the Internet: how anonymous can and should we be? (Athens, 1 November 2006).

The CDMC observed that this work had brought a strong human rights dimension to the event and established the Council of Europe as a fully-fledged partner in the IGF process.

18. In preparation for the next IGF, to be held in Rio de Janeiro from 12 to 15 November 2007, the Secretariat underlined the importance for Groups of Specialists to develop, where appropriate, transferable standards, guidelines and tools for key state and non-state actors in order to promote the practical understanding of and compliance with rights, freedoms and responsibilities on the Internet.

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

19. At the request of the CDMC, the representative of Armenia, Mr Garegin Chookaszian, reported back on his participation in the workshop on copyright and freedom of expression organised by the *Asociacion Literaria y Artistica para La Defensa del Derecho de Autor* (ALADDA), Spanish section of *Association littéraire et artistique internationale* (ALAI), that was held in Barcelona in June 2006.

Following the main lines of his report³, Mr Chookaszian considered it important *inter alia* not to start work on a standard setting instrument on the right to freedom of expression and information in this area without first organising a consultation (hearing) with different stakeholders (legislators, the content industry, producers of Digital Rights Management (DRM) systems, World Intellectual Property Organisation (WIPO), the consumer electronics industry, the Internet software industry).

In view of this, and in referring to the proposed terms of reference for the Group of Specialists on Human Rights in the Information Society (MC-S-IS), the Chairperson invited both the Group and the Secretariat to take note of this when carrying out their future work, in particular in preparing a report on emerging issues and trends in respect of, on the one hand, the protection of intellectual property rights and technical protection measures in the context of the development of new communication and information services (and the Internet) and, on the other hand, the fundamental right to freedom of expression and free flow of information, access to knowledge and education, the promotion of research and scientific development and the protection and promotion of the diversity of cultural expressions and artistic creation and, if appropriate, make concrete proposals for further action in this area.

Item 11 of the agenda: Intercultural Dialogue

20. As a follow-up to the invitation of the the Chair of the Committee of Ministers to the CDMC to comment on the Ministers Deputies' Guidelines on the drawing up of the "White Paper on Intercultural Dialogue", the CDMC examined a background paper on the "Media and Intercultural Dialogue" that had been prepared as a basis for discussions and considered it a satisfactory contribution to the White Paper. In the light of its discussions, and following an exchange of views with Mr Ulrich Bunjes of the Council of Europe Directorate General IV – Education Culture and Heritage, Youth and Sport, the CDMC offered its further cooperation in the preparation of the White Paper.

³ CDMC(2006)015.

Item 12 of the agenda: **Work of the CDMC's subordinate bodies and consideration of their future work and possible extension or revision of their terms of reference**

(i) Terms of reference for the groups of specialists

21. The CDMC examined the state of progress of the work of its subordinate bodies and prepared draft terms reference for their future work, with a view to ensuring that, subject to the necessary resources being made available, the Action Plan adopted by the 7th European Ministerial Conference on Mass Media Policy and confirmed by the Warsaw Summit Action Plan, be fully implemented (cf. paragraphs 22 to 30 below). It decided to transmit the proposed draft terms of reference for its subordinate bodies to the Committee of Ministers for approval.

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

22. Due to lack of time, the CDMC was not able to discuss in detail the draft texts prepared by the MC-S-IC but provided some guidance for their development. The revised texts will be discussed at the first 2007 meeting of the CDMC with a view to transmitting them to the Committee of Ministers for possible adoption.

23. The CDMC approved the draft terms of reference for the MC-S-IC subject to certain amendments. It agreed that those terms of reference should run until the end of 2007, without prejudice to their possible further extension if appropriate.

