



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 22 June 2006

CDMC-BU(2006)003

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

(CDMC-BU)

**Meeting of 29 May 2006
Human Rights Building**

REPORT

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

1. The Bureau of the Steering Committee on the Media and New Communication Services (CDMC-BU) met on 29 May 2006 in Strasbourg. The meeting was chaired by Mr Karol Jakubowicz (Poland) and was devoted in part to the preparation of the 3rd meeting of the CDMC (30 May to 2 June 2006) and the rest to an exchange with the Chairpersons of the groups of specialists subordinate to the CDMC.
2. The list of participants is set out in Appendix I. The agenda, as adopted, is set out in Appendix II.

Item 3 of the agenda: Finalisation of preparations for the 3rd meeting of the CDMC (30 May to 2 June 2006)*(a) Agenda and Order of Business of the CDMC*

3. With regard to the preparations for the 3rd meeting of the CDMC, the Bureau examined the agenda and the order of business and agreed to propose certain amendments to the Steering Committee.

(b) Examination of the alignment of the laws on defamation with the relevant case-law of the European Court of Human Rights, including the issue of decriminalisation of defamation

4. It was recalled that following the April meeting of the Bureau, the Secretariat had prepared a revised version of the draft reply, incorporating the amendments flowing from the contributions submitted by delegations and in the light of the Bureau's discussions. This reply was sent out to CDMC members on 26 April 2006 for consideration before the 3rd meeting of the CDMC, requesting that any comments and concrete drafting proposals be submitted to the Secretariat as soon as possible. To date, the Secretariat had received one such response, from the French delegation which had been sent out to all members of the CDMC on 18 May 2006.

The Bureau examined the French delegation's comments and proposals. Following discussion between the Secretariat and that delegation as to the exact formulation of the proposed amendments, the Bureau decided to support the changes in question. In order to facilitate their examination by the CDMC, the Bureau asked the Secretariat to incorporate the suggested amendments to the draft in a visible manner.

5. On the issue of decriminalisation of defamation, the Secretariat informed the Bureau that, on the occasion of the 2006 World Press Day, the Secretary General of the Council of Europe had called on all Council of Europe member states "to review their legislation, abolish criminal provisions and prevent disproportionate damages in civil cases against journalists". The Bureau also noted that the Parliamentary Assembly is currently preparing a report on decriminalisation of defamation and asked the Secretariat to follow closely any developments on this issue.

(c) Information on the work of other Council of Europe bodies of interest to the CDMC

6. The Bureau took note of the report (in particular paragraphs 9 to 12 and paragraph 32) of the 1st meeting of the Cybercrime Convention Committee (T-CY) (T-CY (2006) 11) which did not appear on the CDMC draft agenda.

7. The Bureau also took note that Mme Mucica was unable, due to unforeseen circumstances, to attend the meeting of the Committee of Experts for the Development of Human Rights as had been mentioned in the notes on the agenda and would therefore be unable to report on the results of that meeting. The meeting had addressed, inter alia, the topic of hate speech, in the context of discussions on human rights in a multicultural society. The Bureau decided that the Secretariat of the DH-DEV be invited to the CDMC meeting to provide information on relevant aspects of the work of the group of experts.

(d) Other business

8. The Bureau gave some preliminary consideration to the Committee of Ministers' guidelines for the elaboration of a "White Paper on Intercultural Dialogue" which had been transmitted to the CDMC by the Chair of the Committee of Ministers. It agreed that the CDMC should examine the document and decide what the most appropriate approach would be with a view to preparing a substantive contribution from the Steering Committee.

Item 4 of the agenda: Exchange with Chairpersons of the Groups of Specialists of the CDMC

9. Before the exchange with the representatives of the groups of specialists, the Chair recalled that the objective, during both the Bureau and the CDMC meeting, was to assess the results or expected output of the groups for the end of the year, to be informed of any obstacles encountered or foreseen to achieve specific objectives set in the groups' terms of reference (and alternatives or means to overcome these obstacles); and any points on which further guidance from the CDMC or the Bureau could facilitate the work of the groups. In addition, it would be useful to hear about the working methods of each group, about any difficulties encountered and whether working methods are considered efficient, and explore ways in which they might be improved in the future.

