

***Bureau of the Steering Committee on
Media and Information Society
(CDMSI-BU)***



**1st Meeting - 29 to 30 May 2012
(Strasbourg, Palais de l'Europe, Room 16)**

(4/7/2012)

1 & 2. Opening of the meeting – adoption of the agenda

The meeting was opened by the Chairperson of the CDMSI, Mr Andris Mellakauls. The Bureau adopted the agenda and the order of business (Appendix I). The list of participants appears as Appendix II.

Jan Kleijssen, Director of Information Society and Action against Crime, provided information to the Bureau, *inter alia*, concerning the following items:

- A stocktaking of implemented activities under the outgoing chairmanship of the Committee of Ministers (United Kingdom) and priorities set by the incoming chairmanship (Albania), as declared at the 122nd session of the Committee of Ministers (23 May 2012);
- The importance of starting the preparations of the content and practical details of the 1st Conference of Ministers responsible for Media and Information Society to be held in Belgrade in September/October 2013;
- A Task Force on Freedom of Expression and Media established by the Secretary General to facilitate communication across the Secretariat for the implementation of the CM Declaration of 13 January 2010.

3. Decisions of the Committee of Ministers

Subordinate groups

Draft terms of reference of CDMSI subordinate group: Committee of Experts on Rights of Internet Users (MSI-DUI), see below under item 6)

Standard setting texts

Recommendation CM/Rec(2012)3 on the protection of human rights with regard to search engines; and

Recommendation CM/Rec(2012)4 on the protection of human rights with regard to social networking service.

The Bureau took note of the adoption of these instruments by the Committee of Ministers on 4 April 2012.

Draft Declaration on the desirability of international standards dealing with forum shopping in respect of defamation, “libel tourism”, to ensure freedom of expression.

The Bureau noted that the Draft declaration had been put on hold by the Rapporteur Group on Human Rights (GR-H) following a request from the European Commission.

Texts of the Parliamentary Assembly of the Council of Europe

“Violent and extreme pornography” – PACE Recommendation 1981 (2011)

Reply adopted by the Committee of Ministers on 12 April 2012 at the 1140th meeting of the Ministers’ Deputies.

The Bureau took note of the CM reply in respect of this PACE Recommendation and discussed the instruction to the CDMSI (paragraph 5 of the reply). It asked the Secretariat to take stock of work available in this context and discussed the possibility of organising a hearing on this topic. The Bureau will continue discussing this matter at its next meeting.

PACE Recommendation 1998(2012) on the protection of freedom of expression and information on the internet and online media

PACE Recommendation 1996 (2012) Equality between women and men: a condition for the success of the Arab spring

PACE Recommendation 2001(2012) – “Protection of and access to the audiovisual cultural heritage”

The Bureau took note of the CM invitations to provide comments on the recommendations and noted the expected timeline for CDMSI consideration (end June/early July)

4. Exchanges of views

The Bureau discussed the importance of exploring possible cooperation between the Council of Europe and the European Union and to avoid unnecessary duplication. In this context, the Chairperson referred to a presentation he had made before the EC High Level Group on Media Freedom and Pluralism on 17 April 2012.

The Bureau agreed to invite the Chairperson of the EC High Level Group (Ms Vaira Vike-Freiberga, former President of Latvia) or another representative of the High Level Group to the next CDMSI meeting.

The Bureau also agreed to extend an invitation to the newly appointed Commissioner for Human Rights, Mr Nils Muizniek for an exchange of views with the CDMSI.

5. Council of Europe Internet Governance Strategy 2012-2015

Follow-up chart to the Council of Europe Internet Governance Strategy 2012-2015

The Bureau took note of the chart prepared by the Secretariat and suggested changes to provide the CDMSI with a better overview of the implementation of the Strategy.

6. Information Society and Internet Governance

Standard setting activities

Draft Committee of Ministers declaration on risks to fundamental rights stemming from digital tracking and other surveillance technologies

Further to discussions at the 1st CDMSI meeting, the Bureau agreed to submit the draft text for comments by 30 June 2012 to the Cybercrime Convention Committee (T-CY), the Consultative Committee of the Convention for the Protection of Individuals with regards to Automatic Processing of Personal Data (T-PD) and the European Committee on Legal Co-operation (CDCJ).