The main future lines of action of the group will focus respectively on (i) guidelines to member states on protecting freedom of expression and information in times of crisis (*cf. items 1 to 3 of the Kyiv Action Plan*); (ii) the value of investigative journalism for democracy and the need to protect and promote such type of journalistic work (*cf. item 29 of the Kyiv Action Plan*); (iii) the establishment and operation of an informal web-based discussion space and network inter alia for the ongoing review by media professionals of the rights and responsibilities of the media and the working conditions of journalists in times of crisis (*cf. items 4 and 6 of the Kyiv Action Plan*); (iv) an award for media which have made an outstanding contribution to conflict prevention or resolution, understanding and dialogue (*cf. item 7 of the Kyiv Action Plan*); (v) a proposal for a possible Council of Europe coordinator for monitoring the implementation by member states of the texts adopted by the Council of Europe concerning freedom of expression and information in times of crisis (*cf. item 8 of the Kyiv Action Plan*); and finally (vi) a proposal for encouraging the training of media professionals with an emphasis on safety issues and on the importance of the professional and independent coverage of crisis situations (*cf. item 5 of the Kyiv Action Plan*).

(iii) Group of Specialists on media diversity (MC-S-MD)

24. The CDMC considered the draft terms of reference proposed by the MC-S-MD, as well as working documents related to its ongoing and future work. It approved the proposed terms of reference subject to certain amendments and agreed that they should cover the period 2007-2008.

The main future lines of action of the group will focus on (i) a methodology proposal for the effective monitoring of media concentration and content diversity (instead of the proposed creation of a network of experts to look at media concentration vis-à-vis pluralism and content diversity, an objective which was regarded as too ambitious, unlikely to render reliable results and going beyond the requirements of the Kyiv Action Plan) (*cf. item 9 of the Kyiv Action Plan*); (ii) monitoring the implementation of Recommendation Rec(2003)9 of the Committee of Ministers on measures to promote the democratic and social contribution of digital broadcasting (*cf. item 14 of the Kyiv Action Plan*); and (iii) the role of the media in promoting social cohesion and the integration of different communities (*cf. item 13 of the Kyiv Action Plan*), in particular through examining the role of community, local, minority and social media, the ways in which the public in all its diversity can be involved in consultative programming structures and the importance of independent productions for media pluralism and social cohesion (*cf. also item 12 of the Kyiv Action Plan*).

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

26. The Secretariat briefly informed the CDMC on progress in the work of the MC-S-PSB and presented the proposed terms of reference for the renamed Group of Specialists on public service media in the Information Society (MC-S-PSM) for the period 2007-2008.

27. The CDMC noted, in particular, that items 15 and 21 of the Kyiv Action Plan were partially covered by the work on the text for the draft Recommendation on the remit of public service media in the information society. It was proposed that the Group continue its work on these two items, by preparing respectively a compendium of good practices on how member states ensure the legal, financial, technical and other appropriate conditions required to enable public service media to discharge their remit in the information society in the light of relevant Council of Europe standards, as well as a compendium of best practices of public service media as regards promoting a wider democratic participation of individuals.

The CDMC considered that items 13 and 22 of the Action Plan (*cf. paragraph 28 below*) called for an interdisciplinary approach and it was suggested that the MC-S-PSM co-operate thereon with other Council of Europe departments, for example the Ad hoc Committee on e-democracy (CAHDE).

28. The Steering Committee approved the draft terms of reference for the MC-S-PSM without amendments. It agreed that the terms of reference should cover the period 2007-2008. The main future lines of action of the Group will address (i) the role of the media in promoting social cohesion (*cf. item 13 of the Kiev Action Plan*), (ii) the manner in which states ensure the legal, financial, technical and other appropriate conditions required to enable public service media to discharge their remit in the information society (*cf. item 15 of the Kyiv Plan*); (iii) strengthening the role of the media in promoting a wider democratic participation of individuals (*cf. item 21 of the Kyiv Plan*) and (iv) the manner in which the media can increase the transparency of public authorities and facilitate their scrutiny (*cf. item 22 of the Kyiv Action Plan*).

