Steering Committee on Media and Information Society - CDMSI



20 December 2021 CDMSI(2022)001

20th meeting of the Steering Committee on Media and Information Society (CDMSI)

(1-3 and 9 December 2021, via videoconference)

Meeting report

The Steering Committee on Media and Information Society (CDMSI) held its 20th Plenary meeting from 1 to 3 December 2021 via videoconference, chaired by Ms Inge Welbergen (the Netherlands), the Committee's Chair.

1. Opening of the meeting

Mr Jan Kleijssen, Director, Information Society - Action against Crime Directorate, welcomed the members, observers and participants of the CDMSI to the last meeting of the biennium and thanked them for their hard work and commitment. He stressed the importance of the work carried out by the CDMSI and its subordinate bodies and the high expectations of its outcomes. Mr Kleijssen congratulated the CDMSI on the successful holding of the Ministerial Conference, which has led to the adoption of four Conference Resolutions and the final Declaration. He highlighted the need for a timely follow-up on these decisions, which should also be brought to the attention of national authorities. Mr Kleijssen further recalled other major events of the year 2021: the 40th anniversary of the Convention 108, the 20th anniversary of the Budapest Convention and the adoption by the Committee of Ministers of its Second Additional Protocol. He also made reference to the work of the CAHAI that was holding its last plenary meeting in parallel with the CDMSI. Lastly, he recalled the importance of the cooperation with international organisations, such as the EU, and invited the CDMSI to actively participate in the exchange of views with the representatives of the European Commission (item 10 of the agenda).

2. Adoption of the agenda

The CDMSI adopted the meeting agenda (Appendix 1), without any change. The list of participants and information on gender distribution appear in Appendix 2.

3. Conference of Ministers responsible for media and information society

Mr Patrick Penninckx, Head of the Information Society Department, provided an account of the holding of the <u>Conference of Ministers responsible for Media and Information Society 'Artificial intelligence – Intelligent Politics: challenges and opportunities for media and democracy'</u> (10-11 June 2021). At the outset, he thanked the Republic of Cyprus for hosting the Ministerial Conference and for accommodating its holding in the hybrid format. The Conference has set a new benchmark for the Organisation. It brought together over 300 participants from 53 countries, including from all 47 Council of Europe member States. More than 40 Ministers, State Secretaries and Vice Ministers personally participated in the discussions on issues of major importance. The Conference also benefited from a strong presence of other high-level speakers, as well as actors working directly in the field (e.g., on

Media and Information Literacy (MIL) and on the of safety of journalists). The event has also reconfirmed the close cooperation with European Institutions and other international organisations which were actively involved in the exchanges held. It was broadcasted on social networks and attracted big audiences, including from academia, the media, internet platforms and the youth. The multistakeholder format contributed to the increased legitimacy of the decisions of the Conference. The adoption of four Conference resolutions and a final declaration has confirmed a common approach among governments and other actors towards identifying priorities, redefining the main strategies and addressing together the challenges to freedom of expression in the digital age. Mr Penninckx stressed the importance of member States' follow-up action towards the implementation of the Conference decisions, as many of them are an integral part of the CDMSI work, also for a long-term perspective. He further informed the CDMSI about the report of the Secretary General on the Ministerial Conference website, as well as video recordings form the event.

Ms Artemiza-Tatiana Chisca, Head of the Media and Internet Division - Secretary to the CDMSI, informed the CDMSI that in the course of the Committee of Ministers' discussion on the Secretary General's report on the Conference, the CDMSI has been identified as one of the main structures entrusted with the implementation of the Conference decisions. In this regard, as recommended by the CDMSI Bureau, the Secretariat has reviewed the state of implementation and future steps, including in light of the recently adopted new Terms of Reference. In sum:

- certain actions recommended by the Conference resolutions have already been implemented
 or will be finalised this year (e.g., the already adopted recommendation <u>CM/Rec(2020)1</u> of the
 Committee of Ministers to member States on the human rights impacts of algorithmic systems,
 as well as the deliverables of the CDMSI's subordinate expert committees, produced in 20202021);
- some recurrent actions are contributing to the implementation of the Ministerial Conference decisions, such as preparation of the freedom of expression chapter of the Secretary General's annual report, or ongoing activities on cooperation and support to media actors, including through the cooperation with the Platform to promote the protection of journalism and safety of journalists;
- the implementation of some decisions of the Conference (e.g., regarding a campaign on the safety of journalists, or action needed to combat hate speech) will require the engagement of a wider institutional framework of the Council of Europe, as well as cooperation with partners. The inter-secretariat *Taskforce on freedom of expression* holds regular meetings to discuss such transversal issues and possible concerted action to address them.

The CDMSI took note of this information and agreed that, when reporting to the Committee of Ministers, notably through the abridged meeting reports, reference to actions taken in the implementation of the Conference decisions should systematically be made.

4. Internet and Digital Governance

4.1 Exchange of views with Ambassador Rasmus Lumi, TC-INF

The CDMSI held an exchange of views with Ambassador Rasmus Lumi, Permanent Representative of Estonia to the Council of Europe and Committee of Ministers' Thematic Coordinator on Information Policy (TC-INF), on the importance of a coordinated approach in the Council of Europe on all matters related to information society and digital governance issues.

Ambassador Lumi stressed the importance of the CDMSI's work in this sphere and updated the CDMSI about the recent <u>TC-INF coordination meeting</u> that focused on (a) the Council of Europe's external cooperation in the field of Artificial Intelligence (in particular, with the OECD and UNESCO, including within the framework of the <u>Global policy.Al</u> initiative), (b) the Organisation's digital agenda (in particular, progress made by the <u>CAHAI</u> and future perspectives of this work) and (c) cooperation

between the Council of Europe and internet companies (i.e., the expected accession to the partnership framework by the Lego Group). He also informed the CDMSI that the new four-year Council of Europe Strategy on the «Protection of human rights, democracy and the rule of law in the digital environment» was in the stage of finalisation and re-emphasised the CDMSI's important role in ensuring cohesion and planning forward-looking strategic action vis-à-vis the digital transformation.

