# Steering Committee on Media and Information Society – CDMSI



26 January 2024 CDMSI(2023)013

24th meeting of the Steering Committee on Media and Information Society (CDMSI)

29 November - 1 December 2023

#### **Meeting report**

### 1. Opening of the meeting

Mr Taavo Lumiste, Chair of the CDMSI, welcomed the members, participants and observers of the CDMSI. He introduced the main items for discussion and decision and, notably, welcomed the completion of the work of the three expert committees MSI-SLP, MSI-INF and MSI-RES.

### 2. Welcoming remarks

Ms Hanne Juncher, Director of <u>Information Society and Action against Crime</u>, stressed that the challenges to freedom of expression and trust in media and information are as strong as ever. Crises and conflicts have led to serious concerns for states in terms of security and political and economic stability, but also in terms of access to reliable information and risks to the safety of journalists. Ms Juncher underscored the significance and relevance of the work undertaken by CDMSI and emphasised its crucial role to address the most topical relevant issues.

Sttressing the importance of the <u>Campaign for the safety of Journalists</u> launched at the <u>Riga Conference on 5 October 2023</u>, Ms Juncher underlined the need for member states' active support to the Campaign and the importance of developing, at domestic level, comprehensive and inclusive 'national chapters' of the campaign'. Moreover, she thanked the CDMSI Chair Taavo Lumiste and Vice-Chair Inge Welbergen for their participation in the launch.

Ms Juncher further informed the members of the CDMSI about upcoming structural changes, indicating that, as of 1 January 2024, the CDMSI, the Media and Internet Governance Division, as well as the Division for co-operation on freedom of expression would move from the <u>Directorate General Human Rights and the Rule of Law</u> (DGI) to the <u>Directorate General of Democracy and Human Dignity</u> (DGII), Directorate for Democracy, led by Matjaž Gruden. The work of the Council of Europe on democracy would be streamlined by grouping the fields of freedom of expression and media freedom, freedom of association and assembly and other related topics within one department. The same department would be responsible also for the new Steering Committee on Democracy (CDDEM) which is to operationalise the <u>Reykjavik Principles for Democracy</u>. Despite alterations in the management structure of the Secretariat, it was emphasised that these changes are not expected to significantly impact the operational aspects of the CDMSI.

#### 3. Adoption of the agenda

The CDMSI adopted the meeting agenda (Appendix 1). The list of participants and information on gender distribution appear in Appendix 2.

#### 4. Future work of the CDMSI/future terms of reference

Ms Artemiza-Tatiana Chisca, Head of the Media and Internet Division and Secretary of the CDMSI, presented the Terms of Reference for the work of intergovernmental structures in the quadrennium 2024-2027. In the 2024-2025 biennium, two expert committees would be overseen by the CDMSI, the Committee of Experts on online safety and empowerment of content creators and users (MSI-eSEC) and the Committee of Experts on the impacts of generative artificial intelligence for freedom of expression (MSI-AI). Ms Chisca explained that the Terms of Reference furthermore included a commitment to provide follow-up to some existing instruments. It was also noted that working groups could be set up for deliverables not assigned to expert committees and that external consultants would likely contribute to this work.

The Committee of Experts on online safety and empowerment of content creators and users (MSI-eSEC) is expected to prepare a draft recommendation on online safety and empowerment of content creators and users. Considering the number of new threats within the digital space, the objective of this instrument would be to identify and categorise different types of online harms and provide guidance for all relevant stakeholders, including states, on mitigating the risks related to such harms, taking due account of relevant existing instruments. The CDMSI members held an initial exchange on the scope of the future Draft Recommendation and mentioned the EU's work in this area and the need to streamline the approaches of both organisations.

The Committee of Experts on the impacts of generative artificial intelligence for freedom of expression (MSI-AI) is mandated to prepare draft guidelines on the implications of generative AI for freedom of expression. Considering the potential of generative AI to impact on human rights and the integrity of online information, guidance in this new area is widely considered useful and necessary. The MSI-AI is to focus on those aspects of generative AI which are likely to have implications for freedom of expression, providing practical, actionable guidance for the relevant categories of stakeholders. The draft guidelines are to ensure consistency with previous Council of Europe work on AI.

# 5. <u>Council of Europe Campaign for the Safety of Journalists</u>. <u>Riga Conference on Freedom of Expression</u>

# 5.1. Conference <u>'The Pen is Mightier than the Sword? Meeting today's challenges to freedom of expression and the safety of journalists'</u>, 5-6 October 2023, co-organised with the Latvian presidency of the Committee of Ministers of the Council of Europe Conference

The Conference held in Riga under the Latvian Presidency of the Committee of Ministers was jointly organised by the Latvian Ministry of Foreign Affairs, the Ministry of Culture and the Ombudsman's Office, together with the Council of Europe. It addressed critical issues surrounding freedom of expression and the safety of journalists, creating a bridge between national activities and the overarching goals of the Council of Europe's Campaign for the Safety of Journalists (see Conclusions and Key Messages).

The event hosted high-level representatives of organising partners and speakers from the media community, international organisations (Council of Europe, European Union, OSCE), national parliaments, legal and human rights sectors, academia, civil society. The conference sessions addressed threats to freedom of expression, the role of journalism in conflicts, legal restrictions to media freedom and the important role of independent media in countering disinformation. The event underscored a commitment to defending freedom of expression and journalists' safety, aiming to create an environment where - crucial for a democratic society - journalists can operate fearlessly. A recording of the Conference and its panels is available online.

# 5.2. Launch of the <u>Campaign for the Safety of Journalists 'Journalists matter"</u>, Riga, 5 October 2023

The first day of the Conference marked the official launch of the Council of Europe's <u>Campaign for the Safety of Journalists</u>, which aim is to raise awareness on the increasing threats faced by journalists both online and offline and encourage states to step up their efforts in this area.