(v) Group of Specialists on human rights in the Information Society (MC-S-IS)

29. The CDMC took note of the Group's progress in implementing its terms of reference, in particular with regard to the empowerment of children in the new information and communications environment and their protection against harmful content.^{4 5}

The Secretariat informed the CDMC that the MC-S-IS would soon complete and submit to it, during the first half of 2007, the following: (i) follow-up report on the implementation of the Declaration on freedom of communication on the Internet; (ii) draft guidelines on the roles and responsibilities of key state and non-state actors in the Information Society, while being respectful of freedom of expression; and (iii) a draft text updating Recommendation No. R (99) 15 on media coverage of election campaigns, reviewed in the light of the development of digital broadcasting services and other new communication services.

30. The CDMC approved the draft terms of reference of the Group of Specialists on human rights in the information society (MC-S-IS), subject to certain amendments. It agreed that the terms of reference should cover the period 2007-2008. The main future lines of action of the Group, in addition to those mentioned above, focus on: (i) the protection for children from harmful content when using new communication technologies and services (*cf. items 17, 19 and 23 of the Kyiv Action Plan*); (ii) the use and impact of technical filtering measures for various types of content in the online environment, with particular regard to Article 10 of the ECHR (*cf. items 19 and 23 of the Kyiv Action Plan*); (iii) respect for human dignity in the new communication services (*cf. item 27 of the Kyiv Action Plan*); (iv) emerging issues and trends in respect of, on the one hand, the protection of intellectual property rights (*cf. item 18 of the Kyiv Action Plan*); (v) follow-up work on Internet governance and on the implementation of two of the World Summit Information Society action lines, (vi) the follow-up to Recommendation Rec(2006)12 on empowering children in the new information and communications environment (*cf. items 23 of the Kyiv Action Plan*) and finally (vii) developing tools to assist key state and non-state actors in their practical understanding of, and compliance with, human rights and fundamental freedoms in the Information Society in particular with regard to Article 10 of the European Convention on Human Rights (*cf. items 19 and 23 of the Kyiv Action Plan*).

Item 13 of the agenda: Standing Committee on Transfrontier Television (T-TT)

31. The Secretariat reported on the work carried out by the Standing Committee on Transfrontier Television (T-TT) during its 41st meeting which took place on 9 and 10 October 2007. In particular, the Standing Committee had adopted two opinion, respectively on the interpretation of Article 12, paragraph 4, of the European Convention on Transfrontier Television, on the meaning of announcements in the public interest and the interpretation of Article 18, paragraph 3, of the Convention, regarding the prohibition of sponsorship of news and current affairs programme in the context of thematic news channels.

⁴ Recommendation (2006) 012 on empowering children in the new information and communications environment.

⁵ Updating of Council of Europe Handbook on Internet Literacy.

The priority of the T-TT remains the revision of the Convention, in parallel with the legislative process of the Audiovisual Media Services Directive at European Union level. A drafting group was set up to work on the revision of the Convention with a view to submitting a draft text to the Standing Committee at its next meeting in the autumn of 2007.

The CDMC noted the interest of the regulatory authorities of Israel and Morocco to participate in a meeting of the Committee and the Standing Committee's decision to respond favourably to their respective requests.

The CDMC also noted that the Russian Federation had signed the Convention on 4 October 2006. The total number of States Party to the Convention is 31, including one state which is not a member of the Council of Europe, and a further 7 states have signed it. The full report of the meeting can be found in document T-TT(2006)023.

Item 14 of the agenda: **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

32. The CDMC took note of Resolution No 1510 (2006) on freedom of expression and respect for religious beliefs, adopted on 28 June 2006 in which it resolves to "*revert to this issue on the basis of a report on legislation relating to blasphemy, religious insults and hate speech against persons on grounds of their religion*" and of Recommendation 1773 (2006) adopted by the Standing Committee on behalf of the Assembly on 17 November 2006 on the 2003 guidelines on the use of minority languages in the broadcast media and the Council of Europe standards (cf. paragraph 5 above). It also took note that other reports are currently under preparation within the Parliamentary Assembly on "A European dimension in the professional education and training of journalists" and "The role of media for democracy" and that two motions had been introduced, on "Electronic media without frontiers" and on "Access to satellite broadcasting platforms".

