

Steering Committee on Media and Information Society – CDMSI

COUNCIL OF EUROPE



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Discussion paper

Future Conference of Ministers responsible for Media and Information Society

Introduction

During its last meeting on 13 and 14 October 2016, the Bureau of the Steering Committee on Media and Information Society (CDMSI) discussed a possible future Conference of Ministers responsible for Media and Information Society. The Bureau asked the Secretariat to prepare a discussion paper for the upcoming plenary meeting of the CDMSI, based on the ideas expressed by its members.

The last Conference of Ministers responsible for Media and Information Society took place in Belgrade in November 2013 and focused on four sub-themes: access to the Internet and fundamental rights; how do we address the current threats to journalism?; pluralism, diversity and quality in the new media ecosystem – opportunities and risks; and hate speech on-line. The participating Ministers adopted a Political Declaration and three resolutions, on “Internet Freedom”, “Preserving the essential role of the media in the digital age” and “Safety of journalists”.

Resolution CM/Res(2011)7 on Council of Europe conferences of specialised ministers

Conferences of specialised ministers are governed by Resolution CM/Res(2011)7, which states:

“When the government of a member state of the Council of Europe or the Secretary General considers that a high-level political meeting (hereinafter “Council of Europe conference of specialised ministers” or “the conference”) might significantly contribute to the achievement of the Organisation's strategic objectives or is necessary so as to react to important events having repercussions for human rights, the rule of law or democracy, they shall submit, at any time, a proposal for such a conference to the Committee of Ministers, stating the dates, location, budgetary implications for the Organisation, subject, objectives and expected results of the conference and the link with the Organisation's priorities.”

Possible for consideration

The Bureau noted that the CDMSI should first identify a host State through active engagement with potentially interested ministers. Furthermore, it is necessary to identify the topic/s which meet the requirements of Resolution CM/Res(2011)7, as such conferences should contribute significantly to the achievement of the Organisation's strategic objectives or react to important events having repercussions on human rights, the rule of law or democracy.

The Bureau engaged in a substantive discussion on possible items reflected below.

Safety of journalists and other media actors: this year the Committee of Ministers approved a Recommendation to member States on the protection of journalism and safety of journalists and other media actors. Nevertheless, its implementation in member States remains a challenge. In his Annual Report 'The State of Human Rights, Democracy and Rule of Law in Europe 2016' the Secretary General stated that almost half of member States are failing to guarantee the safety of journalists and since April 2015 the Platform to promote the protection of journalism and safety of journalists has received 220 alerts¹. It could be useful to ensure the engagement of the Ministers on this topic in order to implement existing standards and improve an ever worsening situation.

Journalism and media pluralism: in the aforementioned Annual Report the Secretary General stated that interference by owners in media content is a major issue. Another concern is the use of government funding and government advertising as a tool to influence media. The risk to the financial independence of public service broadcasters exists in many member States. The financial position of journalists is weak; many journalists earn below-average salaries which makes them vulnerable to pressure. In a small number of countries, the state controls most media outlets and it censors content both offline and online. In the Secretary General's Annual Report, the situation with regard to media pluralism and diversity is assessed as unsatisfactory in 26 member States. Another question regarding Internet intermediaries is the trend of advertising revenue being almost monopolized by digital companies such as social media at the expense of traditional media. It is clear that a discussion at European level to ensure the sustainability of journalism and its role for democratic societies is urgent.

The role of Internet intermediaries and algorithms: currently a committee of experts under the mandate of the CDMSI is working on a draft recommendation on Internet intermediaries and a report on the human rights dimensions of algorithms. Some companies have unprecedented powers and States have problems to ascertain jurisdiction over them even if their citizens rely heavily on their services. The human rights of users are beginning to be shaped by terms of service and not by national laws. Questions are raised by the fact that these intermediaries have both an unprecedented quantity of personal data and the possibility to use it in new ways. There is a risk of "information bubbles" as some intermediaries are becoming the main channel of distribution for news. Intermediaries can also have a positive impact on democracy as they foster new forms of political participation, association or assembly. The Council of Europe is

¹ Data available on 20/10/2016

currently creating a platform to improve the dialogue between member States and Internet intermediaries on questions related to the protection of human rights, the rule of law and democracy. The Ministers could take stock of the different challenges and create a future strategy in this field.

Fight against incitement to terrorism online: as a result of the terrorist attacks during the last years in France, Belgium and Turkey the debates about the need to fight the incitement to terrorism online have increased. Terrorists' use of the Internet to spread their message and radicalize people has been highlighted. There is a call for a more active role of Internet intermediaries in assuming responsibility to fight this kind of Internet content (and other kinds of illegal content such as hate-speech). Several States have approved new laws on blocking and take-down of Internet content, surveillance or data retention. Whilst it is necessary to develop effective measures to fight terrorism also online, it is the role of the Council of Europe to assure that this is not done at the expense of human rights, freedom of expression and the rule of law.