# **5.3. First meeting of appointed national focal points** for the Campaign. Forthcoming steps

The inaugural meeting of <u>National Focal Points</u> for the Council of Europe Campaign for the Safety of Journalists was held on the margins of the Conference. The meeting, attended by 25 national focal points appointed by member states for the Campaign, served as a platform for them to engage in a first exchange of views and practices. The primary focus of the meeting was to present the objectives, roadmap, and activities of the Campaign, aligning efforts at both European and domestic levels following the launch of the Campaign. The representatives shared insights into national measures for journalist safety, discussed ongoing challenges, and articulated their expectations from the Campaign.

The national focal points were presented the <u>Implementation Guide to Recommendation CM/Rec(2016)4 on the Protection of journalism and safety of journalists and other media actors and the Extended Implementation Guide to selected topics under Prevention and Promotion Pillars of the Guidelines of Recommendation CM/Rec (2016)4 on the Protection of journalism and safety of journalists and other media actors, as well as the <u>Pocket guide: Key actions for improved safety of journalists</u>.</u>

The next meeting of national focal points is scheduled for June 2024, when national focal points are expected to inform and exchange on plans of action, strategies and measures agreed on domestic level for the duration of the Campaign as part of its 'national chapters'.

CDMSI members were encouraged to continue engaging with the Campaign and their national focal points.

#### 6. Standard-setting work

# 6.1. Committee of experts on the Integrity of Online Information (MSI-INF)

The CDMSI exchanged views with Mr Andrin Eichin, Chair of the MSI-INF, and took note of the information provided by Ms Evangelia Vasalou, the Committee's Secretary, on the 4<sup>th</sup> meeting held on 18-19 September 2019. Mr Eichin updated the CDMSI about the progress made since the last plenary meeting and presented the *Draft Guidance Note on countering the spread of online mis- and disinformation through fact-checking and platform design solutions in a human rights' compliant manner and its Explanatory Memorandum*. He presented the goal and the structure of the documents and stressed their focus on practical guidance.

The CDMSI reviewed and revised the documents, *inter alia* agreeing to subsequently amend as appropriate the definition of "Artificial Intelligence system", should the CAI adopt a different definition for the future framework convention on AI.

The CDMSI then adopted the <u>Guidance Note on countering the spread of online mis- and disinformation through fact-checking and platform design solutions in a human rights compliant manner.</u>

### 6.2. Committee of Experts on Strategic Lawsuits against Public Participation (MSI-SLP)

The CDMSI exchanged views with Mr Tarlach McGonagle, Co-rapporteur of the *Draft Recommendation* on strategic lawsuits against public participation, and Mr Martyn Sampor, Vice-Chair of the MSI-SLP and Co-rapporteur of the *Explanatory Memorandum* to the Draft Recommendation, and took note of the information provided by Ms Giulia Lucchese, the Committee's Secretary, on the 4<sup>th</sup> meeting held on 17-18 October 2023.

Ms Lucchese noted that detailed feedback had been provided by member states and other stakeholders during the public consultation, which had been integrated in the draft text as appropriate. Mr McGonagle explained the genesis of the key concepts and principles of the Draft Recommendation, notably the definition of SLAPPs and related notions of "public participation" and "public interest". The main objective of the Draft Recommendation is to facilitate the identification, prevention and countering of SLAPPs. Mr McGonagle further illustrated the safeguards and remedies listed in the draft Recommendation and provided an overview of the measures intended to provide support to targets and victims of SLAPPs. Mr Sampor presented the scope of the draft Explanatory Memorandum and the main issues it addresses.

The CDMSI discussed the documents and made suggestions for further revision in the light of written comments and the observations made during the meeting.

Taking into account the positions expressed by some members states on specific points of the Draft Recommendation, the CDMSI approved the document and agreed to transmit it to the Committee of Ministers as revised and together with the Explanatory Memorandum, for consideration and final adoption of the former and for taking note of the latter.

#### 6.3. Committee of Experts on Increasing Media Resilience (MSI-RES)

The CDMSI exchanged views with Mr Richard Fletcher, Co-Rapporteur of the Draft <u>Guidelines on the responsible implementation of artificial intelligence (AI) in journalism</u> and with Ms Elda Brogi, Co-Rapporteur of the draft Good practices for sustainable media financing, and took note of the information provided by Ms Urška Umek, the Committee's Secretary, on the 4<sup>th</sup> meeting held on 5-6 October 2023.

The co-rapporteurs presented the scope, structure, key findings and/or guidelines included in the respective deliverables, pointing among others to the impacts of the use of digital technologies in the media sector on its sustainability. The CDMSI proceeded with the examination of the two deliverables section by section, with the assistance of the Secretariat. Regarding the Good Practices Report, possible updates to the information provided by member states in 2022 were invited until 20 December 2023.

The CDMSI then adopted the Guidelines and endorsed the Report.

### 7. Digital Governance

7.1. Council of Europe <u>Committee on Artificial Intelligence (CAI)</u> - Information on latest developments in the work of the CAI - by Thomas Schneider, Chair of the CAI, and the secretariat.

Thomas Schneider, Chair of the CAI, updated the CDMSI on the progress of the Draft Framework Convention on Artificial Intelligence and related negotiations between future Signatory Parties to the Convention. As some of those future Parties are not members of the Council of Europe and thus not bound by the positive obligations stemming from the European Convention on Human Rights, alternative means are being discussed for the purpose of implementing the obligations under the future

Framework Convention on AI. Despite this challenge, the CAI aims for the instrument to have global reach through widespread participation. Further ongoing challenges involve finding a scope on which all States can agree, particularly regarding public and private sector obligations. The question of national security also poses a substantial challenge, in striking a balance between government and civil society perspectives. Finally, Mr Schneider referred to the delicate task of ensuring precision while maintaining the Convention's future-proof nature. The Framework Convention is expected to be adopted by the Committee of Ministers in connection with the celebrations of the 75th anniversary of the Organisation in early May 2024.