Follow-up to specific instruments on the Internet adopted by the Committee of Ministers

Declaration on Internet Governance principles;

Recommendation on the protection and promotion of the universality, integrity and openness of the Internet; and

Declaration on network neutrality.

The Bureau asked the Secretariat to invite all CDMSI members to send suggestions for follow-up actions by 31 July 2012.

Compilation of existing rights for Internet users

Draft terms of reference of the Committee of Experts on Rights of Internet Users (MSI-DUI) – revised version; and

List of candidates for the MSI-DUI (submitted by members of the CDMSI).

The Bureau noted that the adoption of the terms of reference of the MSI-DUI was pending before the Committee of Ministers. Subject to adoption, the Bureau prepared a short list of proposed members (Appendix III) to be approved by the CDMSI by 18 June 2012.

Drafting of an instrument on cross-border flow of Internet traffic

It was recalled that the CDMSI at its first meeting had agreed to consider output on the basis of a preliminary report identifying concrete issues. In this connection the Bureau agreed that the Secretariat start the preparations for such a report through an informal meeting in the autumn 2012. This topic will be explored in a dedicated workshop at the IGF meeting in Baku in November 2012.

Cooperation activities

European Dialogue on Internet Governance (EuroDIG - Stockholm, 14-15 June 2012)

The Bureau took note of information provided by the Secretariat on the 5th edition of EuroDIG.

Internet Governance Forum (Baku, 6-9 November 2012 dates to be confirmed)

The Bureau took note of preliminary information by the Secretariat on the Council of Europe participation and contributions. It asked the Secretariat to explore possibilities and, if appropriate, make arrangements for an IGF event on the safety of online journalists and bloggers.

7. *Media*

Standard setting activities

Initiatives to strengthen the protection of journalists, other media professionals and bloggers, both as regards preventive measures and effective investigation, taking into account the work conducted by other international organisations, and to foster ethical journalism

The Bureau discussed possible ways forward concerning this matter. Several international organisations and NGOs are active and any CDMSI action should provide added value. To this end, it would be helpful to have a better picture of what has been done, including Council of Europe instruments, and what else could usefully be done. The Bureau asked the Secretariat to provide information to facilitate CDMSI consideration of the matter. See also previous paragraph *in fine*, concerning an IGF event.

Draft convention on broadcasters' neighbouring rights

The Bureau noted that no further developments had been reported since the 1st CDMSI meeting at which this matter was put on hold.

Draft recommendation on gender equality and media

The Secretariat informed the Bureau that the current draft text had been submitted to the Treaty Office of the Council of Europe which had suggested that it be re-drafted as a self-standing recommendation (as opposed to a recommendation updating existing texts). The Secretariat was asked to prepare a revised draft recommendation and to convene a meeting of an informal working group in order to finalise the draft recommendation towards the end of 2012.

Gender equality dimension in the media coverage of election campaigns

The Bureau considered an outline of an instrument prepared by the Secretariat at the request of the CDMSI. The Bureau suggested that further work on an instrument on this topic should be engaged only after a draft recommendation on gender and equality has been finalised.

Proposals to the Committee of Ministers on follow-up to specific media-related instruments adopted by the Committee of Ministers (e.g. in respect of public service media, public service value of the Internet, or a new notion of media)

The Bureau noted that the CDMSI had agreed to put this item on hold without prejudice to discussions related to the next specialised Ministerial Conference.

Cooperation activities

In member states and in neighbouring regions

The Bureau took note of information provided by the Secretariat on on-going activities and on projects for activities in Armenia, Azerbaijan, Georgia, Moldova and Ukraine (Joint Programmes EU-Council of Europe), Bosnia and Herzegovina (voluntary contributions, Ireland and Norway) and in respect of neighbouring countries (Jordan, Morocco and Tunisia).

8. Implementation of CM Declaration of 13 January 2010

The Bureau was informed that the Secretary General had established the inter-secretariat Task Force on Freedom of Expression and Media to be coordinated by the Media Division. The Task Force includes Private Office of the Secretary General, the Registry of the European Court of Human Rights, the Office of the Commissioner for Human Rights, the Department of Execution of the Court's Judgments and the Secretariat of the Parliamentary Assembly, the Congress of Local and Regional Authorities, the Committee of Ministers, the Venice Commission, the European Commission against Racism and Intolerance (ECRI), as well as the Directorate of Communications. A first meeting of the Task Force has been scheduled for 21 June 2012.

