

20/10/2020
BU(2020)003

CDMSI-

Report of the 19th meeting (29 September 2020)
(meeting held via videoconference)

1. Opening of the meeting

The CDMSI Chair, Ms Inge Welbergen, opened the meeting. The gender distribution among five attending Bureau members was one woman (20%) and four men (80%). One member was apologised. One vacant seat in the Bureau needs to be filled by election.

2. Adoption of the agenda

The Bureau adopted the agenda, agreeing on the change of order of agenda items, for logistical reasons. They also noted that Mr Jan Kleijssen, Director, Information Society - Action against Crime, Directorate General Human Rights and Rule of Law, was attending the first meeting of the Committee of Experts on Combating Hate Speech (ADI/MSI-DIS) and could not open the CDMSI Bureau meeting as foreseen.

The agenda appears in Appendix 1. The list of participants appears in Appendix 2.

3. The COVID-19 pandemic and Council of Europe committees' work - procedures for online meetings and decision-making

Mr Patrick Penninckx, Head of the Information Society Department, welcomed the Bureau and thanked them for their commitment, flexibility and readiness to adjust to the working methods that have been proposed in the light of the restrictions related to the COVID-19 pandemic.

He informed the Bureau about the situation in the Organisation vis-à-vis COVID-19 (the majority of staff working on the premises, with flexible teleworking opportunities; physical meetings and official journeys remaining limited to the strict minimum) and pointed out that the next CDMSI Plenary meeting might need to be held in the online format. The Council of Europe is currently enhancing its technical capacities for holding virtual meetings, including with interpretation, and is exploring possibilities for the use of online voting tools.

He stressed that the subject of the impact of COVID-19 on freedom of expression and on other human rights was high on the Organisation's agenda and referred to the [Secretary General's Toolkit on the impact of the sanitary crisis on freedom of expression and media freedom \(SG/Inf\(2020\)19\)](#), prepared by the Secretariat of the Media and Internet Division, and to the [webpage on Media in times of health crises](#) that provides ample information on other concrete steps taken by the Council of Europe.

Mr Penninckx also informed the Bureau members of the ongoing reflection on future key priorities of the Organisation, both at the level of the Secretariat and in the form of a

consultation with the Chairs of monitoring and intergovernmental committees, initiated by the Secretary General, and stressed the importance of intergovernmental work and cooperation for the priorities and strategies under discussion (see item 8).

The Bureau was further updated about the latest exchange with the organising team of the host country - Cyprus - for the Conference of Ministers responsible for media and information society (Ministerial Conference) (see item 6) and about the developments regarding the Task Force on freedom of expression (an inter-secretariat platform for co-ordination, collaboration and information sharing on Council of Europe's work on freedom of expression). Lastly, the Bureau was informed about recent staff changes in the Secretariat.

4. Follow-up to the recommendations of the 17th and 18th CDMSI Bureau meetings

Ms Artemiza-Tatiana Chisca, Head of Media and Internet Division - Secretary to the Steering Committee on Media and Information Society (CDMSI) reported on the steps taken by the Secretariat as a follow-up to the 17th and 18th CDMSI Bureau meetings.

In particular, in order to keep the CDMSI duly informed of relevant developments during the period of COVID-19 related disruptions in the working schedule, the Secretariat has circulated a proposal to arrange online Q&A sessions. One delegation expressed interest and a videoconference was arranged.

Regarding the Bureau's recommendation for the postponement of the Ministerial Conference to 10-11 June 2021, after tacit approval by the CDMSI, the Secretariat communicated this proposal to the GR-H. At its meeting of 9 June 2020, noting the risk of low level of participation by ministers due to the current sanitary situation, the GR-H agreed on the postponement of the Ministerial Conference. The postponement was endorsed by the Committee of Ministers on 1 July 2020.

As requested by the Bureau, the Secretariat has commissioned a report on the impact of the COVID-19 crisis on freedom of expression, now finalised and ready for publication (see item 9). This initiative has proved to be very pertinent and forward-looking and has set an example for other parts of the Organisation. Currently a report on the impacts of the sanitary crisis on data protection is in preparation.

5. Standard-setting work

5.1 Draft Recommendation on promoting a favourable environment for quality journalism in the digital age

The Bureau took note of the developments regarding the draft Recommendation on promoting a favourable environment for quality journalism in the digital age. Once examined by the GR-H on 12 March 2020, the draft Recommendation was submitted to the Committee of Ministers for possible adoption. Since at the Committee of Ministers' meeting of 8 July 2020 it was not possible to reach a consensus, the draft recommendation was re-introduced on the agenda for further discussion and possible discussion, to take place in October 2020.