10. He recalled that the current terms of reference of the groups of specialists expire at the end of 2006; it would therefore be useful to explore the work of the groups and results expected beyond 2006, and the extent to which the terms of reference need to be renewed and revised.

11. The Bureau held an exchange of views with Ms Zrinjka Peruško (Croatia), Chairperson of the MC-S-MD; Ms Heleen Janssen (the Netherlands), Vice-Chairperson of the MC-S-IS; Ms Bissera Zankova (Bulgaria) who chaired the last meeting of the MC-S-PSB; and, in the absence of Ms Dunja Mijatovic (Bosnia and Herzegovina), Chairperson of the MC-S-IC, with the group's Secretary.

12. Each of the group representatives gave a comprehensive presentation of the state of progress of work in their respective groups. The content of these presentations are reflected in the report of the 3rd meeting of the CDMC which followed on from the Bureau meeting and during which similar presentations were made.

Having heard the various presentations, the Bureau noted that there were still a good number of tasks that had yet to be completed by all the groups. With this in mind, and with a view to exploring how best to progress in completing all the tasks listed in the action plan, a number of issues were discussed regarding the terms of reference and working methods of the groups of specialists:

Terms of Reference

13. Some Bureau members considered that the current terms of reference of the specialist groups were perhaps too broadly drafted, and could therefore be interpreted as too ambitious. From that perspective, when drawing up terms of reference for groups of specialists, in the future the Bureau/CDMC should try to ensure that they are as focused as possible, and that the tasks envisaged are clear, specific, concrete, realistic and can be achieved within the period determined in the terms of reference. This should facilitate the work of groups of specialists as their activities would be more focused and there would be lesser likelihood that discussions digress onto issues that are not strictly included in the terms of reference.

The Bureau recalled that the responsibility of preparing draft terms of reference, for examination by the CDMC, lay largely with the Bureau itself and it should therefore be vigilant and keep in mind the points raised above when examining draft terms of reference. However, it was also mentioned that present groups of specialists were now well placed to decide what might realistically be achieved in 2007/2008. Therefore it was decided that it would be useful if each group be requested to submit proposals to the Bureau as to how their respective terms of reference might be renewed, revised or extended to include new tasks, for examination by the Bureau and then by the CDMC at its 4th meeting.

Composition of groups and working methods

14. Whilst it was emphasised that it is of course preferable that groups of specialists are composed of experts in the field being addressed, the responsibility of who is nominated to sit on an expert group remains that of the government concerned. Therefore, whilst letters to governments might highlight the fact that a certain expertise is highly desirable, there is little more that can be done in that respect.

Some Bureau members highlighted that it is important to benefit as much as possible from the competences of the various members of the group, so that each can bring an individual and personal contribution to the work of the group, also allowing for a more equitable distribution of tasks. The role of both the Chair and the Secretariat in proposing more manageable and specific tasks to each in this respect is primordial. In a similar way, one group Chairperson expressed the idea that there was perhaps not a sense of ownership of the projects in hand by the whole group. It might therefore be beneficial, and motivating to experts, if the global vision of the work being undertaken was more clearly defined.

15. One participant drew attention to the fact that high absenteeism at meetings of specialist groups can only be detrimental to the work of the group. Therefore, a certain level of commitment should be forthcoming from experts who accept to take part in the work of specialist groups.

16. With regard to working methods, it was suggested that experts could be assisted in their work if they are given more defined and better determined tasks to accomplish, with a

view to being able to bring their expertise to the work of the group by preparing a concrete contribution to a specific issue. The Secretariat remains the co-ordinator of the expertise and can then carry out its responsibilities in bringing the various contributions together with a view, for example, to preparing a consolidated text for consideration by the group as a whole. More specific delegation of tasks could accelerate progress, and facilitate the work of the Secretariat.