The CDMSI: (a) supported the view that the Council of Europe's cooperation with intergovernmental organisations with complementary mandates on AI would be beneficial to achieve impact in this field, in particular in terms of due respect for fundamental rights, including freedom of expression, in the development, deployment and use of AI tools, and recalled that the CDMSI new Terms of reference also included sectorial work on AI-related issues; (b) proposed that main deliverables of the CDMSI's work in 2020-21, after their adoption by the Committee of Ministers, be presented at TC-INF meetings to the representatives of internet companies; (c) expressed interest in the forthcoming Council of Europe Strategy on the «Protection of human rights, democracy and the rule of law in the digital environment» and a possibility to have an exchange on it.

4.2 Recent and upcoming events

The CDMSI took note of the information provided by the Secretariat about the Organisation's participation in the EuroDIG 2021, preparations for participation in the IGF 2021, as well as about the conferences and events recently organised by the Council of Europe (International symposium on "Human rights in the digital sphere" on 18 October 2021 - co-organised by the Council of Europe - with particular involvement of the DGI and the European Court of Human Rights - the René Cassin Foundation and the Strasbourg general consulates of Japan and the USA, AI Conference "Current and Future Challenges of coordinated policies on AI regulation", 26 October 2021, co-organized by the Council of Europe and the Hungarian presidency of its Committee of Ministers) and events planned for 2022 (in particular, a Conference co-organised with the European Broadcasting Union (EBU) on the role of public Service Media). Mr Taavo Lumiste (Estonia) took the floor to inform the CDMSI of the upcoming Global Conference for Media Freedom taking place in February 2022 in Tallin.

5. Standard setting

5.1 Committee of Experts on Media Environment and Reform (MSI-REF)

Ms Maria Donde, Chair of the MSI-REF, updated the CDMSI about the progress made by the MSI-REF since the last plenary meeting and presented the deliverables finalized be expert committees: the draft recommendation of the Committee of Ministers on principles for media and communication governance, the draft recommendation of the Committee of Ministers to Member States on electoral communication and media coverage of election campaigns and the draft Guidance note on prioritisation of content of public interest online (based on the Study "Prioritisation uncovered", earlier accomplished by the MSI-REF).

The CDMSI took note of the report of the fourth meeting of the MSI-REF (held on 23-24 September 2021, via videoconference) and proceeded with the examination of the three deliverables section by section, with the assistance of the Secretariat (Ms Urška Umek, Secretary to the MSI-REF). With some revisions, the CDMSI approved the two draft recommendations and agreed to submit them to the Committee of Ministers in early 2022, after the required legal and linguistic checks, for possible adoption. Also, with a few textual amendments, the CDMSI adopted the *Guidance note on prioritisation of content of public interest online*.

5.2 Committee of Experts on Freedom of Expression and Digital technologies (MSI-DIG)

Ms Nathalie Helberger, Chair of the MSI-DIG, updated the CDMSI about the progress made by the expert committee since the last plenary meeting, also recalling the *Guidance Note on content moderation* (adopted by the CDMSI in May 2021). Mr Cristian Vaccari, drafting rapporteur of MSI-DIG, presented the draft recommendation of the Committee of Ministers on the impact on digital technologies on freedom of expression.

The CDMSI took note of the report of the third meeting of the MSI-DIG (held on 20-21 September 2021, via videoconference) and proceeded with the examination of the draft recommendation section by section, with the assistance of the Secretariat (Ms Elena Dodonova, Secretary to the MSI-DIG). With some revisions, the CDMSI approved the draft recommendation and agreed to submit it to the Committee of Ministers in early 2022, after the required legal and linguistic checks, for possible adoption.

5.3. Committee of Experts on combating hate speech (ADI/MSI-DIS)

At the CDMSI session of 2 December 2021, Ms María Rún Bjarnadóttir, Chair of the ADI/MSI-DIS, provided an update about the progress made by the ADI/MSI-DIS in its work since the last plenary meeting and presented the draft recommendation of the Committee of Ministers on Combatting Hate speech and its draft Explanatory Memorandum.

The CDMSI examined the draft recommendation and its draft Explanatory Memorandum section by section, with the assistance of the Secretariat (Ms Giulia Lucchese, co-secretary to the ADI/MSI-DIS), making some revisions. While there was large support for both texts, one delegation expressed reservations in relation to certain provisions of the draft recommendation and its explanatory memorandum and proposed further consultations.

Ms Inge Welbergen (the Netherlands), Chair of the CDMSI, recalled that the work of the ADI/MSI-DIS was also being overseen by the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) and reminded that the approval of the draft recommendation and the adoption of its explanatory memorandum by the two steering committees were expected at the joint session of the CDMSI and CDADI on 9 December (after the CDADI discusses the text at its Plenary meeting on 7 December). She thanked the Secretariat for facilitating cooperation and fostering the harmonisation of approaches with the CDADI Secretariat.

The CDMSI agreed to forward the two texts, as revised by the CDMSI, to the CDADI for consideration, and instructed the Chair of the CDMSI to attend the CDADI discussion of the draft recommendation and its explanatory memorandum on 7 December 2021 and, as part of the joint work on the texts, to inform the CDADI of the outcomes of the CDMSI's discussion.

