

**Steering Committee on
Media and Information Society
(CDMSI)**



1st Meeting - 27 to 30 March 2012 (Strasbourg, Agora, Room G03)

CDMSI(2012)003Rev

**Abridged report
(30/3/2012)**

Gender distribution: 78 attendants, 33 women (42%), 45 men (58%).

The meeting was chaired by Andris Mellakauls (Latvia). During the meeting, the CDMSI

For Committee of Ministers' decision

Draft terms of reference of CDMSI subordinate groups

- agreed on draft terms of reference for a Committee of Experts on Rights of Internet Users (MC-RIU) and to submit it to the Committee of Ministers for adoption (Appendix I); the Bureau will make a proposal for the MC-RIU's precise composition in light of suggestions made by CDMSI members by e-mail by 16 April;

For information

- held an exchange of views with the Secretary General of the Council of Europe;

Elections

- elected Andris Mellakauls (Latvia) as its Chairperson and Maja Rakovic (Serbia) as its Vice-Chairperson, both for a first one-year term; elected its Bureau as follows: Mark Carvell (United Kingdom), Garegin Chugaszyan (Armenia), Emir Powlakic (Bosnia and Herzegovina), Thomas Schneider (Switzerland) and Bissera Zankova (Bulgaria), all for a first two-year term (gender distribution: 2 women (29%) / 5 men (71%). The CDMSI also designated Christina Lamprou (Greece) Gender Equality Rapporteur and various members to represent it in meetings of other steering committees;

Committee of Ministers thematic debates (December 2011, January and March 2012)

- welcomed the opportunity to participate or attend those debates;
- agreed to work on the safety of journalists, asking the Secretariat to make arrangements for an informal working / drafting group, with the objective to submitting concrete proposals to the Committee of Ministers in due course;
- agreed to pay special attention to the intergovernmental expert input into the implementation of the Committee of Ministers Declaration of 13 January 2010 by
(i) responding to requests for information or questionnaires which may be submitted to CDMSI members by the Secretariat,
(ii) encouraging media and journalists professional organisations and civil society organisations that participate in CDMSI work to provide relevant information to the Secretariat;

(iii) inviting various Council of Europe bodies and institutions, with full respect to their independence and in conformity with their mandates, to address issues related to freedom of expression, freedom of the media and safety of journalists and to take active part in an inter-secretariat task force contributing to the implementation of the Declaration;

- noted that work done by the European Audiovisual Observatory, in particular the analysis of texts adopted by the Committee of Ministers and the Parliamentary Assembly of the Council of Europe in the field of freedom of expression, responds at least in part to the Committee of Ministers request for a compendium of Council of Europe standards in the field of media freedom, including with regard to hate speech, and agreed to give further consideration to this matter at its 2nd meeting, in November 2012;

Internet Governance – Council of Europe Strategy 2012-2015

- held an exchange of views with Ambassador Thomas Hajnoczi (TC-INF) and discussed the Strategy with representatives of the Secretariat involved in different parts of the Strategy (see Appendix II);

- agreed with the proposal made by the Information Society and Internet Governance Coordinator in the Secretariat (Lee Hibbard) that he prepares a chart to follow developments concerning the Strategy and submit it to the CDMSI at regular intervals; this will be the basis for the CDMSI to oversee implementation of the Strategy as set out in its terms of reference and report to the Committee of Ministers accordingly;

- took note of the preparation and programme of the 5th EuroDIG (Stockholm, 14-15 June 2012) and of the Internet Governance Forum (Baku, November 2012);

Future work

- examined its terms of reference and, apart from rights of internet users (see above), agreed:

(i) to discuss by e-mail exchange proposals on follow up to instruments on the Internet adopted by the Committee of Ministers;

(ii) to consider output in respect of cross-border flow of Internet traffic in light of concrete problems / scenarios to be submitted by members and observers or participants;

(iii) to complete, with the help of an informal drafting group, a recommendation on gender equality and media prepared under the authority of the CDMC ; requested that the Secretariat prepare a skeleton standard setting instrument and background material concerning the gender dimension of media coverage of election campaigns;

(iv) to put on hold follow-up work on specific media-related instruments adopted by the Committee of Ministers, but to consider this in light of possible submissions by delegations and also in the context of the next specialised Ministerial Conference;