17. It was also mentioned that a number of ad hoc working groups had been set up by groups of specialists, and such groups could serve to advance rapidly on certain specific tasks if need be. Similarly, some groups of specialists had set up shared working space on-line (windows sharepoint services). Whilst such a facility did allow for work to progress between meetings of groups, and could usefully be envisaged for other groups of specialists, it nevertheless did not have the same dynamism as the work carried out during meetings themselves.

18. The Bureau thanked the representatives of the Groups of Specialists for the work being carried out by those groups and for their contributions to the discussions. It indicated that it looked forward to the further discussions that would take place during the upcoming meeting of the CDMC.

Item 5 of the agenda: Other business

19. There was no other business.

APPENDIX I**List of participants****Members of the Bureau of the CDMC / Membres du Bureau du CDMC****Austria/Autriche**

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Secretariat/Secrétariat

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Mr Pall THORHALLSSON, Administrative Officer, Directorate General of Human Rights - DG II / Administrateur, Direction Générale des Droits de l'Homme - DG II

Ms Charlotte de BROUTELLES, Administrative Officer, Secretary of the MC-S-MD, Directorate General of Human Rights - DG II / Administratrice, Secrétairé du MC-S-MD, Direction Générale des Droits de l'Homme - DG II

Mr Eugen CIBOTARU, Administrative Officer, Secretary of the MC-S-PSB, Directorate General of Human Rights - DG II / Administrateur, Secrétairé du MC-S-PSB, Direction Générale des Droits de l'Homme - DG II

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

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

Ms Alessia SONAGLIONI, Secretary of the T-TT, Directorate General of Human Rights - DG II / Administratrice, Secrétaire du T-TT, Direction Générale des Droits de l'Homme - DG II

Ms Katherine ANDERSON, Principle Administrative Assistant, Media Division, Directorate General of Human Rights - DGII / Assistante Administrative Principale, Division Médias, Direction Générale des Droits de l'Homme - DG II

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APPENDIX II

Agenda

- 1. Opening of the meeting**
- 2. Adoption of the agenda**
- 3. Finalisation of preparations for the 3rd meeting of the CDMC (30 May to 2 June 2006)**

Working documents

- Draft agenda of the 3rd meeting of the CDMC
CDMC(2006)OJ1
- Notes on the draft agenda of the 3rd meeting of the CDMC
CDMC(2006)OJ1notes
- Draft Order of Business for the 3rd meeting of the CDMC
CDMC(2006)OT1
- Report of the meeting of the Bureau of the CDMC (12 and 13 April 2006)
CDMC-BU(2006)002
- Report of the 2nd meeting of the CDMC (29 November to 2 December 2005)
CDMC(2005)028

- 4. Exchange with Chairpersons of the Groups of Specialists of the CDMC**

Working documents

- Terms of reference of the CDMC and its subordinate bodies
CDMC(2006)003
- Adopted texts of the 7th European Ministerial Conference on Mass Media Policy, Kyiv (Ukraine), 10 and 11 March 2005
MCM(2005)005
- Report of the meeting of the Bureau of the CDMC (12 and 13 April 2006)
CDMC-BU(2006)002
- Report of the 3rd meeting of the MC-S-IC (6 and 7 February 2006)
MC-S-IC(2006)004
- Report of the 3rd meeting of the MC-S-MD (20 and 21 March 2006)
MC-S-MD(2006)006
- Report of the 3rd meeting of the MC-S-PSB (27 and 28 March 2006)
MC-S-PSB(2006)004
- Report of the 4th meeting of the MC-S-IS (9 and 10 March 2006)
MC-S-IS(2006)008
- Report of the 3rd meeting of the MC-S-IS (12 and 13 December 2005)
MC-S-IS(2005)017

- 5. Other business**