# 7.2. Steps taken in the framework of the <u>Digital Partnership</u>: Informal Exchange of the Committee of Ministers on immersive realities and their impact on human rights, the rule of law and democratic principles - pending Council of Europe-IEEE report on Metaverse

The CDMSI was informed about the Committee of Ministers' informal meeting on 14 September 2023 on the potential impact of immersive realities, particularly the Metaverse, on human rights, the rule of law, and democracy. The objective was to gather insights from diverse sectors, bringing varied perspectives ranging from human rights expertise to scientific/neuroscientific and civil society stakeholders. Participants included industry representatives (META and LEGO), human rights organisations (Amnesty International), researchers, academics, and the PACE rapporteur on the Metaverse, to also draw parallels with the PACE's own ongoing work on this development. The meeting garnered significant interest, with a robust attendance and positive feedback.

The report, a joint contribution by a vast network of electronic engineers and other experts, delves into various aspects of the Metaverse, aiming to identify its potential and opportunities, but also related risks, including from the human rights and rule of law perspective. The key areas of focus highlighted during the discussions included privacy and data protection, identity, safety and security, protection of vulnerable populations, accessibility and freedom of expression and censorship. The synopsis will be made available online, while the longer version of the report will become a publication to be finalised in the first part of 2024.

# 7.3. Council of Europe participation in events related to digital governance

The Secretariat provided information about the participation of the Council of Europe at <a href="EuroDIG 2023"><u>EuroDIG 2023</u></a> in Tampere (19-21 June). The Council of Europe sessions addressed civil society oversight of law enforcement actions in cyberspace, placing emphasis on trust, accountability, and transparency in State actions against cybercrime. Additionally, the Council of Europe made significant contributions to several sessions concerning AI, large language models for children and education, and the environmental impact of digital technologies. Moreover, the Council of Europe contributed to discussions about the impact of the war and the protection of citizens during crises.

The CDMSI was also informed about the <u>IGF 2023</u> held in Kyoto, Japan, on 8-12 October 2023. The Deputy Secretary General Mr Bjorn Berge participated in the High-Level Opening Ceremony and a workshop on AI organised by the Council of Europe. Furthermore, the Council of Europe organised sessions on cybercrime, the impact of immersive realities on human rights, rule of law and democracy and a session addressing the AI impact on human rights, democracy, and the environment. The Council of Europe was also present with an exhibition stand dedicated to the theme of 'Digital Rights for a Connected World'.

# 8. Exchange of views with <u>IEEE</u>, organization member of the Council of Europe <u>Digital</u> <u>Partnership</u>

Presentation by Ms Irene Kitsara, European Standardization Initiatives Director, IEEE, of the joint Council of Europe - IEEE report on Metaverse and exchange of views on immersive realities.

The CDMSI welcomed the presentation given by Ms Irene Kitsara on the Joint IEEE – Council of Europe Report on the impact of the Metaverse, analysing the intricate landscape of immersive realities. Acknowledged as a key topic within the Council of Europe's <u>Digital Agenda 2022-2025</u>, this Joint Report is the outcome of a comprehensive process involving insights from 50 experts spanning diverse disciplines.

The report characterises the Metaverse as a dynamic and complex ecosystem that may potentially reshape societal fabric and may even lead to new conceptions of human rights, especially in relation to freedom of thought. It underscores the need for heightened awareness, technical understanding, and a nuanced consideration of trade-offs, along with a careful examination of the roles played by governments, internet intermediaries, and platform operators. This will enable co-regulatory approaches and effective standard-setting solutions. Additionally, the report advocates for a proactive approach to privacy and data protection concerns, emphasising the importance of safeguarding human rights by design.

The CDMSI exchanged on the presentation given by Ms Kitsara and discussed the importance of engaging with technology providers regarding regulatory approaches and the risks presented by immersive realities and authoritarian governments who may seek to abuse these spaces.

# 9. Exchange of views with the Secretariat of the <u>European Audiovisual Observatory</u> (EAO) and the <u>European Platform of Regulatory Authorities</u> (EPRA)

### Information provided by Ms Maja Cappello, Head of Department for Legal Information

Ms. Maja Cappello presented updates from the European Audiovisual Observatory, starting with the potential for using artificial intelligence (AI) in the EAO's work by replacing some market analysis processes with automated ones.

As to future focuses of the EAO, video games have emerged as a significant topic, and there has been a call for recommendations from governments and experts. The presentation also encompassed the EAO's ongoing initiatives, featuring various publications such as the <a href="IRIS Newsletter">IRIS Plus</a>, <a href="IRIS Plus">IRIS Plus</a>, <a href="IRIS Plus">IRIS

In <u>tracking</u> the implementation of the <u>Audiovisual Media Services Directive (AVMSD)</u>, attention was given to third-party countries, focusing on 11 countries outside the European Union. Planned legal reports for 2024 cover diverse topics, including AI, video games, media literacy (MIL), and the green transition.

# Information provided by Ms Emmanuelle Machet, Head of Secretariat of the <u>European Platform</u> of Regulatory Authorities (EPRA)

The members of the CDMSI were informed about recent engagements and initiatives within the EPRA, ranging from the focus on online delivery of content and the role of public service media (PSM) discussed at 57<sup>th</sup> Plenary meeting in Oslo to the challenges of creating a trustworthy media market discussed at the 58<sup>th</sup> EPRA Meeting in Bucharest. Ms Machet also mentioned the roundtable discussion on Al and regulators. In this context, the EPRA has also organised a presentation of the CDMSI Guidelines on the responsible implementation of Al in journalism. The EPRA's Working Programme for

2024 includes a focus on AI, media and information literacy, hate speech and media pluralism. EPRA has also collaborated with the Council of Europe's <u>EQUIROM</u> project, addressing representation issues in the media. Additionally, the EPRA is actively developing an informal process for cooperation with the Council of Europe on regulatory capacity-building processes. Finally, the members of the CDMSI took note that the 59<sup>th</sup> EPRA meeting would be held in Rotterdam on 5-7 June 2024.