- took note of the expected activities and output of the Committee of the Convention for the Protection of Individuals with regards to Automatic Processing of Personal Data (T-PD);

- agreed that the question of neighbouring rights of broadcasting organisations be put on hold awaiting developments within the European Union;

- decided to put work on libel tourism on hold awaiting Committee of Ministers decisions concerning the draft declaration submitted to it by the CDMC while underlining the importance of the matter and expressing concern about the risks a further delay poses to freedom of expression and freedom of the media;

- expressed concern about the scarce resources made available for its work, in particular as regards subordinate structures, especially in view of the priority attached by the Organisation to this area of work;

- agreed to follow the approach already adopted by the CDMC and certain of its subordinate groups, namely that relevant work streams be discussed with and draft texts opened to consultation and discussion by interested stakeholders and in multistakeholder platforms or fora; took note of the Secretary General's encouragement that CDMSI members themselves take the Committee's work to multistakeholder fora for discussion;
- welcomed broad participation of civil society and professional organisations' representatives in the meeting and agreed that basic rules about participation in its work be made available to stakeholders (relevance, representativeness, ability to make a contribution to CDMSI work) by publishing them on the Committee's web page, and that a list of participants and observers be drawn up regularly; the Bureau is invited to take decisions between meetings concerning participation, without prejudice to submitting the matter for discussion and decision by the CDMSI in appropriate cases;

Coordination with European Union institutions

- agreed that it is desirable for enhanced coordination between the CDMSI and the European Commission to ensure an early exchange on their respective proposed or on-going work;

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

- examined the draft declaration tabled by Latvia and, subject to certain amendments, agreed that members should consult with relevant authorities and submit comments and proposals by Monday 23 April 2012 and, if there is consensus to pursue the matter further, the resulting text be submitted to the Consultative Committee of the Convention for the Protection of Individuals with regards to Automatic Processing of Personal Data (T-PD) and European Committee on Legal Co-operation (CDCJ) and possibly also to the Convention Committee on Cybercrime (T-CY) and the European Committee on Crime Problems (CDPC) for possible comments; the CDMSI will then consider any responses received and, after further consultation, the draft could be submitted to the Committee of Ministers for adoption; in the absence of consensus during online consultations, the matter could be reconsidered at the 2nd CDMSI meeting, in November 2012;

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

- agreed that the Conference should take place in the second half of 2013, welcomed the background papers prepared by a number of delegations (Armenia, Austria, France, Latvia, Switzerland) and requested that the Secretariat prepare first tentative draft Conference documents based on the discussions;

Further information

- in addition: held exchanges with representatives of the Secretariat of ECRI, the Office of the Commissioner of Human Rights and the Registry of the European Court of Human Rights, and also with the Secretariat of the CDCJ and with Mme Catherine Pozzo di Borgo, Vice-Chair of the T-PD; held a workshop on Internet governance animated by DIPLO Foundation (Jovan Kurbalija, Vladimir Radunovic, Alex Sceberras Trigona, former Minister of Foreign Affairs, Malta);

Appendix I

Revised draft terms of reference for a Committee of Experts on Rights of Internet Users (MC-RIU)

Committee of Experts on Rights of Internet Users (MC- RIU)

Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods (Resolution CM/Res(2011)24)

Terms of reference valid from: **[CM adoption date] 2012 until 31 December 2013**

Main tasks
Under the supervision of the Steering Committee on Media and Information Society (CDMSI), the MC-RIU will: <ul style="list-style-type: none">(i) contribute to the implementation of Part II “Maximising rights and freedoms for Internet users” and other relevant parts of the Council of Europe Internet Governance Strategy 2012-2015;(ii) examine the application of existing Council of Europe standards on human rights and fundamental freedoms regarding the Internet, including relevant case-law of the European Court of Human Rights, the policies and standards of inter-governmental organisations and, if appropriate, of state and non-state actors;(iii) advise the CDMSI, upon its request, on all questions related to rights and responsibilities of Internet users, intermediaries and others Internet actors.
Pillar / Sector / Programme
Pillar: Rule of Law
Sector: Common standards and policies
Programme: Information society and Internet governance
Expected results
Expected results 2012-2013: A compendium of existing human rights for Internet users to help them understand and exercise their rights when communicating with and seeking effective recourse from key Internet actors and government agencies when users consider their rights and freedoms have been adversely affected (2013).
Composition
Members:

The Committee shall be composed of 13 experts, to be selected having regard to the views expressed by the CDMSI, comprising government or member state representatives (who may be but are not required to be CDMSI members) and independent experts with recognised expertise in the fields of human rights and users' rights on the Internet. The Council of Europe shall bear the travel and subsistence expenses of all 13 members. Member states may send representatives without defrayal of expenses.