The Secretariat will keep the CDMSI and the Bureau informed of the work of the Task Force and facilitate communication for the CDMSI to provide an intergovernmental expert input.

9. Protection of personal data

Standard setting activities

Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS 108);

Recommendation R(89)2 on the Protection of Personal Data Used for Employment Purposes; and

Recommendation R(87)15 Regulating the Use of Personal data in the Police Sector.

The Bureau took note of the state of play concerning the revision of the above instruments. It also noted the accession of Armenia as the 44th contracting party to Convention 108.

10. 1st Council of Europe Conference of Ministers responsible for Media and Information Society (Belgrade, September/October 2013)

The Bureau discussed proposals for themes submitted by Matthias Traimer, Ren Reynolds, Andris Mellakauls, the French delegation, Thomas Schneider and a Secretariat non-paper synthesising discussions. The Bureau asked the Secretariat to prepare a consolidated document based on its discussion and other possible CDMSI contributions for the next Bureau meeting.

11. CDMSI relations with other Council of Europe bodies

The Bureau agreed that CDMSI representation would be advisable in other Council of Europe committees, provided their specific agendas are relevant for the CDMSI and subject to budgetary means available. It left it to the Secretariat, in dialogue with the Chair, to decide on such participation on a case by case basis, in particular in respect of:

- The Committee of Experts on Terrorism (CODEXTER);

-The Cybercrime Convention Committee (T-CY);

-The OCTOPUS Conferences;

-The European Committee for Social Cohesion (CDCS);

-The Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (T-ES).

-The Conference of Ministers of Justice (“Responses of justice to urban violence”)

The Bureau was informed of the preparations concerning the 31st Conference of Ministers of Justice to be held in Vienna on 19-21 September 2012.

12. Observer status

The Bureau recalled that there had been repeated requests from the Internet Society (ISOC) and Global Network Initiative (GNI) to participate in CDMSI work. These organisations should be invited to the next CDMSI meeting, which will allow them to present their work and in turn, would permit the CDMSI to assess their potential contribution to its own work and take any further decisions that may be required.

12. Other questions

The Bureau noted with sadness the death of Boleslaw SULIK, who for many years represented Poland at the CDMM (predecessor of CDMSI and CDMC) and paid tribute to his work and long standing co-operation with the Council of Europe.

13. Dates for the next meeting

The Bureau took note of the dates of its next meeting: **10-11 October 2012**.



Appendix I

Bureau of the Steering Committee on Media and Information Society (CDMSI)

**1st meeting - 29 to 30 May 2012 (Strasbourg, Palais de l'Europe, Room 16)
CDMSI-BU/OJ(2012)001Rev**

**Draft Annotated Agenda
(25/05/2012)**

Order of Business		
	Morning	Afternoon
29 May	1, 2, 3, 4, 7, 8	10
30 May	5, 6, 9, 11	12, 13, 14

1. Opening of the meeting

Reference documents	<ul style="list-style-type: none"> - <i>CDMSI(2012)003rev – abridged report of the 1st meeting of the CDMSI</i> - <i>CDMSI(2012)004 - report of the 1st meeting of the CDMSI</i> - <i>Follow-up chart to the 1st meeting of the CDMSI – last up-date</i>
---------------------	---

2. Adoption of the agenda

Expected action	Adopt the agenda of the meeting and the order of business.
-----------------	--

3. Decisions of the Committee of Ministers

Subordinate groups

<i>Documents</i>	<ul style="list-style-type: none"> - <i>Draft terms of reference of CDMSI subordinate group: Committee of Experts on Rights of Internet Users (MSI-RIU) - revised version</i>
Notes and expected action	The changes introduced by the CDMSI at its 1st meeting were communicated. The CM has yet to consider them (4 July).

Standard setting texts

<i>Documents</i>	<ul style="list-style-type: none"> - <i>Recommendation CM/Rec(2012)3 on the protection of human rights with regard to search engines</i> - <i>Recommendation CM/Rec(2012)4 on the protection of human rights with regard to social networking service</i>
Notes and expected action	Take note of their adoption by the CM on 4 April.