The CDMC also took note of the presentation made by Ms Bissera Zankova (Bulgaria) on behalf of the CDMC to the Sub-Committee on the Fight against Crime and Terrorism of the Parliamentary Assembly with regard to its work on defamation (cf. CDMC(2006)Misc5) and thanked her for that contribution. As regards other cooperation, as already indicated, Paschal Mooney, the Vice Chairperson of the Sub-Committee on the Media of the Parliamentary Assembly participated actively and effectively in the IGF Forum (cf. paragraph 17).

b. Congress of Local and Regional Authorities of the Council of Europe (CLRAE)

33. No information concerning the work of the CLRAE of relevance to the CDMC had been identified.

c. Steering Committee for Human Rights (CDDH)

- Group of Specialists on Access to Official Information (DH-S-AC)

34. The CDMC heard a report from Ms Delia Mucica (Romania) who had represented the CDMC at the 14th meeting of the DH-S-AC (15 to 17 November 2006) (cf. also Ms Mucica's written report on the meeting, CDMC(2006)Misc8). CDMC members raised concerns about the approach apparently favoured by the DH-S-AC in respect of the definition of official documents, more restrictive than that contained in Recommendation Rec(2002)2, the approach adopted in Recommendation No. R (81) 19 and recent developments in international jurisdictions. The CDMC considered that the new draft instrument should not restrict unduly the concept of public documents, as this could risk lowering existing standards. It decided that this view be made known to the Committee of Ministers, and in due course, to the DH-S-AC. The CDMC asked Ms Mucica to represent the CDMC at the next meeting of the DH-S-AC.

- Committee of Experts for the Development of Human Rights (DH-DEV)

35. The CDMC took note of the information provided by Ms Bissera Zankova (Bulgaria) who had represented the Steering Committee at the meeting of the DH-DEV's working group on hate speech in a multicultural society and thanked her for the contribution made on its behalf to the final report of that working group (cf. document CDMC(2006)Misc6). Ms Zankova was asked to represent the Steering Committee at the next meeting of the DH-DEV which would take place from 7 to 9 February 2007.

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

36. The CDMC took note of the report (DH-MIN(2006)015) on "Access of National Minorities to the Media" prepared by Mr Tom Moring for the DH-MIN and the comments on that report prepared by Messrs Tarlach McGonagle (DH-MIN(2006)016) and Karol Jakubowicz (DH-MIN(2006)017).

- Council of Europe Colloquy on "Protecting and Supporting Human Rights Defenders"

37. The CDMC took note of the conclusions of a Colloquy on Protecting and Supporting Human Rights Defenders which had been organised by the Commissioner for Human Rights and the Directorate General of Human Rights on 13 and 14 November 2006. These conclusions stress that "the media can be a powerful partner for HRDs, both indirectly and directly. For instance, the media can publicise the often sensitive issues raised by human rights defenders. More generally the media can increase awareness and understanding of the important role played by human rights defenders in society."

In particular, the Steering Committee noted that, with regard to the role of the media in support of human rights defenders, it was suggested that the CDMC be invited to examine, with input from civil society and media organisations, how to promote such a role in concrete terms. The CDMC noted in particular that these conclusions would not be transmitted to the Committee of Ministers, and therefore no formal instruction in this respect was likely to be

forthcoming; nevertheless it considered that the issue might merit further consideration at some point in its future work.

d. Consultative Council of European Judges (CCJE)

38. No information concerning the work of the CCJE of relevance to the CDMC had been identified.

e. European Commission Against Racism and Intolerance (ECRI)