# 11. Recent developments of relevance in the field of freedom of expression

# Tour de table - Information provided by members, observers and other participants

The CDMSI made a tour de table to present recent country specific developments in the field of freedom of expression. The members discussed the recent involvement of Latvia in the <u>TAIEX programme</u> and the study visit of Montenegrin representatives in Latvia to promote effective mechanisms for countering hate speech among diverse stakeholders. During the study visit, meetings held with various institutions and stakeholders (including the host Ministry of Culture and other competent ministries and state authorities, national regulator for electronic media, Public Media Ombudsman, relevant NGOs and other competent institutions) regarding the topics of hate speech, disinformation and online harassment enabled fruitful exchanges. This is expected to benefit ongoing activities, in Montenegro, related to the implementation of the Action plan for the period 2023-2024, following the first Media Strategy of Montenegro.

The members were also informed about the initiative of the French government "General State of Information" launched in July 2023, which aims to set a model of media and digital space for generations to come, involving professionals, researchers and citizens. This process will run until the summer 2024 and should result in concrete proposals to proactively manage future developments in the field of information.

Moreover, the participants were informed of the adoption of two media laws in Serbia and the measures taken in Slovakia establishing a reporting system and a special police contact point for managing online issues.

It was noted that the UK government is in the process of implementing the Online Safety Act (OSA), marking a significant step in addressing digital safety concerns. The members were also informed about the transposition of the Audiovisual Media Services (AVMS) Directive in Bosnia and Herzegovina and the organisation of events, such as the "Web Shield" seminar, to inform stakeholders about regulatory changes in the media field. In Estonia, amendments have been introduced to media laws, particularly regarding the licensing of channels for third countries. Moreover, Estonia is in the process of enacting a hate speech law, pending updates to the penal code. Additionally, efforts continue to support qualitative Russian-language media after shutting down propaganda channels.

The Netherlands has taken a <u>legislative approach to address doxing</u>, classifying it as a criminal offence with a focus on malicious intent, effective from 1 January 2024. Georgia has implemented regulation on hate speech and fully transposed the AVMS Directive. Notably, Media and Information Literacy (MIL) has been integrated into the national school curriculum. Significant progress has been made in Ukraine in strengthening the media framework, leading to the recognition of media reform as a positive step toward EU accession negotiations. Ukraine has also received an invitation to join the European Regulators Group for Audiovisual Media Services (ERGA). Armenia recently circulated draft legislation recognising media safety. The legislative effort reflects Armenia's commitment to advancing media safety standards and aligning with the recommendations of the Council of Europe.

#### 12. Parliamentary Assembly of the Council of Europe

Exchange of views with Mr Stefan Schennach, Rapporteur on <u>'Countering SLAPPs: An Imperative for a Democratic Society'</u>

The CDMSI members were informed about the <u>Parliamentary Assembly of the Council of Europe (PACE)</u> Report on <u>'Countering SLAPPs: An Imperative for a Democratic Society'</u> by Mr Stefan Schennach, First Vice-Chairperson of the PACE <u>Committee on Culture, Science, Education and Media</u>. The report was unanimously adopted by the Committee on 10 October 2023, providing an analysis of the SLAPPs phenomenon, an illustration of trends and impact of SLAPP cases and, an overview of current and proposed anti-SLAPP measures ranging from legal reforms to non-legal support, such as psychological assistance for SLAPP victims and targets. Mr Schennach commended the alignment between the PACE work and the MSI-SLP approach on the matter of SLAPPs, and exchanged with the CDMSI on how SLAPPs are manifesting across different European jurisdictions.

#### 15. Elections

The Secretariat recalled the elections rules and procedure laid down in <u>Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies</u>, their terms of reference and working methods.

#### 15.1 Elections of the CDMSI Chair, Vice-Chair and Bureau members

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

- elected Ms Maja Zarić (Serbia) as Chair of the CDMSI and Mr Taavo Lumiste (Estonia) as Vice-Chair of the CDMSI.
- elected five Bureau Members: Mr Emir Povlakic (Bosnia and Herzegovina), Ms Katerina Polyzou (Greece), Ms Aneta Gonta (Republic of Moldova). Ms Inge Welbergen (Netherlands), Mr Thomas Schneider (Switzerland).

# 15.2 Elections of government representatives to two subordinate Committees of Experts

The CDMSI discussed the submitted candidatures and, by a secret ballot, elected the following member states' representatives to its two subordinate committees of experts:

- For the Committee of Experts for online safety and empowerment of content creators and users (MSI-eSec), the CDMSI elected:
  - Ms Maida Culahovic (Bosnia and Herzegovina),
  - Ms Marijana Grbesa (Croatia),
  - Mr Levan Maisuradze (Georgia),
  - Ms Nicole Stellou (Greece),
  - Ms Stephanie Lukasik (Luxembourg),
  - Mr Ales Zavrsnik (Slovenia),
  - Ms Yaroslava Dyo (Ukraine).
- For the Committee of Experts on the impacts of generative artificial intelligence for freedom of expression (MSI-AI), the CDMSI elected:
  - Ms Iva Nenadic (Croatia),
  - Mr Jean-Gabriel Minel (France),
  - Ms Katerina Mantzou (Greece),
  - Mr Raphael Kies (Luxembourg),
  - Mr Haroon Sheikh (Netherlands),
  - Mr Marius Jitea (Romania) and

- Mr Andrin Eichin (Switzerland).

# 16. Participation in events of relevance for the CDMSI

Shahin Abbasov, Programme Manager at the Division of <u>Co-operation on Freedom of Expression</u>, provided an overview of the work with Belarusian and Russian journalists in exile, informing the CDMSI about two related workshops held in 2023. These events were organised within the framework of the Council of Europe Project "Promoting cooperation with representatives of Belarusian media in exile", funded by the Voluntary Contributions of the Council of Europe member States. Linked to that, the Council of Europe Contact Group on co-operation with Representatives of Belarusian democratic forces and civil society was set up.