At the joint session of the CDMSI and the CDADI on 9 December 2021, the drafts, finalised in the light of the respective discussions, were be presented for approval of both committees. The CDMSI and the CDADI approved the draft recommendation and adopted its draft explanatory memorandum, by vote (the CDADI vote was held at the joint online session of 9 December; the CDMSI vote, due to the lack of quorum on 9 December, took place after the joint meeting through written procedure, with 38 delegations participating in the vote, 30 agreeing with the draft, 2 not agreeing and 6 abstaining). Therefore, after the required legal and linguistic checks the two texts will be submitted, jointly by the CDMSI and the CDADI, to the Committee of Ministers in early 2022 (the draft recommendation - for possible adoption; the draft explanatory memorandum - for notification).

In the framework of the voting process, one delegation submitted a statement on the joint work and approval of the draft Recommendation by the two steering committees (See Appendix I).

6. Prospects for future work

Ms Artemiza-Tatiana Chisca, Head of the Media and Internet Division - Secretary to the CDMSI, presented the CDMSI's new Terms of Reference that, according to the new rules, cover the period of four years (2022-2025), with the part corresponding to the second biennium adopted so far only on a provisional basis. In the 2022-2023 biennium, the CDMSI will oversee the work of three subordinate committees of experts. The CDMSI's Terms of Reference and those of its future expert committees are largely consistent with the decisions of the Ministerial Conference, many of which have been translated into the list of deliverables.

Ms Elena Dodonova, Secretary to the future **Committee of experts on the integrity of online information (MSI-INF)**, presented the Terms of Reference of the MSI-INF. The Committee was tasked with preparing a *Guidance note on countering the spread of online mis- and disinformation through fact-checking and platform design solutions in a human rights compliant manner*. In accomplishing this task, the MSI-INF will rely, among others, on a wide range of research papers and instruments produced by the CDMSI, such as the report on "Information disorder: Toward an interdisciplinary framework for research and policy making" (2017), the *Recommendation* <u>CM/Rec(2020)1</u> on the human rights impacts of algorithmic systems or the *Recommendation* <u>CM/Rec(2018)2</u> on the role and responsibilities of internet intermediaries.

Ms Urška Umek, Secretary to the future **Committee of experts on increasing media resilience (MSI-RES)**, presented the Terms of Reference of the MSI-RES. The Committee was tasked to prepare two documents: *Guidelines on the use of digital tools including artificial intelligence for journalism/by journalists* and *Good practices for sustainable media financing*. The *guidelines* will focus on media-oriented issues, taking the angle of digital development and how it may be employed for better journalism. In this regard, the Committee's work will build on previous relevant CDMSI work as well as on the work of the CAHAI and of the future Committee on Artificial Intelligence (CAI). For the preparation of the *Good Practices for sustainable media financing*, a questionnaire on the system of media funding that exists in their respective States will be circulated among the CDMSI members.

Ms Giulia Lucchese, Secretary to the **Committee of experts on Strategic Lawsuits against public Participation (MSI-SLP)**, presented the Terms of Reference of the MSI-SLP. The Committee's task is to produce a draft Recommendation on strategic lawsuits against public participation (SLAPPs). In its work, the Committee will primarily draw upon the principles and standards identified by the ECtHR in its relevant case-law, as well as on the Recommendation <u>CM/Rec(2016)4</u> on the protection of journalism and safety of journalists and other media actors and other relevant CDMSI and Council of Europe documents. In view of the ongoing preparation of the EU's anti-SLAPPs package, cooperation with the European Commission's has been established and will remain essential to ensure synergies and avoid duplication in the texts.

7. Elections

7.1 Elections of the CDMSI Chair, Vice-Chair and Bureau members

After information by the Secretariat on the rules and procedure, the CDMSI members:

- taking account of the fact the only one candidature has been proposed for each of the posts open for election, unanimously agreed to hold elections of the Chairperson and Vice Chairperson by acclamation. Mr Taavo Lumiste (Estonia) was elected as Chair of the CDMSI and Ms Inge Welbergen (the Netherlands) as Vice-Chair of the CDMSI;
- by secret ballot, the CDMSI elected Mr Marius Jitea (Romania), Mr Emir Povlakic (Bosnia and Herzegovina), Mr Thomas Schneider (Switzerland), Ms Maja Zaric (Serbia) as members of the CDMSI Bureau for a two-years term and Mr Skender Adem (Slovenia) - for a one-year term.

7.2 Elections of government representatives to the three Committees of experts subordinate to the CDMSI

The CDMSI discussed the submitted candidatures and, in a secret ballot, elected member States' representatives to its three subordinate committees of experts as follows:

- Ms Roxana Clinciu (Romania), Mr Andrin Eichin (Switzerland), Ms Puck Gorrissen (the Netherlands), Ms Beth Lambert (United Kingdom), Mr Hrvoje Lisicar (Croatia), Ms Marie Masdupuy (France) and Ms Malgorzata Pek (Poland) were elected as members of the Committee of Experts on the Integrity of Online Information (MSI-INF);
- Ms Ludmila Andronic (Republic of Moldova), Ms Luisa Braun (Germany), Ms Elda Brogi (Italy), Ms Roxana Clinciu (Romania), Ms Maria Donde (United Kingdom), Mr Mikhail Konrad (Russian

Federation) and Mr Laurens Vreekamp (the Netherlands) were elected as members of the Committee of Experts on Increasing Resilience of Media (MSI-RES);

- Ms Alina Barbu (Romania), Ms Beatrice Brown (United Kingdom), Mr Hrvoje Lisicar (Croatia), Mr Tarlach McGonagle (the Netherlands), Mr Alexey Nikolov (Russian Federation) and Ms Karmen Turk (Estonia) were elected as members of the Committee of Experts on Strategic Lawsuits against Public Participation (MSI-SLP). In order to fill one remaining seat, the CDMSI extended the call for candidates for MSI-SLP until 10 December 2021.