39. Following the seminar on “The fight against racism in the full respect of freedom of expression”, which was organised by ECRI on 16 and 17 November 2006, Ms Bissera Zankova (Bulgaria), who had represented the CDMC at the event, together with Mr Matthias Traimer (Austria) who had participated as a moderator, informed the Steering Committee of the discussions that had taken place. Ms Heike Klempa, member of the ECRI Secretariat provided further elements on the Seminar. Among the issues discussed were media self-regulation and the effectiveness of codes of conduct, the Court’s approach in underlining the principle of proportionality when examining the balance between free expression and racist discourse, the importance of developing community media, strengthening public service media and increasing the representation of minority groups in the mainstream media, and the value of training courses for journalists. A new issue concerning self-regulation within political parties for non-racist societies was also introduced during the Seminar. The report of the Seminar would be forwarded to CDMC members in due course (ECRI(2006)47). Certain participants requested that contacts with ECRI be pursued.

f. Ad hoc Committee on E-democracy (CAHDE)

40. The CDMC heard reports from the CDMC representative, Ms Delia Mucica (Romania), to the Ad hoc Committee on E-democracy (CAHDE), and from Mr Michael Remmert, Secretary to the CAHDE following its 1st meeting (Strasbourg, 18 and 19 September 2006). The CDMC took note with interest of the e-democracy tools which the Committee plans to develop in order to promote democracy and democratic practice as well as participation in public life.

The CDMC was favourable to strengthening the working relations with the Committee, in particular with regard to the Group of Specialists on public service media in the Information Society (MC-S-PSM) and to the Group of Specialists on human rights in the Information Society (MC-S-IS). The CDMC asked Ms Mucica to continue to represent the CDMC at both the meetings of CAHDE and of its working group (the first of which will be held in Vienna on 13 and 14 December 2006).

g. Steering Committee on Culture (CD-CULT)

41. The CDMC heard a report from the Chairperson of the CD-CULT, Mr Kimmo Aulake, on the current priorities of that Committee. In particular, it noted that work is underway with a view to modernising cultural policies in member states so as to respond to the cultural diversity in today’s society, through the promotion of economic and social rights and of participation in cultural life and access to cultural services. Mr Aulake also mentioned the CD-CULT’s activities aiming to promote the ratification by Council of Europe member

states of the UNESCO Convention on the protection and promotion of the diversity of cultural expressions.

Finally, highlighting the useful input which the CDMC might bring to the work of the CD-CULT, Mr Aulake invited the Chairperson of the CDMC to participate in its next meeting which will take place in March 2007.

Item 15 of the agenda: Assistance and technical co-operation programmes being implemented by the Media Division

42. The CDMC took note of the information document on Assistance and Technical Co-operation in the Media Field in 2007 (ATCM(2007)001).

Item 16 of the agenda: Co-operation and exchanges with other countries and organisations, in particular neighbouring regions of Europe

43. The CDMC recalled that, in accordance with its terms of reference, it should “*develop co-operation and exchanges with other countries and organisations, in particular in neighbouring regions of Europe, on questions falling within its area of competence.*” In this context, it took note of the report prepared at its request. In particular, it noted that extensive co-operation exists between the Media Division of the Council of Europe and the European Union in the context of joint co-operation and assistance programmes in the field of media and that some co-operation already exists with Trans-Mediterranean organisations in the context of the T-TT activities.

The OSCE representative, Ms Heidi Smith, highlighted the important and welcome co-operation which exists between the Media Division and the Office of the Representative on Freedom of the Media. She expressed the need to continue co-operation, particularly with regard to practical assistance activities and legal reviews so as to ensure synergies between the two organisations and coherence of standards in the media field. Some of the topics currently being addressed by the OSCE and relevant to the work of the CDMC include the issues of libel and defamation, the freedom of political debate in the media and hate speech. Ms Smith also mentioned the possibility of co-operation with regard to the work underway on intercultural dialogue.