The Bureau re-emphasised the importance of the future Recommendation and expressed strong support for the speediest adoption of the text, as approved by the CDMSI, by the Committee of Ministers.

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

The Secretariat informed the Bureau about the first meeting of the Committee of Experts on freedom of expression and digital technologies (MSI-DIG), held on 15-16 September 2020 via videoconference.

At the meeting, the Expert Committee elected Ms Natali Helberger (the Netherlands) as their Chair, Mr Viktors Makarovs (Latvia) as Vice-chair and appointed Mr Michael Kogler (Austria) as the Gender equality rapporteur. They discussed the preliminary draft guidance note on best practices towards effective legal and procedural frameworks for self-regulatory and co-regulatory mechanisms of content moderation. They agreed that the guidance note should aim to be as concrete as possible and made proposals on the scope and terminology of the draft. They also discussed the preliminary draft recommendation on the impacts of digital technologies on freedom of expression, made proposals on the structure of the draft and recommended to further streamline its terminology, as well as to further highlight the need for empowerment of users and for stricter transparency requirements.

Welcoming the advanced state of both drafts, the Expert Committee agreed on the timeline for the 2020-2021 biennium, with possible finalisation of the draft guidance note on content moderation in spring 2021. Further details of the first MSI-DIG meeting can be found in the [meeting report](#).

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

The Secretariat informed the Bureau about the first meeting of the Committee of Experts on Media Environment and Reform (MSI-REF), held on 23-24 September 2020 via videoconference.

At the meeting, the Expert Committee elected Ms Maria Donde (United Kingdom) as their Chair, Mr Marko Milosavljević (Slovenia) as Vice-chair and appointed Ms Jadranka Vojvodić (Montenegro) and Markus Oermann (Germany) as the Gender equality rapporteurs. They discussed the draft recommendation on principles for media and communication governance to address the shift from established channels to social networks and of related risks, noting its wide scope and agreed that it should aim to provide a compilation of fundamental procedural and substantive principles that would inform and underpin future reviews of media and communications regulations in member States, with sufficient graduation of guidelines applicable to individual actors involved in these processes (states, regulatory authorities, co- and self-regulatory mechanisms, media, internet intermediaries, etc.).

The discussion on the draft recommendation on electoral communication and media coverage of election campaigns showed the urgency of providing guidance fit for the digital age, but also the need to retain the basic regulation of the media coverage of campaigning, and to complement it with regulatory principles applicable to the new actors and new tools used in campaigning. Also campaigning periods will need to be revisited and careful distinctions made in terms of terminology.

The guidance note on regulatory/policy requirements related to the prioritisation of public interest content on online platforms is currently developed from an outline distinguishing between good practice principles for the private sector (media, online platforms) and guidelines for governments and policymakers.

The committee also agreed on the timeline for the 2020-2021 biennium. Further details of the first MSI-REF meeting can be found in the meeting report.

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

The Secretariat informed the Bureau about developments regarding the Committee of Experts on Combating Hate Speech (ADI/MSI-DIS) which was holding its first meeting (via videoconference) on 29-30 September 2020, in parallel with the CDMSI Bureau meeting.

The composition of ADI/MSI-DIS was completed with the election of members by the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI), at its first Plenary meeting held on 8-10 September 2020.

The working methods of the joint expert committee will be essentially the same as those of CDMSI expert committees. Report of the first ADI/MSI-DIS meeting will be made available on its [website](#).

6. Conference of Ministers responsible for Media and Information Society

The Secretariat informed the Bureau of the current state of preparations for the Conference of Ministers responsible for Media and Information Society, rescheduled to 10-11 June 2021.

In the latest exchange with the Secretariat, the host country's organising team for the event re-confirmed the commitment of the Republic of Cyprus to host the Ministerial Conference. On the Council of Europe side, steps have been taken to inform all relevant audiences about the postponement of the Conference to June 2021 and to secure re-commitment by the speakers previously confirmed. As before, the intention is to ensure maximum personal attendance by respective Ministers and that Ministers from interested member States will present the Ministerial Conference resolutions at the event. Mr Iordanis Giamouridis (Greece) re-confirmed the commitment of Greece to present the resolution on the changing media and information environment at the Ministerial Conference.