7.3 Appointment of a CDMSI gender equality rapporteur and a youth and children's rights rapporteur and of a liaison person of the CDMSI for the Committee on Artificial Intelligence (CAI)

The CDMSI entrusted the newly elected Bureau with the appointment of a CDMSI gender equality rapporteur and a youth and children's rights rapporteur, as well as of a liaison person of the CDMSI with the newly established Committee on Artificial Intelligence (CAI).

8. Applications for observer status

The CDMSI took note of the presentations by representatives of the applying organisations:

- for the <u>European Centre for Press and Media Freedom</u> (ECPMF), Ms Flutura Kusari, legal advisor,
- for the News media Coalition (NMC), Mr Andrew Moger, Chief Executive.

After a brief exchange of views, followed by a discussion in camera, the CDMSI decided to grant observer status to the European Centre for Press and Media Freedom (ECPMF) and the News Media Coalition (NMC).

9. Review of progress

The CDMSI took note of the information provided on the following items.

9.1 Council of Europe work on data protection

Ms Isabelle Servoz-Gallucci, Head of the Data Protection Unit - Secretary to the Committee of the Convention 108 (T-PD), thanked the CDMSI for active cooperation in the past biennium. She further presented the latest developments in the Council of Europe's work related to data protection, i.e. the outcomes of the 42nd plenary session of the Committee of the Convention 108, which led to the adoption of the *Guidelines on the Protection of Individuals with regard to the Processing of Personal Data by and for Political Campaigns*; and the endorsement of two working documents: Evaluation and review questionnaire (T-PD(2018)20rev11) and the Evaluation and review mechanism under Convention 108+, Process and rationale (T-PD(2018)21rev11). Both working documents pave the way for the future work on the monitoring mechanisms, once Convention 108+ enters into force. So far, Convention 108+ counts 43 signatures and 15 ratifications.

9.2 Council of Europe work on combating cybercrime

Mr Alexander Seger, Head of the Cybercrime Division - Secretary to the Cybercrime Convention Committee (T-CY), updated the CDMSI about the adoption on 17 November 2021 of the Second Additional Protocol to the Convention on Cybercrime on enhanced co-operation and disclosure of electronic evidence. The Second Additional Protocol has been under development since September 2017. It complements the Budapest Convention with provisions for a more effective mutual legal assistance, direct cooperation between service providers in other jurisdictions, a clearer framework and stronger safeguards for existing practices of transborder access to data, as well as specific data protection requirements.

9.3 Council of Europe Assistance and Cooperation activities on freedom of expression

Mr Shahin Abbasov, Programme manager, Co-operation on Freedom of Expression Division, provided information on the past and current cooperation projects to promote the implementation of the Council of Europe standards in the field of freedom of expression in member States and partner countries. Currently, the main focus is on enhancing pluralism and independence of public service media, on ensuring the safety of journalists and the protection of whistle-blowers, while encouraging investigative journalism and good governance, safeguarding privacy in the media, raising awareness of the judiciary on media and internet freedom issues and supporting media regulatory authorities. Examples of ongoing cooperation projects in these areas include: "Reinforcing Gender equality and ethical standards in media" in Azerbaijan; "Supporting Audiovisual Regulation" in the Republic of Moldova; and "Support to the freedom of Media" in Ukraine. The action taken includes providing legal reviews and policy advice on institutional development and capacity building, as well as training and conducting studies and research. Mr Abbasov highlighted the importance of the continued partnerships with the EU, UNESCO, OSCE, EBU and EPRA for the effectiveness and impact of this work.

9.4 Latest developments in the work of CAHAI

Mr Thomas Schneider (Switzerland), Vice-Chair of the CDMSI and liaison person with CAHAI, and Mr Kristian Bartholin, Head of the Digital Development Unit - Secretary of the Ad hoc Committee on Artificial Intelligence (CAHAI), provided an update on the latest developments in the work of CAHAI. At its last Plenary session of 30 November-2 December 2021, the CAHAI adopted a document on Possible elements for a legal framework on artificial intelligence, based on the Council of Europe's standards on human rights, democracy and the rule of law, which will be submitted to the Committee of Ministers for consideration. While the CAHAI mandate expires in the end of 2021, the Committee of Ministers has established a new Committee on Artificial Intelligence (CAI), with a mandate to develop such legal framework. The CAI's work will be focusing on the horizontal aspects of AI, while other Council of Europe committees will continue working on AI-related issues at the sectoral level.

9.5 Developments related to the draft Recommendation on promoting a favourable environment for quality journalism in the digital age

The Secretariat informed the CDMSI on the latest developments related to the <u>draft Recommendation</u> on promoting a favourable environment for quality journalism in the digital age, which is still pending for adoption by the Committee of Ministers and, despite efforts made to advance the adoption process, currently is not scheduled for discussion by the ministers' deputies at the upcoming meetings. Ms Inge Welbergen, Chair of the CDMSI, and Mr Thomas Schneider, Vice-Chair of the CDMSI, informed about steps taken in this connection and called for member states' support to the recommendation before the Committee of Ministers, of which the CDMSI members duly took note.

9.6 Implementation of freedom of expression related HELP online courses in member states

Ms Ana Medarska Lazova, Deputy Head of HELP Unit, Directorate General Human Rights and Rule of Law (DGI), provided information about the implementation of freedom of expression related HELP online courses in member States. The *Council of Europe Programme for Human Rights Education for Legal Professionals* (HELP) is aimed to help justice and other professionals apply European (both Council of Europe and European Union) standards in their daily work, mainly through training. Online courses include self-learning and tutored components and require from 5 to 12 hours of study in total. The updated version of the HELP course on Freedom of expression was launched in 2021 in a number of member States; the HELP course on the Protection and Safety of Journalists was launched in July 2020. Member States' support in translating these courses into their national languages, their adaptation and promotion among relevant legal and media professionals remains highly important.

