

## 1354<sup>th</sup> meeting, 18 September 2019

1 General questions

### 1.1 Steering Committee on Media and Information Society (CDMSI)

Abridged report of the 16<sup>th</sup> meeting of Steering Committee on Media and Information Society (CDMSI)

Item to be considered by the GR-H at its meeting on 12<sup>th</sup> September 2019.

#### Meeting details

The Steering Committee on Media and Information Society (CDMSI) held its 16<sup>th</sup> meeting in Strasbourg on 4-6 June 2019 with Mr Thomas Schneider (Switzerland) in the Chair.

The agenda of the meeting is contained in Appendix 1. The full report of the meeting including the list of participants is available [here](#).

List of items for decision of the Committee of Ministers

The Committee of Ministers is invited to take note of the abridged report of the 16<sup>th</sup> meeting of the CDMSI (4 – 6 June 2019).

#### List of items for information of the Committee of Ministers

The CDMSI:

- welcomed the adoption by the Committee of Ministers on 13 February of the Declaration of the financial sustainability of quality journalism in the digital age and the Declaration on the manipulative capabilities of algorithmic processes;
- welcomed the draft Recommendation on promoting a favourable environment for quality journalism in the digital age and decided to fast-track its endorsement in written procedure. The final text will be approved by the CDMSI by written procedure by the end of September and submitted to the CDM for possible adoption before the end of 2019;
- welcomed the revised draft recommendation on the human rights impacts of algorithmic systems and agreed that the draft be submitted for public and broad multi-stakeholder consultations over the summer after introducing certain improvements to the text;
- took note of the preparation of the draft study on developing the skills to recognise and value quality journalism in the digital environment is underway and the first draft should be shared with the CDMSI for comments in September;
- welcomed the revised and finalised Study of the implications of advanced digital technologies (including AI systems) on the concept of responsibility within a human rights framework and the revised Study on forms of liability and jurisdictional issues in the application of civil and administrative defamation laws in Council of Europe member states and

<sup>1</sup> This document has been classified restricted until examination by the Committee of Ministers.

- Decided to submit the texts to the Committee of Ministers for their being taken note of before publication;
- concerning the Conference of ministers responsible for media and information society (Nicosia, Cyprus, 28-29 May 2020)
  - o examined the draft programme of the conference and decides that:
    - the format of the Conference should encompass relevant multi- participation during the Ministerial plenary sessions, enabling all concerned stakeholders at the highest level possible to participate in discussions;
    - the Conference last one day and a half;
    - CDMSI Members should identify the Ministries which are responsible for the topics of the conference and alert their Ministers to the dates and content of the Ministerial Conference. CDMSI delegates should do their utmost to ensure that the Conference is attended at the highest levels by Ministers and that they participate for the whole duration of the conference.
    - the deliberations on the title of the Conference are ongoing and the exact title is expected to be agreed soon;
      - o was informed of the ongoing work linked to the Ministerial Conference (notably the preparation of preparation of the first drafts of three resolutions which will be put to Ministers for their adoption during the Conference in 2020, as well as the next steps to be envisaged for the practical organisation of the Conference;
- took note of the information provided by the Secretariat on on-going and future cooperation programmes and activities, as reflected in document MEDIA-COOP(2019)01. The coordination projects cover a broad range of activities including the training of journalists on combating hate speech and promoted ethical standards, the provision of support to regulatory authorities and the national legislator to secure a legal framework promoting freedom of expression in line with Council of Europe standards;
- took note of the information about the recent accession to Convention 108 and Convention 108+, the adoption by the Committee of Ministers of Convention 108 of Guidelines on artificial intelligence and data protection (25 January 2019) and the adoption by the Committee of Ministers of Recommendation CM/Rec(2019)2 on the protection of health-related data, as well as the international Conference on "Convention 108+: better protecting us in the digital era" on 12 June 2019, organised in cooperation with the French Presidency of the Committee of Ministers of the Council of Europe;
- took note of the on-going work on the implementation of Recommendation CM/Rec(2016)4 on the safety of journalists (the elaboration of a guide for the implementation of the Recommendation, a "HELP" training manual on the safety of journalists aimed at legal practitioners, judges and law enforcement officials, the dissemination of a questionnaire on the implementation of the Recommendation in member states and the 16 replies received); takes note of the establishment in Italy of a "National coordination centre on the monitoring, analysis and permanent exchange of information on the intimidation of journalists";
- took note of the progress of the implementation of the Internet Governance Strategy 2016-2019 and the preparation of the follow-up IG strategy 2020-2023 ("Digital Governance Strategy") which will focus notably on questions linked to the empowerment of the individual user, the protection and promotion of human rights and democratic governance and the rule of law;
- took note of the exchange of views on freedom of expression organised by the Secretary General in collaboration with the Committee of Ministers and the Director General Human Rights and Rule of Law (28 March 2019) and the Information Society Department's report on Freedom of Expression in 2018; discussed the possibility to propose, during the Ministerial Conference in 2020, that this report become an annual publication;
- held an exchange of views with the Thematic Coordinator of Information Policy (TC-INF), Ms Corina Călugăru, Ambassador of the Republic of Moldova, in particular the forthcoming exchange of views on 18 June with partner internet companies about cooperation with Council of Europe on issues of common interest;
- took note of CDMSI comments on a series of PACE recommendations and on the corresponding CM replies, as well as current initiatives by PACE's committees related to the new digital environment;