<i>Documents</i>	<ul style="list-style-type: none"> - <i>Draft Declaration on the desirability of international standards dealing with forum shopping in respect of defamation or ("libel tourism)</i>
Notes and expected action	GR-H (27 March) postponed examination of the draft.

Texts of the Parliamentary Assembly of the Council of Europe

<i>Documents</i>	- <i>"Violent and extreme pornography" – PACE Recommendation 1981 (2011)</i> - <i>Reply adopted by the Committee of Ministers on 12 April 2012 at the 1140th meeting of the Ministers' Deputies</i>
Notes and expected action	Discuss CM instructions (paragraph 5 of the reply) and, if appropriate, make proposals to the CDMSI

<i>Documents</i>	- <i>PACE Recommendation 1998(2012) on the protection of freedom of expression and information on the internet and online media</i> - <i>PACE Resolution 1877(2012) on the protection of freedom of expression and information on the internet and online media</i>
Notes and expected action	Request for comments was sent to CDMSI on 26/04/2012. Discussion

<i>Documents</i>	- <i>PACE Recommendation 1996 (2012) Equality between women and men: a condition for the success of the Arab spring</i> - <i>PACE Resolution 1873(2012) Equality between women and men: a condition for the success of the Arab spring</i>
Notes and expected action	Information by the Secretariat. Discussion

4. Exchanges of views

Notes and expected action	The exchange on cooperation with the European Union planned at the 1st CDMSI meeting could not take place due to the unavailability of the persons invited. Consider themes for discussion / guests for the 2nd CDMSI meeting.
---------------------------	---

5. Council of Europe Internet Governance Strategy 2012-2015

<i>Documents</i>	<i>Follow-up chart to the Council of Europe Internet Governance Strategy 2012-2015</i>
Notes and expected action	Consider the information provided by the Secretariat. Discuss modalities for the CDMSI to oversee the implementation of the Strategy.

6. Information Society and Internet Governance

Standard setting activities

<i>Documents</i>	<i>Draft Committee of Ministers declaration on risks to fundamental rights stemming from digital tracking and other surveillance technologies - CDMSI(2012)002Rev</i>
<i>Notes and expected action</i>	Draft updated in accordance with delegations' comments and submitted to T-CY, T-PD and CDCJ for their comments.

Follow-up to specific instruments on the Internet adopted by the Committee of Ministers

<i>Documents</i>	- <i>Declaration on Internet Governance principles</i> - <i>Recommendation on the protection and promotion of the universality,</i>
------------------	--

	<i>integrity and openness of the Internet</i> <i>- Declaration on network neutrality</i>
Notes and expected action	Discussion in light of proposals received

Compilation of existing rights for Internet users

Documents	- <i>Draft terms of reference of the Committee of Experts on Rights of Internet Users (MSI-RIU) – revised version</i> - <i>List of candidates for the MSI-RIU</i>
Notes and expected action	See under item 3. Information by the Secretariat and discussion on follow up.

Drafting of an instrument on cross-border flow of Internet traffic

Notes and expected action	Information by the Secretariat on the state of play and discussion
---------------------------	--

Cooperation activities*European Dialogue on Internet Governance (EuroDIG - Stockholm, 14-15 June 2012)*

Documents	- <i>EuroDIG 2012 – outline programme</i>
Notes and expected action	Information by the Secretariat on the upcoming 5th edition of EuroDIG, to be held in Stockholm on 14-15 June 2012 Take note

Internet Governance Forum (Baku, 6-9 November 2012 dates to be confirmed)

Notes	Information by the Secretariat
-------	--------------------------------

7. Media**Standard setting activities**

Initiatives to strengthen the protection of journalists, other media professionals and bloggers, both as regards preventive measures and effective investigation, taking into account the work conducted by other international organisations, and to foster ethical journalism

Documents	- <i>ECHR report on positive obligations</i> http://www.echr.coe.int/NR/rdonlyres/16237F92-BCB9-4F12-9B1C-0EF6E3B2CB27/0/RAPPORT_RECHERCHE_Positive_obligations_under_Article_10_EN.pdf - <i>Thematic debate on the “safety of journalists” - Discussion paper presented by the Secretary General - SG/Inf(2012)6</i>
Notes and expected action	Information by the Secretariat and discussion.