# 17. Ongoing work on Media and Information Literacy

# Presentation by Ms Martina Chapman, Independent Consultant in Media and Information Literacy, of the digital media quiz developed with the Media and Internet Governance Division

Ms Martina Chapman presented the digital media quiz, emphasising the challenges of developing an accessible, user-friendly quiz given the dense content concerning human rights and freedom of expression in the digital space. The quiz is structured around five themes, with multiple choice questions corresponding to different categories of online users in terms of their adherence to freedom of expression rights and obligations. After finishing the quiz, users will be able to consult additional sources provided by the tool in relation to the five tools, as well as to submit further information which will be useful for the Council of Europe in understanding how the public engages with freedom of expression. The quiz will be disseminated across relevant civil society and government networks. Ms Chapman shared the quiz with the CDMSI members. The participants then exchanged with Ms Chapman on the possibilities for translating the quiz into national and other languages and the channels which could be used for its distribution.

#### 18. Follow-up to previous work - hate speech

The Secretariat provided information about the draft Compilation of promising practices at national level and tools for the implementation of relevant aspects of the Recommendation CM/Rec(2022)16 of the Committee of Ministers to member States on combating hate speech. The Compilation, to be finalised in early 2024, will be based, among others, on the results of the survey circulated amongst the CDMSI and CDADI members and will include national promising practices and a self-assessment tool for member States to be used as a checklist to evaluate the state of implementation of the Recommendation.

The CDMSI welcomed Dr. Jennifer Jackson-Preece, Associate Professor of Nationalism European Institute, Department of International Relations, London School of Economics and Political Science, who addressed the key points of the Compilation note. She stressed that there is growing incidence of hate speech and indicated some promising practices addressing this phenomenon, such as related online police units, take-down obligations for platforms where hate speech is flagged, codes of conduct for political parties and parliamentarians, and collaborative efforts among media regulators, civil society organisations, international organisations and journalists to detect, monitor, and report hate speech. The importance of including hate speech victims in the relevant dialogue, to account for their lived experiences, was emphasised.

Several CDMSI members presented national measures taken to counter hate speech, such as monitoring racism and hate speech targeting vulnerable groups in Romania, where a platform is envisaged to enable anonymous reporting online, and amendments to the Criminal Code are being developed to criminalise hate speech irrespective of the perpetrator's intention. In Greece, a guide was developed for hate crime victims where they can seek out better support and advice, and in Ukraine, countering disinformation and enemy propaganda is to be supported by improved legal instruments to counter hate speech.

### 19. Congress of Local and Regional Authorities

**Exchange of views with Ms Mélanie Lepoultier, Co-rapporteur of the report on** 'Local and regional media: watchdogs of democracy, guardians of community cohesion'

The CDMSI exchanged views with Congress Co-rapporteur Mélanie Lepoultier on the report 'Local and regional media: watchdogs of democracy, guardians of community cohesion'. Ms Lepoultier underscored the vital role played by local and regional government in people's lives, emphasising the corresponding importance of local and regional media as crucial public watchdogs of these. The Report highlights a concerning decline in both local and regional media. The core motivation behind the Report is to strengthen local and regional media by encouraging media pluralism and sustainability, especially considering that local officials may not be experts in media matters. Local officials expressed the desire for reinforced media presence. Studies indicate a correlation between the decline in local and regional media and reduced participation in local elections, coupled with increased polarisation.

With reference to the Recommendation CM/Rec(2018)1[1] of the Committee of Ministers to member States on media pluralism and transparency of media ownership, Ms Lepoultier emphasised the positive obligations of states to, under their legal frameworks, provide guarantees for media pluralism. The Report suggests key practices, including investing in data collection and research to understand challenges, creating conditions for fair competition, campaigning for journalist safety, and ensuring healthy and safe conditions for local journalists who may face unique challenges of self-censorship in a local context.

#### 20. Council of Europe work on cybercrime

Mr Jan Kralik, Programme Manager, Cybercrime Division, presented the <a href="Mailto:2nd Additional Protocol to the Budapest Convention on Cybercrime">2nd Additional Protocol to the Budapest Convention on Cybercrime</a> on enhanced cooperation and electronic evidence. Future challenges include cloud computing's impact on storing data, which may hinder the collection of electronic evidence. It is crucial to adapt to these new challenges while upholding democratic values and the rule of law. A recent <a href="Guidance Note">Guidance Note</a>, adopted in June 2023, promotes a common understanding among parties and enhances synergies between the Budapest Convention and other frameworks. The <a href="Octopus Conference">Octopus Conference</a>, celebrating the Cybercrime Office's 10<sup>th</sup> anniversary, was highlighted as part of ongoing efforts in this domain. The CDMSI then exchanged on some of the challenges of AI and disinformation for cybercrime prevention.

# 21. Report from the CDMSI youth rapporteur

The CDMSI welcomed the presentation from Mr Marius Jitea, the CDMSI Youth Rapporteur, given in his absence by Mr Costin Ciobanu, on several of the events attended in relation to youth, digital space and freedom of expression. These included, amongst others, events with European youth platforms, awareness-raising sessions for younger stakeholders on the <a href="Campaign for the Safety of Journalists">Campaign for the Safety of Journalists</a> and participation in the <a href="EQUIROM">EQUIROM</a> programme, which organised a training course on travelling journalists and Roma populations.

#### 22. Council of Europe work on data protection

The CMDSI welcomed the presentation from Ms Isabelle Servoz-Gallucci, Head of the <u>Data Protection Unit</u>, on ongoing work in the field of data protection. Ms Isabelle Servoz-Gallucci provided an update on the <u>Convention 108+</u>, containing several amendment protocols which still need to be signed by the necessary 38 signatories. She also commented on the recent documents adopted by the T-PD and the ongoing work in the field of data protection and neuroscience, in conjunction with the <u>Steering Committee on Biomedicine and health</u>.

