

Steering Committee on Media and Information Society – CDMSI



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12th meeting of Steering Committee on Media and Information Society (CDMSI)

20 – 23 June 2017

(Strasbourg, Palais de l'Europe, rooms 5, 9 and 8)

Abridged meeting report

The CDMSI held its 12th meeting from 20 to 23 June 2017, in Strasbourg chaired by Elfa Ýr Gylfadóttir (Iceland). The CDMSI adopted the agenda as it is set out in Appendix I. The list of participants can be provided by the CDMSI Secretariat¹.

Items submitted to the Committee of Ministers for information

The CDMSI took note of information on the on-going work of the Committee of Experts on media pluralism and transparency of media ownership (MSI-MED) provided by its Vice-Chairperson, Pierre-François Docquir. It examined the second revised version of a draft recommendation of the Committee of Ministers to member states on media pluralism and transparency of media ownership and recommended amendments that will be taken into account by the Committee of Experts at its next meeting. A final draft is expected to be presented for approval to the CDMSI at its 13th plenary meeting in December 2017. The CDMSI also examined the revised version of a draft feasibility study on a standard setting instrument on media coverage of elections with a specific focus on gender equality and the revised version of a draft feasibility study on the use of internet in electoral campaigns, which was considered to address a highly relevant topic. It also made recommendations for their finalisation in view of an adoption at the December 2017 plenary meeting.

The CDMSI also took note of the information provided by the Vice-Chairperson of the Committee of Experts on Internet Intermediaries (MSI-NET), Karmen Turk, on its on-going work on the two draft deliverables. It considered the second revised version of the draft recommendation of the Committee of Ministers to member states on the roles and responsibilities

¹ Gender distribution: 66 participants, 35 men (53%) / 31 women (47%).

of internet intermediaries, providing guidance and proposing amendments that will be taken into account by the Committee of Experts in their review process. Furthermore, it agreed on a proposed time frame for a multi-stakeholder consultation over the summer. Furthermore, the CDMSI expressed support and appreciation for the revised version of a draft study on the human rights dimensions of automated data processing techniques (in particular algorithms) and possible regulatory implications. Comments will be taken into account by the Committee of Experts in the on-going review process.

The CDMSI discussed possible topics for a Conference of Ministers responsible for Media and Information Society on the basis of suggestions made by the Bureau. It gratefully welcomed the proposal by Cyprus to host it. It agreed on the umbrella topic "Threats to democracy" and agreed that inspiration should be drawn from the Secretary General's reports, notably his most recent one of 2017. It agreed to consider the time frame and all necessary requirements with the Cyprus delegation in the coming months in view of preparing a complete proposal. Delegations were encouraged to send proposals on topics and format to the secretariat until end of September 2017.

Furthermore, the Committee also discussed its future work topics to be addressed under the 2018-2019 terms of reference along the priorities of the Secretary General's 4th Annual report on *Democracy, Human Rights and the Rule of Law 2017 – Populism, how strong are Europe's checks and balances?* Members mentioned artificial intelligence, algorithms, emerging technologies, the spread of misinformation, intolerant and hateful discourse notably through social networks and the role of media in counterbalancing such trends eroding inclusive societies, through media ethics, quality journalism and an in depth reflection on how to enhance media literacy in the new media environment as topics of particular importance. The strategic approach of the Council of Europe to ensure an appropriate balance between standard-setting, implementation and enhanced reactivity to new challenges as reflected in the current terms of reference should be kept. Promoting a pluralistic, diverse and ethical information ecosystem as indispensable for strengthening democratic stability, protecting media and internet freedom while fighting terrorism, countering populism and promoting an active and positive contribution by the media to the integration of refugees and migrants should be at the core of future CDMSI activities. Work on safety of journalists should be continued. The Committee unanimously emphasized the need to be supported by experts committees allowing for in-depth substantive discussions and a structured maximum involvement of all stakeholders.