Draft convention on broadcasters' neighbouring rights

Notes and expected action	Information by the Secretariat.
---------------------------	---------------------------------

Draft recommendation on gender equality and media

Documents	<i>Draft recommendation on gender equality and media</i>
Notes and	Information by the Secretariat on the state of play.

expected action	
-----------------	--

Gender equality dimension in the media coverage of election campaigns

Documents	<ul style="list-style-type: none"> - Recommendation No. R (99) 15 on measures concerning media coverage of election campaigns - Recommendation CM/Rec(2007)15 on measures concerning media coverage of election campaigns - <i>Parity Democracy – a far cry from reality</i> <i>Comparative study on the results of the first and second rounds of monitoring of Council of Europe Recommendation Rec(2003)3 on balanced participation of women and men in political and public decision-making</i> http://www.coe.int/t/dghl/standardsetting/equality/03themes/women-decisionmaking/CDEG%20(2009)17_en_corrected.pdf - Recommendation (2003)3 on balanced participation of women and men in political and public decision-making. - <i>Outline – Gender aspects of media coverage of electoral campaigns – CDMSI(2012)Misc8</i>
Notes and expected action	<p>Consider the outline standard setting instrument prepared by the Secretariat. Discussion and proposals for further action.</p>

Proposals to the Committee of Ministers on follow-up to specific media-related instruments adopted by the Committee of Ministers (e.g. in respect of public service media, public service value of the Internet, or a new notion of media)

Notes and expected action	The CDMSI decided to put this on hold without prejudice to discussions related to the next specialised Ministerial Conference.
---------------------------	--

Cooperation activities

Member states

Notes and expected action	Information by the Secretariat on on-going activities and on projects for activities
---------------------------	--

Neighbouring regions

Notes and expected action	Information by the Secretariat on projects for activities in Morocco, Tunisia, Jordan
---------------------------	---

8. Implementation of CM Declaration of 13 January 2010

Documents	<ul style="list-style-type: none"> - Declaration on measures to promote the respect of Article 10 of the European Convention on Human Rights - CM decision of 18/1/2012 following the Committee of Ministers thematic debate on media freedom
Notes and expected action	Information by the Secretariat and discussion.

9. Protection of personal data

Standard setting activities

Information concerning the instruments currently reviewed by the T-PD:

- *Convention 108*
- *data protection and employment*
- *data protection and the police*

<i>Documents</i>	<ul style="list-style-type: none"> - <i>Modernisation of the Convention 108 – new proposals</i> - <i>CM Rec(89)2 to Member States on protection of personal data used for employment purposes</i> - <i>CM Rec(87)15 to member States on regulating the use of personal data in the police sector</i> - <i>(TPD(2012)WP – Work programme of the T-PD for 2012 and 2013</i> - <i>Council of Europe Strategy on Internet Governance 2012-2015</i> - <i>draft agenda of the 28th plenary meeting of the T-PD (Strasbourg, 19 to 22 June 2012)</i>
Notes and expected action	Information by the Secretariat and discussion. Consider CDMSI representation in the 28th plenary meeting of the T-PD

10. 1st Council of Europe Conference of Ministers responsible for Media and Information Society (Serbia, 2013)

<i>Documents</i>	<p><i>Background documents:</i></p> <ul style="list-style-type: none"> - <i>CDMSI(2012)Misc1 - Discussion paper on possible modifications of the “public watchdog” term in the new media environment (M. Traimer – Austria)</i> - <i>CDMSI(2012)Misc2 - “I don’t speak on behalf of...” - Agile Movements, Fluid Politics and the new Democratic Bargain (Ren Reynolds)</i> - <i>CDMSI(2012)Misc3 - Access to the Internet – a human right? (A.Mellakauls – Latvia)</i> - <i>CDMSI(2012)Misc5 - Background paper on connected television (France)</i> - <i>CDMSI(2012)Misc6 - Regulating freedom of expression and association online – regulating democracy? (Switzerland)</i> - <i>CDMSI(2012)Misc7 - The Future of Policy and Regulation in a Connected Public Sphere (Prepared by the Secretariat)</i>
Notes and expected action	Consider tentative draft Conference documents prepared by the Secretariat. Discuss themes and format of the Conference.

