

20/05/2020

CDMSI-BU(2020)001

Report of the 17th meeting (28 April 2020)
(meeting held via videoconferencing)

1. Opening of the meeting

The CDMSI Chair, Ms Inge Welbergen (the Netherlands) opened the meeting. The gender distribution among 6 attending Bureau members was 1 woman (17%) and 5 men (83%). One member of the Bureau was absent pending replacement by election.

Mr Jan Kleijssen, Director, Information Society – Action against Crime, welcomed the members of the Bureau and thanked them for remaining active and accessible in the current unprecedented circumstances. He highlighted that the impact of the COVID-19 related crisis raised serious concerns as regards freedom of expression and data protection. He emphasised the Council of Europe's role in assisting its member States with practical and effective guidance in finding ways to contain the crisis while respecting human rights and the rule of law.

He informed the Bureau of the action already taken by the Organisation to this end, e.g. the [SG/Inf\(2020\)11 document](#) "Respecting democracy, rule of law and human rights in the framework of the COVID-19 sanitary crisis - A toolkit for member states" issued by the Secretary General; the creation of the Organisation-wide COVID-19 [dedicated web page](#) on the protection of human rights in times of crisis; the [joint statement](#) the Chair of the Council of Europe's data protection "Convention 108" committee and the Council of Europe's Data Protection Commissioner.

He further informed the Bureau about the decision by the Secretary General to reinstate the Task Force on Freedom of Expression and the appointment of Mr Christos Giakoumopoulos, Director General, of Human Rights and Rule of Law as its coordinator. Lastly, he observed the impact of the crisis, including international travel restrictions, on the planning of activities and invited the Bureau's thorough reflection and guidance on the feasibility of the Conference of Ministers responsible for media and information society in October 2020 (item 5.1 of the agenda).

2. Adoption of the agenda

The Bureau adopted the agenda of its meeting. The agenda appears in Appendix 1. The list of participants appears in Appendix 2.

The Bureau also held *a tour de table* on the current state of play and the expected developments related to the period of confinement in their respective member States.

3. Information on latest relevant Council of Europe developments

3.1. *Council of Europe responses to the COVID-19 pandemic*

Mr Patrick Penninckx, Head of the Information Society Department, informed the Bureau in more detail about Council of Europe responses to the COVID-19 pandemic, in particular in the media and data protection sectors. He mentioned the [COVID-19: special webpage on media in times of health crises](#) where all relevant developments and materials are published and regularly updated. He observed the growing number of violations of and threats to human rights related to the crisis management in Council of Europe member States in all sectors, as well as disruptions in the normal work schedule of Council of Europe committees and in the holding of events caused by the crisis and called for timely decisions and an anticipatory approach to challenges.

Following this input, the Bureau exchanged views on the challenges raised by the current health crisis, including the need for constructive guidance and support by the Council of Europe to its member states and instructed the Secretariat to prepare a special report on the impacts of the COVID-19 crisis on freedom of expression. Based on the methodology developed for successive Secretary General reports and their chapter on the state of freedom of expression in member States, this report is meant to facilitate an evidence-based reflection on the resilience of existing media and freedom of expression-related frameworks in times of crisis, to support the development of guidance for member States and serve as a source of information on existing good practices in the field.

3.2. *Committee of Ministers*

The Secretariat informed the Bureau about:

- the smooth adoption by the Committee of Ministers on 8 April 2020 of the [Recommendation \(2020\)1 on the human rights impacts of algorithmic systems](#). The adoption was followed by immediate publication, with considerable press interest. A launching event with participation from the European Parliament, initially planned for May/June in Brussels, has had to be postponed until further notice;
- the postponement of the examination/adoption of the *draft Committee of Ministers recommendation on promoting a favourable environment for quality journalism in the digital age*. The draft received support from all delegations but one and is already used by some member States for inspiration in policy-making. The postponement was due to the request by the Russian Federation for a discussion of the draft recommendation in a physical meeting of the Minister's Deputies.
- the outcomes of the 12 March 2020 GR-H exchange of views on the three draft resolutions and the draft final declaration of the Conference of Ministers responsible for media and information society. This exchange, with no decision expected from the GR-H, was meant to help the CDMSI finalise the documents in view of their smooth adoption at the Ministerial Conference. While the comments submitted by Belgium did not raise any particular objections, those put forward by the Russian Federation were rejected by a broad majority of the delegations participating in the meeting. No objections or further comments/proposals were received at or after the meeting.

The Bureau took note of this information and advised that member States be invited, through their representatives in the CDMSI, to ensure translation of the adopted *Recommendation on the human rights impacts of algorithmic systems* in their national languages, as well as of the

Recommendation on promoting a favourable environment for quality journalism in the digital age as soon as it is adopted.