# 23. Other business

The CDMSI agreed to hold its next plenary meeting during the week of the 17 June 2024 in Strasbourg.

### **Agenda**

# 29 November - 1 December 2023 Strasbourg, Palais de l'Europe, room 7

#### **29 November 2023**

Morning Session 09:30 - 12:30

# 1. Opening of the meeting

Mr Taavo Lumiste, Chair of the CDMSI

# 2. Welcoming remarks

Ms Hanne Juncher, Director of Information Society and Action against Crime

# 3. Adoption of the agenda

# 4. Future work of the CDMSI/future terms of reference

For information and discussion

- Future terms of reference of the CDMSI
- Future terms of reference of the Committee of Experts online safety and empowerment of content creators and users (MSI-eSEC)
- Future terms of reference of the Committee of Experts on the impacts of generative artificial intelligence for freedom of expression (MSI-AI)

Information provided by Ms Artemiza Chisca, Secretary of the CDMSI. Discussion

# 5. Council of Europe Campaign for the Safety of Journalists. Riga Conference on Freedom of expression

For information and discussion

- 5.1. The Conference "The Pen is Mightier than the Sword? Meeting today's challenges to freedom of expression and the safety of journalists", 5-6 October 2023, co-organised with the Latvian presidency of the Committee of Ministers of the Council of Europe Conference (Conclusions and Key Messages)
- **5.2.** Launch of the Campaign for the Safety of Journalists, Riga, 5 October 2023

**5.3. First meeting of appointed national focal points** for the Campaign. Forthcoming steps.

Information provided by the CDMSI Chair, vice-Chair and the Secretariat. Discussion.

10:50 - 11:10 Coffee break

**6. Standard setting work.** Committee of experts on the Integrity of Online Information (MSI-INF)

For discussion and decision

- Report of the 4<sup>th</sup> meeting of the MSI-INF (18-19 September 2023)
- Draft guidance note on countering the spread of online mis- and disinformation through fact-checking and platform design solutions in a human-rights compliant manner

Presentation by Mr Andrin Eichin, Chair of the MSI-INF, and Ms Evangelia Vasalou, Secretary to the MSI-INF

Examination and possible adoption of the draft guidance note.

Afternoon session 14:00 - 17:30

#### 7. Digital Governance

For information and discussion

- **7.1.** Council of Europe <u>Committee on Artificial Intelligence (CAI)</u> Information on latest developments in the work of the CAI by Thomas Schneider, Chair of the CAI, and the secretariat.
- **7.2.** Steps taken in the framework of the <u>Digital Partnership</u>
  - Informal Exchange of the Committee of Ministers on immersive realities and their impact on fundamental rights, the rule of law and democratic principles - pending Council of Europe-<u>IEEE</u> report on Metaverse
- **7.3.** Council of Europe participation in events related to digital governance EURODIG, IGF

Information provided by the Secretariat. Discussion

# 8. Exchange of views with <u>IEEE</u>, organization member of the Council of Europe Digital Partnership

For information and discussion

Presentation by Ms Irene Kitsara, European Standardization Initiatives Director, IEEE, of the joint Council of Europe -  $\underline{\text{IEEE}}$  report on Metaverse and exchange of views on immersive realities

**9.** Exchange of views with the Secretariat of the <u>European Audiovisual</u> <u>Observatory</u> and of the European Platform of Regulatory Authorities (<u>EPRA</u>)

For information and discussion

Information provided by Ms Maja Cappello, Head of Department for Legal Information

Information provided by Ms Emmanuelle Machet, Head of the EPRA Secretariat.

#### 15:40-16:00 Coffee break

# 10. Elections - Information point

For information

- Elections for the CDMSI Chair, vice-Chair and Bureau
- Election for the two new CDMSI expert committees: MSI-eSEC and MSI-AI

Information provided by the Secretariat.

Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods

11.Recent developments of relevance in the field of freedom of expression

Tour de table - Information provided by members, observers and other participants

17:45-18:45 Cocktail

Location: Snack

### 30 November

### Morning Session 09:30 - 12:30

# 12. Parliamentary Assembly of the Council of Europe

For information and discussion

Exchange of views with Mr Stefan Schennach, Rapporteur on "Countering SLAPPs: An Imperative for a Democratic Society"

# **13.Standard setting work.** Committee of Experts on Strategic Lawsuits against Public Participation (MSI-SLP)

For information, discussion and decision

- Report of the 4<sup>th</sup> meeting of the MSI-SLP (17-18 October 2023)
- Draft recommendation on countering the use of strategic lawsuits against public participation (SLAPPs)

Presentation by Mr Tarlach McGonagle, Co-rapporteur of the MSI-SLP, and Ms Giulia Lucchese, Secretary to the MSI-SLP

Examination and possible approval of the draft recommendation

10:45 - 11:00 Coffee break

<u>Committee of Experts on Strategic Lawsuits against Public Participation (MSI-SLP) (continuation)</u>

For information, discussion and decision

 Draft explanatory memorandum to the draft recommendation on countering the use of strategic lawsuits against public participation (SLAPPs)

Presentation by Mr Martyn Sampor, Vice-Chair and Co-rapporteur of the MSI-SLP

Examination and possible approval of the draft explanatory memorandum

Afternoon session 14:00 - 17:30

# **14. Standard setting work.** <u>Committee of Experts on Increasing Media Resilience (MSI-RES)</u>

For information and discussion

- Report of the 4<sup>th</sup> meeting of the MSI-RES (5-6 October 2023)
- Draft Guidelines on the responsible implementation of artificial intelligence (AI) in journalism

- Good practices for sustainable media financing – update on the questionnaire on the national legislation and practices in the field