9.7 Information on the Task force on Freedom of Expression

The Secretariat provided information about the recent work of the Council of Europe inter-secretariat Task Force on Freedom of Expression and Media. Among others, the Task Force is entrusted with the preparation of the Secretary General's regular reports to the Committee of Ministers on freedom of

expression, intended to keep it duly informed of the developments and necessary action in the area of freedom of expression and media. The previous report put into spotlight the issue of the safety of journalists, while the pending report focuses on the worrying issues that increasingly arise in the alerts posted on the <u>Platform for the Safety of Journalists</u> and in the work of different Council of Europe structures: (a) obstruction to the coverage of public events by journalists; (b) broadcasting bans and internet access blocking and (c) strategic lawsuits against public participation (SLAPPs). The report, among others, welcomes the outcomes of the <u>Ministerial Conference</u> that provide orientation for the Organisation's future work, and highlights the importance and urgency of the envisaged standard-setting work on addressing SLAPPs.

10. Information from other Council of Europe institutions and bodies

10.1 European Audiovisual Observatory and European Platform of Regulatory Authorities

Ms Susanne Nikoltchev, Executive Director of the European Audiovisual Observatory, provided information on the Observatory's ongoing work. The <u>IRIS Newsletter</u> (Legal Observations of the European Audiovisual Observatory) offers monthly reports on the most important legal developments for the audiovisual industry in 41 European countries, complemented by the IRIS Special (notably, on the Digital Services Act package) and IRIS extra editions. The <u>AVMSDatabase</u> allows interactive searches across the national transpositions of the revised Audiovisual Media Services Directive in the EU member states and has an integrated <u>AVMSD Tracker</u> that shows progress.

Ms Emmanuel Machet, Head of the Secretariat, the European Platform of Regulatory Authorities (EPRA), shared information on EPRA's latest developments: the new EPRA Executive Board, new EPRA members and the new EPRA Statute that reflects the current operating framework and provides for increased transparency and accountability. The main topics of EPRA's current and recent work include hate speech (53rd EPRA meeting on "Living with Hate Speech - from apprehending to combatting"), media and information literacy (EPRA's Media Literacy Taskforce - EMIL holds roundtable meetings every two months) and artificial intelligence ("AI & Regulator" - 1st roundtable discussion meeting in October 2021). In December 2021-January 2022, the adoption of the EPRA's 2022 working programme is foreseen; the next (55th) EPRA meeting will take place in Antwerp on 11-13 May 2022. At the last (54th) EPRA meeting an update on the CDMSI's recent work was provided.

10.2 Commissioner for Human Rights of the Council of Europe

Mr Stefano Montanari, Adviser, Office of the Commissioner for Human Rights, stressed that freedom of expression and media freedom remain high on the Commissioner's agenda and updated the CDMSI on recent and ongoing work in this field. As concerns country work, the Commissioner carried out a visit to Malta from 11 to 16 October, at the end of which she called for increased protection of journalists' safety, stressing as priority the need to implement the recommendations of the public inquiry report in Daphne Caruana Galizia's assassination. Far-reaching reforms, starting with a coordinated response to threats and harassment against journalists, including online, as well as awareness-raising among the police and dialogue between law enforcement and media professionals were also necessary. The Commissioner welcomed recent initiatives to address the use of vexatious lawsuits (SLAPPs) and recommended that relevant legislation is adopted without delay. Her report following the visit to Malta will be published in early 2022. In November, the Commissioner went to Poland to assess the situation of migrants at the border with Belarus. Among the topics she raised was the lack of access to the exclusion zone also for journalists, stressing that the ban on access to areas adjacent to the border undermined freedom of expression and information and limited much-needed transparency and accountability.

From a thematic perspective, the Commissioner addressed the following topics: restrictions in accessing internet through content blocking or filtering, criminalising legitimate expression, or disconnecting users from internet access, including through deliberate shutdowns (Conference organised by the Freedom online Coalition in November); SLAPPs as one of the most hurtful tools stifling free speech and a serious threat to freedom of expression and to the right to acquire

information of public interest (comment to RND, a German media Company); and impunity for crimes against journalists (video message to an observatory on violence against journalists in Italy).

11. Co-operation with EU institutions on issues of common interest

The CDMSI held an exchange of views with Ms Anna Herold, Head of Unit, Audiovisual and Media Services Policy, DG CONNECT, European Commission, on the latest developments within the EU in the field of media freedomand media pluralism and ways to enhance cooperation and synergies between the European Union and the Council of Europe, with regard to the ongoing/pending standard setting processes. Mr Giuseppe Abbamonte, Director of the Media Policy Directorate, DG CONNECT, European Commission, could not attend the meeting and was apologised.

Ms Herold updated the CDMSI on the European Commission's Recommendation on ensuring safety of Journalists in the European Union (intended to complement the comprehensive approach taken by the Council of Europe, by focusing on specific subjects and addressing concrete recommendations to EU Member States) and on the ongoing work on the European Media Freedom Act (MFA) (a legislative initiative foreseen by the European Democracy Action Plan). Taking the internal market as the starting point, the MFA will aim to address media freedom/pluralism issues, including those having a cross-border dimension (e.g., public and private interference with the media; regulatory fragmentation in the EU, notably regarding the rules concerning the prominence of public interest content and the rules related to the balanced media coverage, including during elections). Response will be developed along the following lines: (a) through the enhancement of cooperation and convergence on regulatory and self-regulation mechanisms; (b) through early-warning mechanisms and enhancing market transparency, with a focus on media ownership; (c) strengthening independence safeguards for the public service media management and other measures to minimise the risk of political interference and ensure diversity and pluralism.