Following a questionnaire sent to all its members on the relevance of the European Convention on Transfrontier Television and the desirability to discuss the question of its possible revision, the CDMSI discussed, in the presence of Marcel Boulogne, Head of Sector "Audiovisual Media Services"

at the European Commission. Most delegates expressed the necessity of a revision of the Convention and called on the Committee of Ministers to engage in a dialogue with the European Commission to overcome the standstill. At the same time, strong concerns were raised about the fact that no resources had been allocated for it since 2011. The Chair strongly encouraged all delegations that have not yet done so to respond to the questionnaire.

The CDMSI also held an extensive exchange of views with Marcel Boulogne on the current revision of the EU Audiovisual Media Services Directive (AVMSD).

The CDMSI discussed the outcome of a Colloquium held on the eve of its meeting, on 19 July, on "The role of media actors in confronting terrorism" and commended the Council of Europe for the relevance, the high level and the quality of the event.

It had an exchange of views with Ambassador Corina Călugăru, Committee of Ministers Thematic Co-ordinator on Information Policy, on her activities and agreed on regular similar exchanges of information and on co-operation.

It welcomed the publication of the study "*Journalists under Pressure – Unwarranted interference, fear and self-censorship in Europe*", which was thought very topical, and took note of the preparation of a second stage of the study, which will be a qualitative study on the same topic. It also expressed concern about the absence of appointment of a new OSCE Representative on freedom of the media, which was seen as a form of interference with media freedom.

The CDMSI discussed the state of implementation of the Council of Europe Internet Governance Strategy 2016-2019 and, in particular, the progress made in formalising collaboration with the internet industry. This could take the form of an exchange of letters to be proposed to the Committee of Ministers. It also took note of the important Council of Europe involvement and activities in the 2017 edition of EuroDIG (Tallinn, 6-7 June 2017) and of the Internet Governance Forum (Geneva, 18-21 December 2017). The Committee also welcomed the substantial input of the Council of Europe in ICANN, in particular on the topic of data protection and expressed satisfaction that human rights issues are now fully taken on board in ICANN discussions.

The delegates and observers welcomed the information of two new and soon a third partner organisations to the Platform to promote the protection of journalism and safety of journalists as well as technical modifications, but reiterated concern about the low number of replies by member states to alerts published and the future of the Platform.

The CDMSI had an exchange with a representative of the organisation IFEX that had submitted an application for observer status with the Committee; it unanimously decided to grant IFEX observer status.

Noting the absence of a quorum, the CDMSI finalised the abridged report of the meeting and agreed that in the absence of reactions by 30 June end of working day, it will be considered adopted by the plenary.

In addition, the CDMSI dealt with the items below:

The CDMSI:

- took note of the information given by Mr Patrick Penninckx, Head of the Information Society Department, on Council of Europe activities;
- welcomed the information on on-going and future co-operation activities,
- took note of new initiatives taken in member states to implement Council of Europe standards and shared by Austria on work undertaken to comply with the CM Recommendation on internet freedom in assessing the level of internet freedom, by Armenia on a new draft law on freedom of expression, by Bosnia Herzegovina on an initiative on accessibility of information and communication technology and broadcasting content intended for persons with disabilities and special needs', by Greece on protection of gender equality and protection of safety of journalists and by Ukraine on its Doctrine on information security. It also took note of a declaration adopted by IBRAF under OIC on the Role of media in promoting tolerance and combatting terrorism and islamophobia.
- welcomed the organisation of a conference "Promoting dialogue between the ECtHR and the media freedom community", held on 24 March 2017 and took note of its outcome;
- took note of information provided by the Secretariat on the globalisation of Convention 108, the state of play of the modernisation and the on-going work of the Committee of the Convention on the use of personal data by the police and health related data; it also took note of the initiatives carried out in the context of ICANN's policies, and notably the organisation at ICANN58 of a game changer event: the 'privacy day';
- took note of the Secretary General's 4th Annual report on *Democracy, Human Rights and the Rule of Law 2017 – Populism, how strong are Europe's checks and balances?*;

