

16/10/2019
BU(2019)002

CDMSI-

Report of the 16th meeting (16 October 2019)
(Strasbourg, Palais)

1. Opening of the meeting

The CDMSI Chair, Thomas Schneider (Switzerland) opened the meeting. The gender distribution among 7 attendants was 3 women (43%) and 4 men (57%). Two members attended via videoconferencing.

Jan Kleijssen, Director of the Information Society and Action against Crime Directorate welcomed the Members of the CDMSI Bureau. He thanked the Bureau for their guidance provided to the CDMSI in its work and recalled that freedom of expression and issues related to the internet and information society are high on the Council of Europe's agenda, as reflected in the priorities of the new Secretary General of the Council of Europe Marija Pejčinović Burić. He further updated the Bureau on the developments related to the newly established Ad Hoc Committee on Artificial Intelligence (CAHAI), and on the Committee of Ministers' decision to hold a ministerial conference on freedom of expression, media freedom, AI and related challenges in May 2020 in Cyprus.

2. Adoption of the agenda

The Bureau adopted the agenda of its meeting in view of the preparation of the 17th CDMSI Plenary meeting, which will take place from 3-5 December 2019. The annotated agenda appears in Appendix 1. The list of participants appears in Appendix 2.

[3. Conference of ministers responsible for media and information society \(Nicosia, Cyprus, 28-29 May 2020\)](#)

The Bureau was informed about the state of preparations for the ministerial conference and took note of the call for information regarding (a) the ministries responsible for media and information and (b) media literacy and community media projects in the Council of Europe member States. The Bureau was further informed about the outcomes of the final meeting of the drafting group in charge of preparation of the Ministerial resolutions and the Conference's final declaration, that took place on 15 October 2019 in Strasbourg. They noted that the revised drafts will be submitted to the 17th CDMSI Plenary meeting, and that their final approval is foreseen for the following CDMSI meeting, to take place on 27 May 2020 in Nicosia, Cyprus, on the eve of the ministerial conference.

4. Standard setting

- 4.1 *Committee of experts on Human Rights Dimensions of Automated Data Processing and Different Forms of Artificial Intelligence (MSI-AUT)*

The Bureau took note of the information provided by the Secretariat on the fourth meeting of the MSI-AUT (23-24 September 2019) and the outcomes of the public consultation process on the draft Recommendation of the Committee of Ministers to member states on the human rights impacts of algorithmic systems. They welcomed the completion of the work by the MSI-AUT and took note of the main changes made to the text in order to incorporate feedback received. While noting that the draft recommendation is being finalised by the Secretariat in the two official languages, they requested that the text be sent to them for information and, should it be necessary, for further guidance in view of its expected approval by at the CDMSI 17th Plenary meeting. The Bureau further agreed that the finalised text will be circulated among the CDMSI members on 5 November 2019, with a two-weeks deadline for possible comments, and will then be submitted to the CDMSI for approval.

The Bureau was also informed that the studies on “Responsibility and AI” and on “Liability and jurisdictional issues in online defamation cases” have been taken note of by the Committee of Ministers and subsequently published.

4.2 Committee of experts on Quality journalism in the digital age (MSI-JOQ)

The Bureau took note of the information provided by the Secretariat on the fourth meeting of the MSI-JOQ (23-24 September 2019). They welcomed the findings of the online survey that was developed to collect data on media and information literacy projects aimed at developing the skills required for recognising and valuing quality journalism, and the first draft of the Study on developing the skills to recognise and value quality journalism in the digital environment. They agreed that the rapporteurs should continue with analysing these findings in detail for the purposes of the study.

The Bureau also welcomed the completion of the work by the MSI-JOQ on the draft Recommendation on promoting a favourable environment for quality journalism in the digital age. They took note of the tacit approval of the draft recommendation by all delegations to the CDMSI except one and provided guidance on possible ways to address the situation. They further agreed that the finalised text of the recommendation be submitted to the CDMSI for approval at its 17th Plenary meeting.

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

5.1 Safety of Journalists

The Bureau was informed about the completion of the work on the Implementation Guide to the CM/Rec(2016)4, about the progress with the Qualitative study on fear as a factor affecting choices between self-censorship and ethical journalism in Europe (working title) and about the ongoing work on the “HELP” training manual on the safety of journalists aimed at legal practitioners, judges and law enforcement officials, that should be ready in the course of 2020.

They further took note of the information provided by the Secretariat about two new members to the Platform for the Protection of Journalism and Safety of Journalists and about the discussions at the Platform members’ meeting in Geneva in June 2019.

5.2 Gender equality

The Bureau took note that the draft report on the implementation of the recommendation CM/Rec(2013)01 on Gender Equality and Media is due on the week of 21-27 October. They agreed that after a final review by the Secretariat the draft will be submitted to the CDMSI.

5.3 Internet Governance Strategy implementation Report and new digital strategy

The Bureau was informed of the overall very successful implementation of the Internet Governance Strategy 2016-2019 and noted that the final implementation report had been submitted to the Private Office of the Secretary General. It further took note of the ongoing work on the development of the Digital Governance Strategy 2020-2023.