The CDMSI recalled its 2020-2021 deliverables that are of immediate relevance to the ongoing EU's work and took note of the invitation to actively participate in the upcoming consultations on the *MFA*.

12. Recent country specific developments in the field of freedom of expression

The CDMSI made a tour de table to present recent country specific developments in the field of freedom of expression:

- **Italy**: the current Italian Presidency of the Council of Europe Committee of Ministers, with a particular emphasis on strengthening a people-centred approach, will focus on the following issues: 1) women's rights; 2) children and youth policies; 3) protection of cultural heritage; 4) impact of AI on fundamental rights and democracy. On these themes, several high-level events (notably, in Rome and in Strasbourg) will be organised to promote broader discussion;
- Ukraine: two initiatives are underway: development of a methodology (with the support of the National Democratic Institute of Sweden) serving as a recommendation for broadcasters on online policy regulation, and the launch of a recommendation to broadcasters on preventing disinformation;
- **the United Kingdom**: the *Online Safety Bill* (currently under Parliamentary scrutiny) aims to establish a new regulatory framework to address harmful online content. Its main focus is on tackling criminal activity, developing an approach to legal but harmful content and providing safeguards for freedom of expression;
- **Switzerland**: in light of the <u>Resolution on the safety of Journalists</u> adopted at the <u>Ministerial Conference</u>, there is intention to develop a national action plan on the safety of journalists (in cooperation with media organisations, the Federal Media Commission and journalists). In this context, roundtable discussions will also be organised;
- **the Netherlands:** there is intention to develop a national action plan on the safety of journalists (prompted by the decisions of the Ministerial Conference).

- Bosnia and Herzegovina: the 2019-2021 plan for Media and Information Literacy (MIL) provides for a range of activities: the launch of an administrated Facebook group on MIL; interviews (together with UNICEF) of more than 200 children and parents focusing on access to media and information; the publication of awareness-raising documents on disinformation and MIL; the launch of a campaign on the safety of children online and of a website dedicated to MIL. Also, legislative proposals on the electronic communication law and media law are in preparation;
- **Serbia**: the *New Media Strategy* was adopted in 2020, with a working group to monitor its implementation. Since June 2021, a draft law on public information and media has been in preparation by the working group, with a view to amending the current law on electronic media. Regarding the safety of journalists, a working group chaired by the Prime Minister is proposing measures for the effective protection of journalists. Also, two workshops on ethics in the digital age and training for public servants have been organised.

13. Next meeting

The CDMSI agreed to hold its next Plenary meeting on 1-3 June 2022. The format of the meeting (online/hybrid/physical) will be decided closer to the date, depending on the circumstances.

14. Other business

No additional issue was raised.

APPENDIX 1

Statement submitted to the CDMSI and CDADI by the Russian delegation on 21 December 2021

Dear Ms. Welbergen, Dear Mr. Loukarelis,

We see the situation at the joint meeting of CDADI and CDMSI as disappointing as these steering committees failed to achieve consensus on draft Recommendation on combating hate speech and thus to implement one of their specific tasks as provided for in their terms of reference.

We would like to remind that the Russian Federation expressed its principled approach to the work on combating discrimination at the Council of Europe in its statement at the Committee of Ministers' 1382nd meeting as early as on September 16, 2020:

"The Russian Federation is of the view that while discussing issues of combating discrimination we [the Committee of Ministers] should base ourselves on general anti-discriminatory provisions contained in relevant international legal instruments, including the European Convention on Human Rights, which cover all categories of different social groups and protect human rights of any person, without exclusion. Singling out of specific groups may bring a risk of positive discrimination against other social groups.

Moreover, we would like to stress that the Committee of Ministers recommendations should not be aimed at imposing on member States additional obligations that go beyond their conventional human rights commitments. The CM in this regard should do its utmost to find consensus on recommendations to the Governments of member States, particularly when their positions differ".

A clear and unequivocal call of the CDMSI to finalize the draft Recommendation on combating hate speech and an explanatory memorandum thereto in the light of discussions in the CDMSI and the CDADI, unfortunately, did not result in a consensus approval of the documents. To our regret, the differences were not overcome although the Russian delegation proposed to move all the disputed issues to the explanatory memorandum or to the interpretative statements of the member States which should be attached to the Recommendation.

We consider it as a regrettable practice to put on vote draft recommendations at steering committees in cases when consensus support of these documents is not assured while Article 20 of the Statute of the Council of Europe provides for a unanimous vote at the Committee of Ministers. This effectively means that relevant steering committees delegate their task to develop a draft recommendation to the Committee of Ministers.

Therefore, the Russian delegation proposes to continue the work on the draft Recommendation within the CDMSI and the CDADI next year until a required consensus has been reached.

Yours sincerely,

Oleg Gavrilov Representative of the Russian Federation in CDMSI Ministry of Foreign Affairs of the Russian Federation Sergey Chumarev
Representative
of the Russian Federation
in CDADI
Ministry of Foreign Affairs
of the Russian Federation