Presentation by Mr Richard Fletcher, co-rapporteur of the Draft Guidelines, Ms Elda Brogi, co-rapporteur of Good practices, and Ms Urška Umek, Secretary to the MSI-RES

Examination and possible adoption of the *Draft Guidelines on the responsible implementation of artificial intelligence (AI) in journalism,* taking note of *Good practices for sustainable media financing* and the endorsement of the recommendations made in the report

15:30-15:45 Coffee break

#### 15. Elections

For decision

- **15.1.** Election on the CDMSI leading organs
  - Election of the CDMSI Chair
  - Election of the CDMSI vice-Chair
  - Election of the CDMSI Bureau
- **15.2.** Election of 7 members of the Committee of Experts online safety and empowerment of content creators and users (MSI-eSEC)
- **15.3.** Election of 7 members of the Committee of Experts on the impacts of generative artificial intelligence for freedom of expression (MSI-AI)

# 16. Participation in events of relevance for the CDMSI

Information provided by, the CDMSI members and the Secretariat of the Media and Internet Division and Mr Shahin Abbasov, Programme manager, Division for Co-operation on Freedom of Expression

# 1 December

Morning Session 09:30 - 12:30

# 17. Ongoing work on Media and Literacy (MIL) - digital media quiz

For information and discussion

Presentation by Ms Martina Chapman, Independent Consultant in Media and Information Literacy, of the digital media quiz developed with the Media and Internet Governance Division

# 18. Follow-up to previous work - hate speech

For information and discussion

Information note on the draft Compilation of promising practices at national level and tools for the implementation of relevant aspects of the Recommendation CM/Rec(2022)16 of the Committee of Ministers to member States on combating hate speech

Presentation by the Dr Jennifer Jackson-Preece, Associate Professor of Nationalism European Institute, Department of International Relations, London School of Economics and Political Science

Information by CDMSI members on measures taken at national level to counter hate speech and to implement Recommendation CM/Rec(2022)16.

# 19. Congress of Local and Regional Authorities (coe.int)

For information and discussion

Exchange of views with Congress Rapporteur, Ms Mélanie Lepoultier, on the report on 'Local and regional media: watchdogs of democracy, guardians of community cohesion'

# 11:10 - 11:30 Coffee break

# 20.Council of Europe work on cybercrime

For information and discussion

Information provided by Mr Jan Kralik, Programme Manager, Cybercrime Division

# 21.Report from the CDMSI youth rapporteur

For information and discussion

# 22. Council of Europe work on data protection

For information and discussion

Information provided by Ms Isabelle Servoz-Gallucci, Head of the Data Protection Unit

#### 23. Other business

Date and place of the next meeting

# **GENERAL REFERENCE DOCUMENTS**

Terms of reference	CDMSI terms of reference 2022-2025
Terms of reference	MSI-INF terms of reference 2022-2023
Terms of reference	MSI-RES terms of reference 2022-2023
Terms of reference	MSI-SLP terms of reference 2022-2023
CM/Res(2021)3	Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods
<u>Final declaration and</u> <u>resolutions</u>	Conference of Ministers responsible for Media and Information Society: Artificial intelligence – Intelligent politics; Challenges and opportunities for media and democracy. Adopted Final Declaration and Resolutions, (Nicosia, 10-11 June 2021)
Conference report	Council of Europe Conference of Ministers responsible for Media and Information Society (Nicosia, 10-11 June 2021) – Conference report
Key messages	The 'Pen is Mightier than the Sword? Meeting today's challenges to freedom of expression and the safety of journalists', International Conference, 5-6 October 2023

# **RECENT MEETING REPORTS**

CDMSI-BU(2023)004	Report of the 25 <sup>th</sup> CDMSI Bureau Meeting (6-7 November 2023)
MSI-INF(2023)16	Report of the 4 <sup>th</sup> MSI-INF meeting (18-19 September 2023)
MSI-RES(2023)013	Report of the 4 <sup>th</sup> MSI-RES meeting (5-6 October 2023)
MSI-SLP(2023)16	Report of the 4 <sup>th</sup> MSI-SLP meeting (17-18 October 2023)
CDMSI-BU(2023)002	Report of the 24 <sup>th</sup> CDMSI Bureau Meeting (13 April 2023)
MSI-INF(2023)11	Report of the 3 <sup>rd</sup> meeting of the MSI-INF (27-28 March 2023)
MSI-SLP(2023)11	Report of the 3 <sup>rd</sup> meeting of the MSI-SLP (18-19 April 2023)
CM(2022)109	Abridged report of the 21 <sup>st</sup> meeting of the CDMSI (1-2 June 2022)
CDMSI(2022)003	Long report of the 21 <sup>st</sup> meeting of the CDMSI (1-2 June 2022)

CDMSI-BU(2022)02	Report of the 23 <sup>rd</sup> CDMSI Bureau meeting (3 November 2022)
CDMSI-BU(2022)01	Report of 22nd CDMSI Bureau meeting (7 April 2022)

# Steering Committee on Media and Information Society (CDMSI) / Comité directeur sur les médias et la société de l'information (CDMSI)

**24th meeting – 29 November – 1 December 2023** /  $24^{e}$  réunion – 29 novembre – 1 décembre 2023

# List of participants / Liste de participants

Total number of participants: / Nombre total des participants: 89

Gender distribution: 42 men (47%) / 47 women (53%) / Parité entre hommes : 42 hommes (47%) / 47

femmes (53%)