3.3. *Parliamentary Assembly*

The Secretariat informed the Bureau that CDMSI comments on the *PACE Recommendation 2168 (2020) "Threats to media freedom and journalists' security in Europe"* were prepared by the Secretariat based on proposals received from CDMSI members and observers. In the interval between its meetings the CDMSI endorsed the text in written procedure, the Secretariat further transmitted it to the Committee of Ministers within the deadline. The discussion of this item had not yet been scheduled on the GR-H and Committee of Ministers agendas.

3.4. *Ad hoc Committee on Artificial Intelligence (CAHAI)*

The Secretariat of the CAHAI informed the Bureau that measures have been taken to ensure progress in the work of CAHAI in the current circumstances. Currently online consultation processes are ongoing on the working methods (in particular, regarding possible establishment of three Working Groups: the Policy Development Group, the Legal Frameworks Group and the Consultations and Outreach Group) and on the features of the multi-stakeholder consultation.

Mr Thomas Schneider (Switzerland), CDMSI Vice-Chair, member of the CAHAI Bureau and liaison person between the two Committees, stressed the importance of CDMSI-CAHAI cooperation. He observed that in view of the close remits of the two Committees (CDMSI – sector specific, CAHAI – cross-sector), due coordination is essential.

It was agreed that, as far as the CDMSI is concerned, the Bureau would indicate whether it is intended to delegate a CDMSI representative/s to the working groups and whether the CDMSI would provide input to the multi-stakeholder consultation, and the type of input (written, other).

4. Reports from/on CDMSI subordinate expert committees

4.1 *Committee of Experts on Freedom of Expression and Digital Technologies (MSI-DIG)*

The Secretariat informed the Bureau about the first exchanges held online by the MSI-DIG on 16 and 23 March 2020 (the meeting of the MSI-DIG, initially scheduled for 16-17 March 2020 in Strasbourg, had to be postponed in the current circumstances). In the course of these exchanges, experts discussed their expectations and priority concerns regarding the MSI-DIG mandate and the provisional scoping of issues to be addressed in the two deliverables (draft recommendation on the impacts of digital technologies on freedom of expression and a guidance note on best content moderation practices). They also agreed on the distribution of work amongst themselves. The MSI-DIG meeting has been tentatively scheduled for 15-16 September 2020.

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

The Secretariat informed the Bureau about developments in the work of the MSI-REF. The meeting of the MSI-REF had been scheduled for 18-19 March 2020 in Strasbourg. Given the current situation, it had to be postponed and a first exchange was held via videoconference. The experts had been provided preparatory materials for the discussion. Experts discussed the provisional scoping of issues to be addressed in the deliverables (draft recommendation on media policy, draft recommendation on electoral communication and election campaigns and a guidance note on online prominence) and agreed on the distribution of work amongst

themselves. It was decided to hold periodic videoconferences as the work is progressing and the meeting date was tentatively set for 23-24 September 2020.

4.3 Committee of Experts on Combating Hate Speech (ADI/MSI-DIS)

The Secretariat provided information on the developments related to the ADI/MSI-DIS. At its 17th Plenary meeting (3-5 December 2019), the CDMSI elected five member States representatives of the joint expert committee, the remaining five to be elected by the Steering Committee on Antidiscrimination, Diversity and Inclusion (CDADI) in its first plenary, originally scheduled for early April 2020. This plenary meeting was rescheduled for 8-10 June 2020, with the first ADI/MSI-DIS meeting scheduled for 6-7 July. A further postponement of meetings to September is, however, likely. The Secretariat is maintaining contact with the eight (five elected member States representatives and three independent experts) already confirmed expert committee members, whose commitment and expertise remain of crucial importance to the Council of Europe, including with respect to the COVID-19 crisis and related hate speech developments. An informal exchange of views with these members on their expected contribution to the future work of ADI/MSI-DIS was envisaged.

The Bureau took note of the information provided by the Secretariat and advised that non-member experts designated by governments and observers should also be invited to participate in meetings of the expert committees taking place online.

5. Planning

5.1 [Conference of Ministers responsible for media and information society](#) (Nicosia, Cyprus – rescheduled to 22-23 October 2020)

The Bureau was informed about the state of preparations for the Ministerial Conference, about the developments after its postponement and the impact of the current crisis situation on the preparations (restrictions on international travel and on public gatherings, the overall state of uncertainty, current reluctance of experts and target audiences to commit, administrative restraints related to logistical timelines and the state of play in the host country). They exchanged views about the feasibility of the Conference in October 2020 and on the necessary adjustments in the programme of the Conference and in its outcome documents with a view to embrace the impacts and consequences of the COVID-19 related crisis on freedom of expression.