Participants:

The following may send representatives without the right to vote and at the charge of their corresponding administrative budgets:

- Parliamentary Assembly of the Council of Europe;
- European Court of Human Rights;
- Council of Europe Commissioner for Human Rights;
- Conference of INGOs of the Council of Europe;
- European Committee on Legal Co-operation (CDCJ);
- Consultative Committee of the Convention for the Protection of Individuals with regard to automatic processing of personal data (T-PD);

The following may send representatives without the right to vote and without defrayal of expenses:

- European Union (one or more representatives, including, as appropriate, the European Union Agency for Fundamental Rights – FRA);
- European Audiovisual Observatory;
- Organisation for Security and Co-operation in Europe (OSCE);
- UN agencies (United Nations Educational, Scientific and Cultural Organisation - UNESCO);
- Representatives of civil society, private sector, technical, professional and academic communities.

Observers from states or organisations other than those referred above shall be admitted to the Expert Committee in the manner and according to the conditions provided in *Resolution CM/Res(2011)24*

Working methods

Meetings:

13 members, 1 meeting in 2012, 2 days
13 members, 2 meetings in 2013, 2 days

Additional working methods:

The Committee shall not take decisions by voting except on procedural matters in which case the Resolution CM/Res(2011)24 will apply. The Committee shall state its conclusions in the form of unanimous recommendations or, if this proves impossible, it shall make a majority recommendation and indicate the dissenting opinions.

Multi-stakeholder dialogue, permitting to interact with different stakeholder groups, at

different stages of the tasks assigned to the MC- RIU.

Appendix II

Steering Committee and representatives of their Secretariat that intervened during the meeting under Item x – Implementation of the Internet Governance – Council of Europe Strategy 2012-2015

- European Committee for Social Cohesion (CDCS)
Thorsten Afflebach

- Steering Committee for Culture, Heritage and Landscape (CDCPP)
Kathrin Merkle

- Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse “ Lanzarote convention”
(T-ES)
Gioja Scappucci

- Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal data [STE n°108] (T-PD)
Sophie Kwasny

- Convention Committee on Cybercrime (T-CY)
Alexander Seger

- Committee of Experts on Terrorism (CODEXTER)
Albina Ovcearenco

Appendix III
Meeting agenda



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

**Steering Committee on
Media and Information Society
(CDMSI)**

**1st Meeting - 27 to 30 March 2012 (Strasbourg, Agora, Room G03)
CDMSI/OJ(2012)1Rev**

Agenda

Order of Business		
	Morning	Afternoon
27 March	Items 1, 2, 4, 5 and 3 (end of morning)	Items 6
28 March	7, 8, 9	12, 13
29 March	10, 11	14, 15
30 March	16, 17	Finalisation of pending items, 18

1. Opening of the meeting

Statement by and exchange with the Secretary General of the Council of Europe

2. Adoption of the agenda

3. Elections

Chair

Vice-Chair

Bureau (five members)

Gender Equality Rapporteur

4. Decisions of the Committee of Ministers

- i. Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods
- ii. Terms of Reference
- iii. Programme of Activities
- iv. Thematic debate on Freedom of the Media and related decisions (December 2011 and January 2012)
- v. Internet Governance – Council of Europe Strategy 2012-2015
- vi. Declaration and Recommendation on Public Service Media Governance
- vii. Recommendation on the protection of human rights with regard to social networking services
- viii. Recommendation on the protection of human rights with regard to search engines
- ix. Declaration on the desirability of international standards dealing with forum shopping in respect of defamation or (“libel tourism”)