APPENDIX 2

Agenda

1-3 and 9 December 2021 Strasbourg, ECHR seminar room - hybrid meeting

- 1. Opening of the meeting
- 2. Adoption of the agenda and order of business
- 3. Conference of Ministers responsible for Media and Information Society (10-11 June 2021) Follow-up action
- 4. Internet/Digital Governance
 - 4.1 Exchange of views with the Council of Europe Thematic Coordinator on Information Policy (TC-INF), Amb. Rasmus Lumi, Permanent Representative of Estonia to the Council of Europe
 - 4.2 Recent and upcoming events
- 5. Standard setting
 - 5.1 Committee of Experts on Media Environment and Reform (MSI-REF)
 - 5.2 Committee of Experts on Freedom of Expression and Digital Technologies (MSI-DIG)
 - 5.3 Committee of Experts on Combating Hate Speech (ADI/MSI-DIS)
- 6. Applications for observer status
 - 6.1 Application by the European Centre for Press and Media Freedom (ECPMF)
 - 6.2 Application by the News Media Coalition (NMC)
- 7. Information on the election of the CDMSI Chair, Vice-Chair and Bureau members and on the elections of members of the committees of experts subordinate to the CDMSI representing the member States
- 8. Recent country-specific developments in the field of freedom of expression
- 9. Applications for observer status decision
- 10. Prospects for future work. Future Terms of reference of the CDMSI and its expert committees
- 11. Elections
 - 11.1 Elections of the CDMSI Chair, Vice-Chair and Bureau members
 - 11.2 Elections of experts proposed by member states as members of the three Committees of experts subordinate to the CDMSI:
 - Committee of Experts on the Integrity of Online Information (MSI-INF)
 - Committee of Experts on Increasing Resilience of Media (MSI-RES)
 - Committee of Experts on Strategic Lawsuits against Public Participation (MSI-SLP)
 - 11.3 Appointment of a CDMSI gender equality rapporteur and a youth and children's rights rapporteur and of a liaison person of the CDMSI for the Committee on Artificial Intelligence (CAI)
- 12. Co-operation with EU institutions on issues of common interest
- 13. Review of progress

- 13.1 Council of Europe work on data protection
- 13.2 Developments related to the draft Recommendation on promoting a favourable environment for quality journalism in the digital age
- 13.3 Council of Europe work on combating cybercrime
- 13.4 Council of Europe Assistance and Cooperation activities on freedom of expression
- 13.5 Implementation of freedom of expression related HELP online courses in member states
- 14. Information from other Council of Europe institutions and bodies
 - 14.1 European Audiovisual Observatory
 - 14.2 Commissioner for Human Rights of the Council of Europe
 - 14.3 Latest information from other Council of Europe institutions and bodies
- 15. Latest developments in the work of CAHAI
- 16. Participation in past and future events of relevance for the CDMSI
- 17. Information on the Task force on Freedom of Expression
- 18. Date and place of next meeting
- 19. Other business
- 20. Approval of the abridged meeting report

APPENDIX 3

List of participants / Liste de participants

Total number of participants: 129 / Nombre total des participants : 129 Gender distribution: 65 men (50%) / 64 women (50%) Parité entre hommes : 65 hommes (50%) / 64 femmes (50%)

MEMBERS / MEMBRES

ALBANIA / ALBANIE	Mr/M Sokol Gioka
ALBANIA / ALBANIE	Mr/M. Sokol Gjoka Director of International Organizations/ Directeur des organisations internationales Ministry for Europe and Foreign Affairs/ Ministère de l'Europe et des Affaires étrangères
ANDORRA / ANDORRE	Waiting for a nomination / en attente d'une nomination
ARMENIA / ARMENIE	Ms/Mme Anna Karapetyan Senior Specialist at the International Legal Cooperation Department of the Ministry of Justice of the Republic of Armenia/ Spécialiste principale au département de la coopération juridique internationale du ministère de la justice de la République d'Arménie
AUSTRIA / AUTRICHE	Mr/M. Matthias Traimer Head of Department, Media Affairs and Information Society/Chef du service Médias et société de l'information Federal Chancellery, Constitutional Service/ Chancellerie fédérale, Service constitutionnel Mr/M. Andreas Ulrich Federal Chancellery – Constitutional Service, Dept V/3 - Media
	Affairs, Information Society, Political Parties (Law)/ Chancellerie fédérale - Service constitutionnel, Dept V/3 - Affaires médiatiques, Société de l'information, Droit des partis politiques Mr/M. Gerhard Holley Legal adviser / Federal Chancellery – Constitutional Service, Dept V/3 - Media Affairs, Information Society, Political Parties (Law) / Chancellerie fédérale - Service constitutionnel, Dept V/3 - Affaires médiatiques, Société de l'information, Droit des partis politiques
AZERBAÏJAN / AZERBAÏDJAN	Mr/M. Javid Musayev Head of the Communication Policy Section Department for Work with NGO's and Communication / Chef de la division de la politique de communication du département du travail avec les ONG et de la communication Presidential Administration of the Republic of Azerbaijan / Administration présidentielle de la République d'Azerbaïdjan
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BOSNIA AND HERZEGOVINA /	Mr/M. Emir Povlakic

BOSNIE-HERZEGOVINE	Head of Audiovisual and Media Services / Chef des services audiovisuels et médias Communications Regulatory Agency / Agence de régulation des communications
BULGARIA/BULGARIE	Ms/Mme Nelly Stoyanova Head of Information Society Policy Department/Chef du département de la politique de la société de l'information Ministry of Transport, IT and Communications of Republic of Bulgaria/Ministère des transports, de l'informatique et des communications culture de la République de Bulgarie
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CROATIA/CROATIE	Ms/Mme Nives Zvonarić Head of Media Sector / Chef du secteur des médias Ministry of Culture and Media / Ministère de la culture et des médias
CYPRUS/CHYPRE	Ms/Mme Sunny Papadimitriou Tofa Press and Information Officer/Attaché de presse et d'information Ministry of Interior/Ministère de l'Intérieur
CZECH REPUBLIC/REPUBLIQUE TCHEQUE	Mr/M. Artus Rejent Director / Directeur Media and Audio-Visual Department/ Département des médias et de l'audiovisuel Ministry of Culture of the Czech Republic/Ministère de la culture de la République Tchèque
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ESTONIA/ESTONIE	Mr/M. Taavo Lumiste Deputy Permanent Representative/ Représentant permanent adjoint Permanent Representation of Estonia to the Council of Europe / Représentation permanente de l'Estonie auprès du Conseil de l'Europe
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ADVISORY COUNCIL ON YOUTH (CCJ) / CONSEIL CONSULTATIF SUR LA JEUNESSE	Ms/Mme Alice Bergholtz
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COMMITTEE TO PROJECT JOURNALISTS (CPJ)/ COMITE POUR LA PROTECTION DES JOURNALISTES	Mr/M. Tom Gibson EU Representative / Représentant pour l'UE
COMMUNITY MEDIA FORUM EUROPE (CMFE) I FORUM EUROPÉEN DES MÉDIAS COMMUNAUTAIRES	Mr/M. Nicolas Horber