# **MEMBERS/**MEMBRES

ALBANIA/ALBANIE	Mr/M. Andi XHOI
	Permanent Representation of Albania to the Council of Europe / Représentation permanente de l'Albanie auprès du Conseil de
	l'Europe
ARMENIA/ARMENIE	Mr/M. Tigran Dadunts
	Director of the "Centre for Legislation Development" Foundation
	of the Ministry of Justice of Armenia / Directeur de la fondation
	"Centre pour le développement de la législation" du ministère de
ALIOTRIA/ALITRIOLIE	la justice d'Arménie
AUSTRIA/AUTRICHE	Mr/M. Matthias TRAIMER
	Federal Chancellery, Constitutional Service, Media, Information
	Society, Political Parties (Law)/ Chancellerie fédérale, Service
	constitutionnel, Service Médias et société de l'information, partis
AZERBAIJAN/AZERBAÏDJAN	politiques (droit) Mr/M. Rasim BAGHIROV
AZERBAIJAN/AZERBAIDJAN	Head of International Relations and Strategic Planning, Media
	Development Agency of the Republic of Azerbaijan / Responsable
	des relations internationales et de la planification stratégique,
	Agence de développement des médias de la République
	d'Azerbaïdjan
BELGIUM/BELGIQUE	Mr/M. Johan BOUCIQUÉ
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	Government / Conseiller medias, Département de la culture, de la
	jeunesse et des médias, Gouvernement flamand
BOSNIA AND	Mr/M. Emir POVLAKIC
HERZEGOVINA/BOSNIE-	Head of Audiovisual and Media Services, Communications
HERZEGOVINE	Regulatory Agency / Chef des services audiovisuels et médias,
	Agence de régulation des communications
CROATIA/CROATIE	Ms/Mme Nives ZVONARIĆ
	Head of Media Sector, Ministry of Culture and Media / Cheffe du
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CYPRUS/CHYPRE	Ms/Mme Victoria KALTSAKI
	Press and Information Officer, Press and Information Office(PIO),
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	presse et d'information, ministère de l'Intérieur
L	r

CZECH	Mr/M. Artus REJENT
REPUBLIC/REPUBLIQUE	
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	Mr/M Guillaume SCHAEFFER
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	Culture
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	Commissioner Communications Commission of Georgia /
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UKRAINE	MS/MME OINA HERASYMIUK

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# **OBSERVERS TO THE CDMSI / OBSERVATEURS AUPRES DU CDMSI**

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EUROPEAN	UK chairman and the Media Freedom Representative / Président
JOURNALISTS /	britannique et représentant pour la liberté des médias
ASSOCIATION DES	
JOURNALISTES	
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EUROPEAN	Ms/Mme Sophia WISTEHUBE
BROADCASTING UNION	Legal Counsel / Conseiller juridique
(EBU) / UNION	

EUROPEENNE DE RADIO- TELEVISION	
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REPORTERS WITHOUT BORDERS /REPORTERS SANS FRONTIÈRES	Mr/M Paul POUCHOUX Advocacy Officer/ Responsable du plaidoyer

# **OTHER PARTICIPANTS** / AUTRES PARTICIPANTS

IEEE	Ms/Mme Irene KITSARA
	European Standardization Initiatives Director / Directeur des
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IRELAND / IRLANDE	Ms/Mme Martina CHAPMAN
	Independent consultant specializing in media literacy policy and strategy development, research and project management / Consultant indépendant spécialisé dans l'élaboration de politiques et de stratégies d'éducation aux médias, la recherche et la gestion de projets.
LONDON SCHOOL OF	Ms/Mme Jennifer JACKSON-PREECE
ECONOMICS AND	Associate Professor of Nationalism European Institute, Department
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	du nationalisme, Département des relations internationales

# COUNCIL OF EUROPE / CONSEIL DE L'EUROPE

COMMITTEE OF EXPERTS ON INCREASING RESILIENCE OF MEDIA (MSI-RES) / COMITÉ D'EXPERTS SUR LE	Mr/M. Richard FLETCHER  Co-Raporteur on the Draft Guidelines on the responsible implementation of Artificial Intelligence in journalism/ Co-rapporteur sur le projet de lignes directrices sur la mise en œuvre responsable de l'intelligence artificielle dans le journalisme
RENFORCEMENT DE LA RÉSILIENCE DES MÉDIAS (MSI-RES)	Ms/Mme Elda BROGI Co-Raporteur on Good Practices for Sustainable Media Financing / Co-rapporteur sur les Bonnes pratiques pour un financement durable des médias
COMMITTEE OF EXPERTS ON THE INTEGRITY OF ONLINE INFORMATION (MSI-INF)/ COMITÉ D'EXPERTS SUR L'INTÉGRITÉ DE L'INFORMATION EN LIGNE (MSI-INF)	Mr/M Andrin EICHIN Chair of MSI-INF / President du MSI-INF
COMMITTEE OF EXPERTS ON STRAGEGIC LAWSUITS AGAINST	Mr/M Tarlach McGonagle Rapporteur / Rapporteur

DUDI IO DADTICIDATICI	<u> </u>
PUBLIC PARTICIPATION	
(MSI-SLP) / COMITE	
D'EXPERTS SUR LES	
POURSUITES	
STRATEGIQUES CONTRE	
LA MOBILISATION	
PUBLIQUE (MSI-SLP)	
CONGRESS OF LOCAL	Ms/Mme Mélanie LEPOULTIER
AND REGIONAL	Co-Rapporteur on the report on Local and regional media:
AUTHORITIES / CONGRES	watchdogs of democracy, guardians of community cohesion / Co-
DES POUVOIRS LOCAUX	rapporteur du rapport sur les médias locaux et régionaux : chiens
ET REGIONAUX	de garde de la démocratie, gardiens de la cohésion communautaire
EUROPEAN COMMITTEE	Mr/M. Eral KNIGHT
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AUTHORITIES (EPRA)/ LA	Trodu di Gordanati Gilono da Gordanati
PLATE-FORME	
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INSTANCES DE	
RÉGULATION	
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COUNCIL OF EUROPE	and Media / Premier Vice-Président : Commission de la culture, de
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PARLEMENTAIRE DU	·
CONSEIL DE l'EUROPE	
	Mr/M Roberto FASINO
	Head of Secretariat/ Secrétaire
	Mr/M. Marc GRUBER
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	Committee on culture, science, education and media /
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