5. **Exchange of views on cooperation with the European Union**
Ambassador Luisella Pavan-Woolfe, Head of the European Delegation to the Council of Europe
Vaira Vīķe-Freiberga, Chairperson of the European Commission mandated High-Level Group on Media Freedom and Pluralism
Marietje Schaake, MEP (Rapporteur on A Digital Freedom Strategy in EU Foreign Policy)
6. **Workshop on Internet Governance by DIPLO Foundation**
7. **Council of Europe Internet Governance Strategy 2012-2015**
Information by the Secretariat
8. **Pan-European cooperation and broader cooperation**
 - i. European Dialogue on Internet Governance (EuroDIG - Stockholm, 14-15 June 2012)
 - ii. Internet Governance Forum (Baku, Autumn 2012)
 - iii. Activities in neighbouring regions
9. **Standard setting on information society and internet governance**
 - i. Follow-up to specific instruments on the Internet adopted by the Committee of Ministers
 - ii. Compilation of existing rights for Internet users
 - iii. Drafting of an instrument on cross-border flow of Internet traffic
10. **Standard setting on media**
 - i. Compendium of Council of Europe standards in the field of media freedom, including with regard to hate speech
 - ii. 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
 - iii. Draft convention on broadcasters' neighbouring rights
 - iv. Draft recommendation on gender equality and media
 - v. Gender equality dimension in the media coverage of election campaigns
 - vi. 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)
 - vii. Contribution from a media and freedom of expression perspective to Council of Europe work addressing the problem of libel tourism
11. **Implementation of CM Declaration of 13 January 2010**
 - i. *Exchange of views with the Secretariat of relevant Council of Europe monitoring mechanisms*
 - ii. Improved collection and sharing of information and enhanced coordination on freedom of expression media freedom (thematic debate / yearly reporting)
 - iii. Developing a toolkit of assistance measures in the field of media freedom which could be made available upon request to member States and neighbouring countries

- iv. Strengthening the impact and visibility of Council of Europe activities in the field of media freedom – promoting knowledge and effective implementation of these standards in member States, including among and with the media

12. Standard setting on protection of personal data

- i. Exchange of views with representatives of the Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (T-PD) and the Secretariat of the CDCJ
- ii. Information concerning the instruments currently reviewed by the T-PD :
 - Convention 108
 - Rec (89)2 data protection and employment
 - Rec (87)15 data protection and the police

13. 1st Council of Europe Conference of Ministers responsible for Media and Information Society (Serbia, 2013)

14. Other tasks stemming from Resolution CM/Res(2011)24

- i. Advise to the Committee of Ministers and the Secretary General on the priorities, relevance and other matters with regard to CDMSI activities, having regard to the priorities and criteria adopted by the Committee of Ministers

15. Working methods

- i. Prioritisation of activities (with reference to items 4, ii) and iii) and items 7 to 13 of the agenda)
- ii. Gender Equality Rapporteur
- iii. Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods
- iv. Regular contacts with CM TC-INF
- v. Multi-stakeholder dialogue, permitting to interact with different stakeholder groups, at different stages of the tasks assigned to the CDMSI

16. Other information of interest to the CDMSI

- i. Other Council of Europe activities relevant to the work of the CDMSI
- ii. Programme lines and budget
- iii. Progress review report
- iv. Monitoring mechanisms and procedures
- v. Relevant cooperation and field activities
- vi. Relevant activities of other international organisations with a view to avoiding duplication and achieving synergies

17. Other business

18. Adoption of abridged meeting report

Appendix IV

**1ST MEETING OF THE
STEERING COMMITTEE ON MEDIA AND INFORMATION SOCIETY
(CDMSI)
27 – 30 MARCH 2012 ROOM G03 (AGORA)**

**1ERE RÉUNION DU
COMITÉ DIRECTEUR SUR LES MEDIAS ET LA SOCIETE DE L'INFORMATION
(CDMSI)
27 – 30 MARS 2012 SALLE G03 (AGORA)**

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS

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Mr Garegin Chugaszyan

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Ms Sigrun Neuwerth

Ms Amélie Sahin

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THE CONSULTATIVE COMMITTEE OF THE CONVENTION FOR THE PROTECTION
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DATA [ETS No. 108] /
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Ms Diana Scobioală

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Chef de la Direction Generale des relations internationales et integration européenne

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