PERMANENT CONFERENCE OF THE MEDITERRANEAN AUDIOVISUAL OPERATORS(COPEAM)/ CONFERENCE PERMANENTE DE L'AUDIOVISUEL MEDITERRANEE	Mr/M. Giacomo Mazzone Member / Membre
EAVI MEDIA LITERACY FOR CITIZENSHIP/ EAVI ÉDUCATION AUX MÉDIAS POUR LA CITOYENNETÉ	Mr/M. Paolo Celot Founder and Secretary General / Fondateur et secrétaire général
EUROPEAN BROADCASTING UNION (EBU) I UNION EUROPEENNE DE RADIO-TELEVISION	Ms/Mme Nicola Frank Head of Institutional and International Relations / Chef des relations institutionnelles et internationales
EUROPEAN CENTRE FOR PRESS AND MEDIA FREEDOM (ECPMF)/ CENTRE EUROPÉEN POUR LA LIBERTÉ DE LA PRESSE ET DES MÉDIAS	Ms/Mme Flutura Kusari Legal Advisor / Conseillère juridique Mr/M. Lutz Kinkel Managing Director / Directeur général
EUROPEAN INTERNET SERVICES PROVIDERS' ASSOCIATION/ ASSOCIATION EUROPÉENNE DES FOURNISSEURS DE SERVICES INTERNET	Mr/M. Michael Rotert
HIGH AUTHORITY FOR AUDIO-VISUAL COMMUNICATION / HAUTE AUTORITÉ DE LA COMMUNICATION AUDIOVISUELLE	Mr/M. El Mahdi Aroussi Idrissi Director of the legal studies Department, focal point, High Authority for Audio-visual Communication (HACA) / Directeur du Département des études juridiques, point focal, Haute Autorité de la Communication Audiovisuelle (HACA) Mr/M. Othmane Alami Laktib Executive in the Legal Studies Department, High Authority for Audio-
INTERNET RIGHTS AND PRINCIPLES COALITION/ COALITION POUR LES DROITS ET PRINCIPES	visual Communication (HACA) / Cadre au département des études juridiques, Haute Autorité de la Communication Audiovisuelle (HACA) Ms/Mme Minda Moreira Co-Chair of the IRPC / Co-présidente de l'IRPC Ms/Mme Marianne Franklin
DE L'INTERNET	Member of the Steering Committee / Membre du comité directeur
NEWS MEDIA COALITION (NMC)/ COALITION DES MEDIAS D'INFORMATION	Mr/M. Andrew Moger Chief Executive

	Mr/M. Robert Heslop Policy & Communications Advisor / Conseiller en politique et communication
ORGANIZATION FOR SECURITY AND CO- OPERATION IN EUROPE (OSCE)/ORGANISATION POUR LA SÉCURITÉ ET LA COOPÉRATION EN EUROPE	Ms/Mme Kristin Olson Principal Adviser to Head of Institution / Conseillère principal auprès du chef de l'institution OSCE Representative on Freedom of the Media / Représentant de l'OSCE pour la liberté des médias

COUNCIL OF EUROPE / CONSEIL DE L'EUROPE

COUNCIL OF EUROPE THEMATIC COORDINATOR ON INFORMATION POLICY (TC-INF)/ COORDINATEUR THÉMATIQUE DU CONSEIL DE L'EUROPE SUR LA POLITIQUE D'INFORMATION (TC-INF)	Ambassador Rasmus Lumi Permanent Representative of Estonia to the Council of Europe / Représentant permanent de l'Estonie auprès du Conseil de l'Europe
STEERING COMMITTEE FOR HUMAN RIGHTS (CDDH) / COMITÉ DIRECTEUR POUR LES DROITS DE L'HOMME	Mr/M. Hans-Jörg Behrens Chair of the DH-SYSC / Président de DH-SYSC
STEERING COMMITTEE ON ANTI- DISCRIMINATION, DIVERSITY AND INCLUSION (CDADI)/ COMITÉ DIRECTEUR SUR L'ANTI- DISCRIMINATION, LA DIVERSITÉ ET L'INCLUSION	Ms/Mme Olena Bogdan Vice-chair / Vice-présidente
COMMITTEE OF EXPERTS ON COMBATING HATE SPEECH (ADI/MSI-DIS)/ COMITÉ D'EXPERTS SUR LA LUTTE CONTRE LE DISCOURS DE HAINE	Ms/Mme María Rún Bjarnadóttir Chair / Présidente Mr/M. Tarlach McGonagle Rapporteur / Rapporteur
COMMITTEE OF EXPERTS ON FREEDOM OF EXPRESSION AND DIGITAL TECHNOLOGIES (MSI- DIG)/ COMITÉ D'EXPERTS SUR LA LIBERTÉ D'EXPRESSION	Ms/Mme Natali Helberger Chair / Présidente Mr/M. Cristian Vaccari Rapporteur / Rapporteur

ET LES TECHNOLOGIES NUMÉRIQUES	
COMMITTEE OF EXPERTS ON MEDIA	Ms/Mme Maria Donde Chair / Présidente
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