5.4 Initiatives in member states

The Bureau took note of and received information on a number of initiatives communicated to the Secretariat, including:

- France's law on the fight against information manipulation;
- Switzerland's review of legislation in the media and telecommunications;
- Monaco's draft laws on the "digital Principality", on electronic communication, as well as of legislative developments foreseen in the field of data protection.

These initiatives will also be communicated to the CDMSI during its next Plenary meeting and be presented by the relevant delegations. This list may be further completed towards the time of the Plenary.

6. European Convention on Transfrontier Television

Recalling that the primary purpose of the European Convention on Transfrontier Television is to reinforce Article 10 of the European Convention for Human Rights and Fundamental Freedoms, the Bureau discussed the proposal, already put forward at the June plenary meeting, to explore the range of issues that Council of Europe member states face with regard to transfrontier access to information. They agreed that before the end of October 2019 a set of questions to member states shall be prepared as outlined above, and that the European Audiovisual Observatory shall be contacted with a view to seek their opinion.

7. Co-operation activities

The Bureau took note of the information provided by the Secretariat on the on-going and future co-operation programmes and activities, notably in Azerbaijan, Ukraine, Northern Africa and South-East Europe.

8. Data Protection

The Secretariat informed the Bureau about the 38th Plenary meeting of the Committee of Convention 108 and its next biennium work programme for 2020-2021 which will focus on (a) the development of new terms of reference and rules of procedure, (b) the review of the current landscape and examination of the Recommendation CM/Rec(2010)13 of the Committee of Ministers to member states on the protection of individuals with regard to automatic processing of personal data in the context of profiling, (c) facial recognition, and (d) data protection in the educational sector.

9. Participation of CDMSI members in meetings and events

The Bureau noted that Emir Povlakić (Bosnia-Herzegovina) will brief the CDMSI plenary in December on his participation in the Cybercrime Convention Committee (T-CY) & 4th Protocol Drafting Plenary meeting (Strasbourg, 8-11 July). Further information items may be added towards the time of the Plenary.

10. Forthcoming events

The Bureau took note of the information provided by the Secretariat about the participation of CDMSI members/the Secretariat in the upcoming World Forum for Democracy (Strasbourg, 6-8 November 2019), Internet Governance Forum (Berlin, 25-29 November 2019), and the side event to the UN General Assembly meeting on “Artificial Intelligence: Technology to Serve Humankind” (28 October 2019, New York). They were also informed about the upcoming Conference on “(Last) call for quality journalism” (Slovenia, 28-29 November 2019), co-organised by the Ministry of Culture of the Republic of Slovenia and the Council of Europe.

11. Work of other Council of Europe institutions and bodies

11.1 Committee of Ministers

The Secretariat informed the Bureau about the state of discussions in the Committee of Ministers on the terms of reference 2020-2021 for the CDMSI and its proposed new committees of experts - Committee of Experts on Freedom of Expression and Digital Technologies (MSI-DIG), Committee of Experts on Media Environment and Reform (MSI-REF), as well as the joint Committee of Experts on Combating Hate Speech (ADI/MSI-DIS), that will be subordinate to both CDMSI and CDADI. It also took note of the adoption by the Committee of Ministers on 11 September 2019 of the Terms of Reference for the Ad Hoc Committee on Artificial Intelligence (CAHAI).

The Bureau further exchanged views with the CAHAI Secretariat representative, taking note that the first meeting of CAHAI was scheduled to be held on 18-20 November in Strasbourg, and that a progress report from CAHAI to the Committee of Ministers containing specific proposals for further action was due by 31 May 2020. It was agreed that a CAHAI Secretariat representative will be invited to the 17th CDMSI Plenary meeting.

11.6 Steering Committee for Human Rights (CDDH)

The Bureau was informed that new terms of reference for the CDDH are being discussed, which are likely to include work on artificial intelligence issues as one of their priorities. Emir Povolakić (Bosnia-Herzegovina) attended the 91st Plenary meeting of the CDDH (18-21 June 2019, Strasbourg).

The Bureau further noted that there have been no significant developments since their previous meeting in June 2019 on the following items:

11.2 Parliamentary Assembly of the Council of Europe

11.3 Commissioner of Human Rights

11.4 Conference of INGOs of the Council of Europe

11.5 Council of Europe Counter-Terrorism Committee (CDCT)

11.7 European Audio-visual Observatory

Depending on the calendar of activities of the above bodies, updated information of relevance for the CDMSI will be provided at the Plenary meeting in December.

12. Other organisations

12.1 European Union

The Bureau took note of the information provided by the Secretariat on the initiatives and developments in the European Union in the field of media and artificial intelligence. The Bureau agreed that a European Commission representative shall be invited to the 17th CDMSI Plenary meeting.

13. Council of Europe Internal Oversight

The Bureau took note of the information provided by the Secretariat about the conclusions and recommendations contained in the Evaluation Report of the work of intergovernmental committees commissioned by the Council of Europe Internal Oversight, as well as their potential impact on CDMSI's work.