- took note of the state of play of its comments prepared and finalised by written procedure on PACE Recommendation 2098(2017) "Ending cyber discrimination and online hate" and PACE Recommendation 2102(2017) "Technological convergence, artificial intelligence and human rights"; it also took note of CM's reply to PACE Recommendation 2085(2016) "Strengthening the protection and role of human rights defenders in Council of Europe member states"; on PACE Recommendation 2087(2016) "intellectual property rights in the digital age" and on PACE Recommendation 2097(2017) "Attacks against journalists and media freedom in Europe";
- took note of the state of play of its comments prepared and finalised by written procedure on CPLRE Recommendation 398(2017) Open data for better public services;
- took note of the state of play of its comments prepared and finalised by written procedure on CODEXTER draft recommendation on "Terrorists acting alone"; on CAHENF draft recommendation on [Comprehensive] Guidelines to empower, protect and support children's [safe access to their rights on the Internet] [rights in the digital environment]; on CDCPP draft Recommendation on the Challenges of Big Data for Culture, Literacy and Democracy;
- held an exchange of views with a representative of the Conference of INGOs on outcomes of the Conference winter session and topics that will be addressed at the summer session and on future endeavours for mutual co-operation;
- held an exchange of views with a member of the secretariat of the PACE Committee on Culture, Science, Education and the Media on the activities of the Committee and its collaboration with the CDMSI, with a member of the secretariat to the Steering Committee for Human Rights (CDDH), with the Co-secretary to CODEXTER, and with a representative of the European Audiovisual Observatory. It took note of information on the work of other Council of Europe committees and bodies, notably the Commissioner for Human Rights' Annual Activity report for 2016 and the adoption by the Committee of Ministers of a recommendation on the legal regulation of lobbying activities in the context of public decision-making;
- took note of information provided by CDMSI members on their participation in activities, meetings and events relating to media and internet issues, in particular on the conference "Freedom of expression online: Evolving European jurisprudence and standard setting activities in the digital age", organised in Nicosia (Cyprus) on 28 April 2017; on a Conference on "Human rights: a reality for all" (Nicosia, Cyprus 27-28 March 2017) and the T-CY plenary meeting

(7-9 June 2017); in respect of that latter, agreed to continue to follow and participate in the work of the T-CY;

- took note of the information shared by the Maltese delegate on the activities carried out during the outgoing presidency of the Council of the EU as well as of information by the Estonian delegate on the priorities for the upcoming presidency;
- took note of information on the upcoming World Forum for Democracy and its general theme "Media, friend or foe of democracy? (Strasbourg, 8-10 November 2017).

APPENDIX I
Meeting agenda

1. Opening of the meeting

2. Adoption of the agenda

3. Standard setting

3.1 Committee of experts on Media Pluralism and Transparency of Media Ownership (MSI-MED)

3.2 Committee of experts on Internet Intermediaries (MSI-NET)

4. Cooperation activities

5. Implementation of Council of Europe adopted standards and best practices

5.1 Conference "Promoting dialogue between the ECtHR and the media freedom community"

5.2 Initiatives in member states

5.3 Fear in journalism – new title: Journalists under Pressure – Unwarranted interference, fear and self-censorship in Europe

5.4 Platform to promote protection of journalism and safety of journalists

6. European Convention on Transfrontier Television

7. Data protection

8. Work of other Council of Europe institutions and bodies

8.1 Secretary General's initiatives

8.2 Committee of Ministers

8.3 Parliamentary Assembly of the Council of Europe

8.4 Congress of Local and Regional Authorities of the Council of Europe

8.5 Commissioner for Human Rights

8.6 Conference of INGOs of the Council of Europe

8.7 Committee of Experts on terrorism (CODEXTER)

8.8 Steering Committee for Human Rights (CDDH)

8.9 Ad hoc Committee for the Rights of the Child (CAHENF)

8.10 Steering Committee for Culture, Heritage and Landscape (CDCPP)

8.11 European Committee on Legal co-operation (CDCJ)

8.12 European Audio-visual Observatory

8.13 Participation of CDMSI members in meetings and events

9. Other organisations

9.1 Current and incoming chairmanship of the European Union

9.2 Audio Visual Media Services Directive

10. CDMSI work programme and working methods

11. Application for observer status

12. Any other item

13. Abridged report