Item 17 of the agenda: Other information of interest to the work of the CDMC

a. Results of the 2006 Pan-European Forum on Human Rights in the Information Society

44. The CDMC took note of the General Report and Action Lines resulting from the Pan-European Forum on Human Rights in the Information Society: Empowering Children and Young People which took place in Yerevan, on 5 and 6 October 2006 and agreed to convey them to the Committee of Ministers with a view to bringing them to the attention of the relevant authorities of member States.

The CDMC thanked the representative of Armenia, Mr Garegin Chookaszian, and the Ministry of Foreign Affairs of Armenia for their efforts and support in organising and facilitating this event.

b. Follow-up to the third phase of the World Summit on the Information Society

45. The Secretariat informed the CDMC of its contributions to, and the general outcome of, the UNESCO meetings on action lines C9 on “Media” and C10 on “the ethical dimension of the Information Society”⁶. The CDMC observed that much of the discussion and planned follow-up in these fields will focus on many areas of the Organisation’s *acquis* and on-going work in the field of the media and new communication services.

c. Report on the Finnish Presidency of the European Union

46. The delegate from Finland gave an oral presentation on the Finnish Presidency of the European Union. Ms Kristina Hautala-Kajos first informed the Standing Committee on the progress achieved during the Presidency on the draft Audiovisual Media Services Directive. In particular, she reported that the Council’s debate on the directive was mostly concerned with the country-of-origin principle and product placement. A general approach for the directive was agreed during the Education, Youth and Culture Council meeting on 13 November 2006 and the European Parliament was due to vote on the draft directive in December.

47. The Finnish delegate also mentioned that the Recommendation on the protection of minors and human dignity in audiovisual and information services will also be examined by the European Parliament in December. Finally she informed the CDMC that “Media 2007: a programme of support for the European audiovisual sector” was finalised in November and would start as planned in January 2007 and that a Seminar on European Content and Copyright Policy took place in Helsinki on 13 and 14 July 2006.

Item 18 of the agenda: Administrative and Budgetary Matters

48. The Secretariat informed the CDMC of a number of staff changes which had taken place within the Media Division. This was likely to have some impact on the distribution of specific tasks, particularly with regard to responsibilities concerning the Steering Committee’s subordinate bodies. The Steering Committee would be informed of relevant details in due course.

Item 19 of the agenda: Elections

49. The CDMC held elections for its Chairperson, Vice-Chairperson and to its Bureau, in accordance with the terms of Resolution Res(2005)47 on committees and subordinate bodies, their terms of reference and working methods. The election results (all by unanimous vote) were:

⁶ These and other WSIS action lines are appended to the Tunis Agenda for the Information Society that was adopted during the Second Phase of the WSIS in Tunis in November 2005.

- Mr Matthias TRAIMER (Austria) was elected Chairperson for an initial term of office of one year, expiring on 31 December 2007;
- Ms Delia MUCICA (Romania) was elected Vice-Chairperson for an initial term of office of one year, expiring on 31 December 2007;
- Ms Elfa YR GYLFADÓTTIR (Iceland) and Mr Andris MELLAKAULS (Latvia) were elected members of the Bureau for an initial term of office of two years, expiring on 31 December 2008.

It was recalled that the other members of the Bureau are:

- Ms Bissera ZANKOVA (Bulgaria) who was re-elected member of the Bureau at the 2nd meeting of the CDMC (29 November to 2 December 2005) for a second term of office of two years, expiring on 31 December 2007;
- Mr Frédéric RIEHL (Switzerland) who was elected member of the Bureau at the 3rd meeting of the CDMC (30 May to 2 June 2006), replacing Mr Eric FRANSSSEN, to serve the remainder of the initial two-year term of office, expiring on 31 December 2007;
- Ms Vesna POPOSKA (“the former Yugoslav Republic of Macedonia”) who was elected member of the Bureau at the 2nd meeting of the CDMC (29 November to 2 December 2005) for an initial term of office of two years, expiring on 31 December 2007.