11. CDMSI relation with other Council of Europe bodies

<i>Documents</i>	<ul style="list-style-type: none"> - <i>Committee of Experts on Terrorism – CODEXTER</i> - <i>Abridged report of the 22nd meeting of the CODEXTER (12-13 April 2012).</i> - <i>Cybercrime Convention Committee (T-CY) Plenary (Strasbourg, 4–5 June)</i> - <i>Draft agenda of the meeting</i> - <i>OCTOPUS Conference on Cybercrime (6-8 June)</i> - <i>Steering Committee for Culture, Heritage and Landscape (CDCPP)</i> - <i>European Committee for Social Cohesion – CDCS</i> - <i>Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse “ Lanzarote convention” - T-ES</i> - <i>Conference of Ministers of Justice - Elements for a draft resolution on Safeguards for human rights and fundamental freedoms with regard to responses to the use of the Internet for acts of urban violence - CDMSI-BU(2012)001</i>
------------------	---

Notes and expected action	<p>Consider CDMSI representation in these committees and events, when necessary</p> <p>Examination of the elements set out in CDMSI-BU(2012)001 and decision on submission of proposals to the CDMSI</p>
---------------------------	--

12. Observer status

Notes and expected action	Discussion
---------------------------	------------

13. Other questions

14. Dates for future meetings

<i>Documents</i>	CDMSI(2012)001Rev – Calendar
Notes and expected action	Take note of up-dated calendar of meetings.

Appendix II

LIST OF PARTICIPANTS

**1ST MEETING OF THE BUREAU OF THE
STEERING COMMITTEE ON MEDIA AND INFORMATION SOCIETY
(CDMSI-BU), 29-30 MAY 2012
ROOM 16, PALAIS DE L'EUROPE**

ARMENIA/ARMENIE

Mr Garegin Chugaszyan, Executive Director, IT Foundation

BOSNIA AND HERZEGOVINA/BOSNIE-HERZEGOVINE

Mr Emir Povlakic, Head of Division for Licensing, Digitalization and Coordination in Broadcasting, Communications Regulatory

BULGARIA/BULGARIE

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

LATVIA/LETTONIE

Mr Andris Mellakauls (Chair/Président), Information Space Integration, Ministry of Culture

SERBIA/SERBIE

Ms Maja Rakovic, Counsellor, Ministry of Foreign Affairs

SWITZERLAND

Mr Thomas Schneider, International Affairs, Federal Office of Communication, Federal Department for the environment, transport, energy and communication

UNITED KINGDOM/ROYAUME-UNI

Mr Mark Carvell, Media Team, Department for Culture, Media and Sport

SECRETARIAT

Mr Jan Kleijssen, Director, Information Society and Action against Crime, Directorate General of Human Rights and Rule of Law

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

Mr Björn Janson, Head of Media Division, Directorate General of Human Rights and Rule of Law

Ms Anne Boyer-Donnard, Principal Administrative Assistant, Media Division, Directorate General of Human Rights and Rule of Law

Ms Julia Whitham, Assistant, Directorate General of Human Rights and Rule of Law

(Gender distribution of the 7 attendants in the meeting: 2 women (29%), 5 men (71%)).

Appendix III

List of proposed members of MSI-DUI

Member states :

- Eva Kushova (Albania)
 - Michael Kogler (Austria)
 - Nelly Stoyanova (Bulgaria)
 - Hasan Ali Erdem (Turkey)
 - Alexander Borisov (Russian Federation)
 - Johan Hallenbourg (Sweden)
 - Thomas Schneider (Switzerland)
- (MS may nominate other representatives at own expense)

Independent experts:

- Meryem Marzouki (France, EDRi)
- Wolfgang Benedek (Austria, University of Graz)
- Rikke Frank Jorgensen (Denmark, Danish Institute for Human Rights)
- Yaman Akdeniz (Turkey, Istanbul Bilgi University)
- Dixie Hawtin, (UK, Global Partners)
- Francisco Teixeira da Mota (Portugal, freedom of expression and media lawyer))