- discussed, in view of the Audio-visual Services Directorate and the Council of Europe Convention on Transfrontier Television, possible tools to address the transfrontier element of audio-visual content, particularly in the light of BREXIT developments;
- took note of the decisions and the Declaration of the 129<sup>th</sup> Session of the Committee of Ministers in Helsinki, in particular:
  - the strengthening of the work in the area of freedom of expression and the co-operation and dialogue with the relevant tools of the Council of Europe, including the Platform to promote the protection of journalism and safety of journalists;
  - the examination, based on multi-stakeholder consultations, of the feasibility of a legal framework for the development, design and application of artificial intelligence based on the Council of Europe's standards on human rights, democracy and the rule of law;
- discussed the work of:
  - the Helsinki conference – “AI – Governing the Game Changer - Impacts of artificial intelligence development on human rights, democracy and the rule of law” (26-27 February 2019, co-organised by the Information Society Department and the Finnish presidency of the Council of Europe);
  - the conference “Media freedom – how can we deliver?” that took place on 20 March 2019 following an “Academic dialogue on media and information literacy” and a “High-level policy dialogue on media regulation and concentration of ownership”;
- noted a certain number of initiatives taken in member States in the areas of interest for its work:
  - France's law on the fight against information manipulation;
  - the United Kingdom's conference on media freedom and safety of journalists, the consultation of the “Online harms white paper” and the creation of the UK Centre for Data Ethics and innovation (algorithmic systems, AI);
  - Iceland's review of eight laws in the area of freedom of expression, media and information, in the light of international standards;
  - Armenia's introduction of several electronic tools to guarantee freedom of expression and access to information in the country;
  - an international conference in Serbia on the implementation of Council of Europe instruments and standards in the field of media and information;
- took note of members' reports following their participation, as CDMSI representatives, in numerous activities and events (4<sup>th</sup> meeting of the Drafting Group on freedom of expression and links to other human rights (CDDH-EXP) (Strasbourg, 20-21 March 2019); the conference “Tackling gender stereotypes and sexism (Helsinki, 28-29 March 2019); the conference “Governing the Game Changer – Impacts of artificial intelligence development on human rights, democracy and the rule of law” (Helsinki, 26-27 February 2019);
- took note of the Internet Governance Forum (IGF) to be held in November 2019 in Berlin and the plans to ensure Council of Europe participation;
- took note of recent work and discussed the participation of representatives of the Council of Europe in this work;
- took note of information provided on areas of common interest and discussed the possibility to strengthen cooperation with partner organisations and institutions (at the heart of the Council of Europe and at international level): CDDH, CDCT, the Commissioner for Human Rights, the European Audiovisual Observatory and EPRA, the conference of IONGs of the Council of Europe and OING ICON; UNESCO, European dialogue on Internet governance (EuroDIG); ICANN;
- decided to elect a new member to participate in meetings of the CDCT to address questions of freedom of expression;
- took note of the seminar on “Human rights challenges in the digital ages: Judicial perspectives” organised by the European Court of Human Rights in cooperation with the Directorate General of Human Rights and the Rule of Law and with the support of the Finnish Ministry for Foreign Affairs” in Strasbourg on 28 June 2019;
- had an overview of CDMSI proposed priorities for the next two years, in the framework of its future terms of reference and took note of the proposal to create a Committee of experts on freedom of expression and artificial intelligence and a Committee of experts on digital media environment, disinformation and information manipulation, to draft related deliverables;

- took note of the evaluations carried out by the Directorate of Internet Oversight and their importance for future CDMSI priorities and its terms of reference: the “Council of Europe support to the protection and promotion of freedom of expression” and the “Evaluation of Intergovernmental Committees”;
- adopted the report, document CDMSI(2019)03.

### **Resource implications**

The financing of the activities described in this report is assured.

### **Evaluation of completed activities**

The Committee expressed its satisfaction with the success of the Helsinki conference “AI – Governing the Game Changer – Impacts of artificial intelligence development on human rights, democracy and the rule of law” (26-27 February 2019), thanked the Secretariat and the members who had participated as CDMSI representatives and took note of the Council of Europe’s follow-up to the Helsinki conclusions; continuing research into the impacts of AI development on human rights, democracy and the rule of law, developing sector-specific recommendations and guidance, examination of existing gaps in the current legislative and regulatory framework applicable to AI design, development and implementation; and consideration of the feasibility and potential elements of a framework legal instrument in this area.

### **Any changes to the composition of the Committee Bureau**

Ms Inge Welbergen was elected member of the CDMSI Bureau until the end of 2019.

### **Other observations**

None.

**Appendix I – Agenda of the 16<sup>th</sup> meeting of CDMSI (Strasbourg 4-6 June 2019)**

1. Opening of the meeting
2. Adoption of the agenda
3. Recent developments
4. Cooperation activities
5. Standard setting
6. Forthcoming events – Conference of Ministers responsible for media and information Society  
(Nicosia, 28-29 May 2020)
7. Implementation of Council of Europe adopted standards and best practices
8. Internet Universality Indicators (UNESCO project)
9. Initiatives in member states
10. Conference of INGOs of the Council of Europe
11. Election of one new Bureau member
12. Work of other Council of Europe institutions and bodies
13. European Union - recent developments
14. Participation of CDMSI members in meetings and events
15. CDMSI priorities 2020-2021
16. Evaluation by the Directorate of Internal Oversight (DIO)
17. Date of the 17<sup>th</sup> CDMSI plenary meeting (3-5 December 2019)
18. Other business