50. The CDMC reiterated its gratitude to Mr Karol Jakubowicz for his Chairmanship and expressed appreciation for the valuable input made by Ms Pernille Rahbek (Denmark) to the work of the Bureau of the CDMC.

Item 20 of the agenda:

Dates of the next meetings

51. The CDMC took note of the dates of its 5th meeting (11 to 14 June 2007) and of the timetable for the remaining meetings of its subordinate bodies and the T-TT in 2007 (cf. document CDMC(2006)018).

Item 21 of the agenda:

Items to be included on the agenda of the 5th meeting of the CDMC

52. The CDMC considered and approved the list of items to be included in the agenda for its 5th meeting (cf. document CDMC(2006)023).

Item 22 of the agenda:

Other business

Next ministerial conference

53. The CDMC took note of Iceland’s proposal to host the next ministerial conference in spring 2009 and that official notification would be transmitted to the Secretary General of the Council of Europe in due course.

Item 23 of the agenda: Abridged report

54. The CDMC examined the draft abridged report on the meeting to be submitted to the Committee of Ministers (cf. document CDMC(2006)024) and adopted it subject to certain amendments. The full meeting report should be sent to members at the earliest opportunity.

* * *

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Appendix II

1. **Opening of the meeting**
2. **Adoption of the agenda**
3. **Decisions of the Committee of Ministers of interest to the work of the CDMC**
4. **Follow-up to the monitoring procedure of the Committee of Ministers on freedom of expression and information**
5. **Work programme for the CDMC in 2007**
6. **Working methods of the CDMC**
7. **Draft instruments submitted by the Groups of Specialists for consideration by the CDMC**
8. **Implementation of Council of Europe standards on media and freedom of expression**
 - (a) **Implementation of non-binding instruments prepared under the authority of the CDMC**
 - (b) **Discussion of a possible future mechanism for promoting respect of Article 10 of the European Convention on Human Rights**
9. **Internet governance**
 - (i) **Possible follow-up of the Council of Europe to the Internet Governance Forum (Greece, October 2006)**
10. **Copyright in the context of the work of the CDMC**
11. **Intercultural Dialogue**
12. **Work of the CDMC's subordinate bodies and consideration of their future work and possible extension or revision of their terms of reference**
 - (i) **Terms of reference for the groups of specialists**
 - (ii) **Group of Specialists on freedom of expression and information in times of crisis (MC-S-IC)**
 - (iii) **Group of Specialists on media diversity (MC-S-MD)**
 - (iv) **Group of Specialists on public service broadcasting in the Information Society (MC-S-PSB)**

- (v) **Group of Specialists on human rights in the Information Society (MC-S-IS)**
13. **Standing Committee on Transfrontier Television (T-TT)**
 14. **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**
 - b. **Congress of Local and Regional Authorities of the Council of Europe**
 - c. **Steering Committee for Human Rights (CDDH)**
 - **Group of Specialists on access to official information**
 - **Committee of Experts for the Development of Human Rights**
 - **Committee of Experts on Issues relating to the Protection of National Minorities**
 - d. **Consultative Council of European Judges (CCJE)**
 - e. **European Commission Against Racism and Intolerance (ECRI)**
 - f. **Ad hoc Committee on e-democracy (CAHDE)**
 15. **Assistance and Technical co-operation programmes being implemented by the Media Division**
 16. **Co-operation and exchanges with other countries and organisations, in particular neighbouring regions of Europe**
 17. **Other information of interest to the work of the CDMC**
 - a. **Results of the 2006 Pan-European Forum on Human Rights in the Information Society**
 - b. **Follow-up to the second phase of the World Summit on the Information Society**
 - c. **Report on the Finnish Presidency of the European Union**
 18. **Administrative and budgetary Matters**
 19. **Elections**
 20. **Dates of the next meetings**
 21. **Items to be included on the agenda of the 5th meeting of the CDMC**

22. **Other business**
23. **Abridged report**