14. Other business

The Bureau was reminded of the procedure for the upcoming elections of the new Bureau, and of the members of expert committees subordinate to the CDMSI. It was agreed that member states should be invited in due time to submit proposals for experts.

As regards reporting on CDMSI activities, the Bureau was further informed about the new requirement by the Committee of Ministers that the abridged reports of intergovernmental committees should not be longer than four pages. Also, any documents submitted to the CM for adoption (draft instruments) that exceed three pages need to be accompanied by a short summary. The Bureau therefore agreed that reports of its meetings, as well as reports of the Plenary meetings of the CDMSI shall aim for greater concision.

APPENDIX 1

16th meeting

Wednesday 16 October 2019 (09h30 – 18h00)

Palais de l'Europe, Room 17

Agenda

- 1. Opening of the meeting by Mr Jan Kleijssen, Director, Information Society - Action against Crime, Directorate General Human Rights and Rule of Law**
- 2. Adoption of agenda**
- 3. [Conference of ministers responsible for media and information society \(Nicosia, Cyprus, 28-29 May 2020\)](#)**
- 4. Standard setting**
 - 4.1 *Committee of experts on Human Rights Dimensions of Automated Data Processing and Different Forms of Artificial Intelligence (MSI-AUT)*
 - 4.2 *Committee of experts on Quality Journalism in the Digital Age (MSI-JOQ)*
- 5. Implementation of Council of Europe adopted standards and best practices**
 - 5.1 Safety of Journalists
 - 5.2 Gender Equality
 - 5.3 Internet Governance Strategy implementation Report and new digital strategy
 - 5.4 Initiatives in member States
- 6. European Convention on Transfrontier Television**
- 7. Cooperation activities**
- 8. Data protection**
- 9. Participation of CDMSI members in events**
- 10. Forthcoming events**
- 11. Work of other Council of Europe institutions and bodies**
 - 11.1 Committee of Ministers
 - 11.2 Parliamentary Assembly
 - 11.3 Commissioner for Human Rights
 - 11.4 Conference of INGOs of the Council of Europe
 - 11.5 Council of Europe Counter-Terrorism Committee (CDCT)
 - 11.6 Steering Committee for Human Rights (CDDH)
 - 11.7 European Audio-visual Observatory and EPRA
- 12. Other organisations**
 - 12.1 European Union
- 13. Council of Europe Internal Oversight**
- 14. Other business**

APPENDIX 2

List of participants

Mr Thomas Schneider, Ambassador, Switzerland (Chair)
Director of International Affairs
Federal Department of the Environment, Transport, Energy and Communication DETEC
Federal Office of Communications OFCOM
Switzerland

Ms Elfa Ýr Gylfadóttir, Iceland, (Vice-Chair) (via videoconference)
Director of Media Commission
Ministry of Education, Science and Culture

Mr Mati Kaalep, Estonia (via videoconference)
Adviser of Audiovisual Affairs of Estonian Ministry of Culture

Mr Serge Robillard, Monaco
Chargé des relations institutionnelles
Délégation Interministérielle pour la Transition Numérique

Ms Kathleen Stewart, UK
Head of International Broadcasting Policy

Mr Matthias Traimer, Austria
Federal Chancellery, Head of Department, Media Affairs and Information Society, Federal
Chancellery, Constitutional Service, Vienna

Ms Inge Welbergen, The Netherlands
Legal Officer, Media
Ministry of Culture

Secretariat

Mr Jan Kleijssen, Director, Information Society - Action against Crime, Directorate General
Human Rights and Rule of Law

Mr Patrick Penninckx, Head of Information Society Department, Directorate General Human
Rights and Rule of Law

Ms Artemiza-Tatiana Chisca, Head of Media and Internet Division, Directorate General Human
Rights and Rule of Law, Secretary to the Steering Committee on Media and Information
Society (CDMSI)

Ms Charlotte Altenhöner-Dion, Head of Internet Governance Unit, Secretary to MSI-AUT
Committee, Media and Internet Division, Directorate General Human Rights and Rule of Law

Ms Urška Umek, Head of Media Unit, Secretary to MSI-JOQ Committee, Media and Internet
Division, Directorate General Human Rights and Rule of Law

Ms Clementina Barbaro, Co-Secretary to the Ad Hoc Committee on Artificial Intelligence
(CAHAI)

Ms Elena Dodonova, Administrator, Media and Internet Division, Directorate General Human Rights and Rule of Law

Ms Martina Silvestri, Programme Manager, Cooperation Unit, Media and Internet Division, Directorate General Human Rights and Rule of Law

Mr Shahin Abbasov, Programme Manager, Cooperation Unit, Media and Internet Division, Directorate General Human Rights and Rule of Law

Mr Peter Kimpian, Administrator, Data Protection Unit, Information Society Department, Directorate General Human Rights and Rule of Law

Ms Julia Whitham, Assistant, Media and Internet Division, Directorate General Human Rights and Rule of Law