They agreed that a decision on how to proceed must be taken - together with the Cypriot organisers and following exchanges with them on the matter - by the end of May 2020 at the latest, taking into account the logistical arrangements to be made and the period of the summer break. They instructed the Secretariat:

- to work in close contact with the host country to assess the feasibility of the Ministerial Conference;
- to prepare different scenarios with regard to the Conference;
- to develop an additional Ministerial Conference resolution on the basis of the report mentioned under 3.1 of this meeting report;
- to examine possible scenarios to ensure that the Ministerial Conference documents (the draft resolutions, including the additional one dedicated to the impact of the health crisis on freedom of expression), which in fact maintain their relevance even in case of postponement of the event, are ultimately transformed into Council for Europe documents through their possible adoption by the Committee of Ministers;
- to organise an extra-ordinary Bureau meeting before the end of May to discuss these items.

5.2 Future CDMSI meetings

The Bureau took note of the information provided by the Secretariat regarding options for the planning of future CDMSI Plenary meetings, strongly dependent on the feasibility of the Ministerial Conference in October 2020. They agreed that holding a CDMSI Plenary meeting still in 2020 is highly advisable to enable reporting and discussion on the progress in the work of its sub-committees, exchanges on the most recent developments and challenges to freedom of expression as well as in view of the need to hold elections of the Chair and Vice-Chair of the CDMSI and of one member of the CDMSI Bureau to replace Ms Kathleen Stewart (the UK).

They instructed the Secretariat:

- to foresee a timeline/planning for the biennium 2020-2021 on the deliverables listed in the Terms of reference of the Steering Committee and Expert Committees;
- to prepare a provisional schedule for the next CDMSI meetings, including different scenarios if necessary;
- to share the report of this Bureau meeting with the CDMSI;
- to explore the possibility of holding an online meeting of the CDMSI in the coming months.

6. Forthcoming events

The Bureau stressed the importance of ensuring visibility of the Council of Europe's work, including in this time of crisis, and advised that the Secretariat make the necessary arrangements to ensure participation in the EuroDIG 2020 and other events taking place fully online, as well as further explore possibilities for holding Council of Europe events at a large scale via videoconferencing. The Bureau agreed to continue the discussion of this item at its next meeting in May.

7. Other business

Members of the Bureau expressed appreciation for the important contribution and lasting active commitment to its work by Ms Kathleen Stewart, who could not complete her mandate as Bureau member in 2020 due to the change of place of work.

They further took note of the upcoming departure of Ms Julia Whitham, assistant, Media and Internet Division, from the Secretariat and thanked her for lasting assistant support to the work of the CDMSI and its Bureau.

APPENDIX 1

**17th meeting
Tuesday 28 April 2020 (10h00 – 13h00)**

Meeting held via videoconferencing

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 the agenda

3. Information on latest relevant Council of Europe developments

3.1. *Council of Europe responses to the COVID-19 pandemic - Patrick Penninckx, Head of the Information Society Department*

3.2. *Committee of Ministers*

3.3. *Parliamentary Assembly*

3.4. *Ad hoc Committee on Artificial Intelligence (CAHAI)*

4. Reports from/on CDMSI subordinate expert committees

4.1 *Committee of Experts on Freedom of Expression and Digital Technologies (MSI-DIG)*

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

4.3 *Committee of Experts on Combating Hate Speech (ADI/MSI-DIS)*

5. Planning

5.1 [Conference of Ministers responsible for media and information society](#) (Nicosia, Cyprus – rescheduled to 22-23 October 2020)

5.2 *Future CDMSI meetings*

6. Forthcoming events

7. Other business

APPENDIX 2

List of participants

Ms Inge Welbergen, the Netherlands (Chair)
 Legal officer - Media
 Ministry of Education, Culture and Science
 Directorate-General of Culture and Media | Media and Creative Industries

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

Mr Taavo Lumiste (Estonia)
 Deputy Permanent Representative
 Permanent Representation of Estonia to the Council of Europe

Mr Iordanis Giamouridis (Greece)
 Head of Department for Audiovisual and Electronic Media
 Directorate for Media, Secretariat General for Communication & Media, Ministry for Digital Policy and Media

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

Mr Skender Adem (Slovenia)
 Undersecretary, Ministry of Culture of Republic of Slovenia

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-DIG Committee, Media and Internet Division, Directorate General Human Rights and Rule of Law

Ms Urška Umek, Head of Media Unit, Secretary to MSI-REF 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 Julia Whitham, Assistant, Media and Internet Division, Directorate General Human Rights and Rule of Law