The Secretariat has in the meantime revised the concept note and the draft programme of the Conference, as well as the draft Final declaration of the Ministerial Conference, incorporating the subject of COVID-19 impact on freedom of expression. A new draft resolution on the impact of the health crisis on freedom of expression has been prepared based, among others, on the Secretary General's [Toolkit on the impact of the sanitary crisis on freedom of expression and media freedom \(SG/Inf\(2020\)19\)](#) and on the expert 'Report on the impact of COVID-19 and ensuing measures on freedom of expression in Council of Europe member states'.

Also, following the discussion by the GR-H, on 12 March 2020, of the draft resolutions on freedom of expression and digital technologies, on the changing media and information environment and on the safety of journalists, as previously agreed by the CDMSI, minor technical edits have been made to the texts, mainly to the French version.

Having discussed the above information, the Bureau concluded that the revised concept and draft programme of the Conference, as well as the revised draft Final declaration and the new draft resolution on the impact of the health crisis on freedom of expression could be transmitted to the CDMSI members ahead of the 18th Plenary meeting, as well as the three draft resolutions in the meantime discussed by the GR-H.

In line with the procedural requirements, the new ministerial resolution and the revised Final Declaration, once agreed by the CDMSI, would need to be presented to the GR-H, ideally in February 2021.

Also, it was important to follow events and developments of potential relevance for the Ministerial Conference, in particular the 130th Session of the Committee of Ministers (4 November 2020, Athens).

7. Planning

The Bureau took note of the information by the Secretariat regarding preparation of the 18th and 19th CDMSI Plenary meetings and the required co-ordination with the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) regarding joint standard-setting work.

In view of the current sanitary situation, the 18th CDMSI Plenary meeting will be held via videoconference, entirely online or as a hybrid meeting (with possible physical presence of the Chair and/or vice-Chair of the CDMSI in the Council of Europe premises). In view of the remote format, the Plenary meeting will last two working days instead of three, as initially foreseen.

Depending on the evolution of the situation, a longer 19th CDMSI Plenary meeting (one day and a half instead of one day, as foreseen) could be envisaged.

At its 18th Plenary meeting, the CDMSI will need to elect its Chairperson, Vice Chairperson and one member of the Bureau, all for a one-year term.

To establish closer link with subordinate Expert Committees, their Chairs and, at subsequent plenary meetings, their rapporteurs will be invited to the meeting. Other possible invitees for an exchange of views are the newly appointed Thematic Co-ordinator on Information Policy (TC-INF) of the Council of Europe and a judge of the European Court of Human Rights, as well a representative of the Ad hoc Committee on Artificial Intelligence (CAHAI) Secretariat. Mr Thomas Schneider, as member of the CAHAI Bureau and the liaison person between the two Committees, could report on the development in the work of CAHAI.

Possible solutions allowing the CDMSI to feed in the process of preparation of the draft recommendation on hate speech were subsequently discussed. It was agreed that the recourse to written consultations could serve for that purpose and, more generally, that a flexible approach, within the framework of existing rules, should allow for the choice of the best option for synchronising joint work on the forthcoming recommendation on hate speech.

The Bureau members were also informed that in February 2021, under the German Chairmanship of the Committee of Ministers, a conference focusing on the subject of hate speech was expected to take place, providing an excellent opportunity give visibility to the work on the draft recommendation. Under the same framework, a conference on the topic of artificial intelligence will take place in January 2021.

8. Latest relevant Council of Europe developments

Ms Inge Welbergen, the CDMSI Chair, informed the Bureau about her reply to the Questionnaire for the Chairs of the Council of Europe steering committees and *ad hoc* committees, circulated by the Secretary General of the Council of Europe within the framework of preparation of a four-year strategic framework reflecting the priorities for the Council of Europe's longer-term mission.

Data protection

The Secretariat recalled the main elements of the work programme of the Consultative Committee of Convention 108, focusing in the 2020-2021 biennium notably on:

- (a) the current review of 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;
- (b) the drafting of guidelines on facial recognition, and;
- (c) the drafting of guidelines on the children's data protection in an education setting.

The Bureau of the Consultative Committee at its 50th meeting (28-30 September 2020) was expected to discuss the draft revised Recommendation CM/Rec(2010)13, following which it would send the draft to the CDMSI for comments. The Committee of Convention 108 would then finalise the draft at its 40th Plenary meeting (18-20 November 2020) and then send it to the CDMSI for transmission to the Committee of Ministers.

The Bureau was also informed of the ongoing work on "Personal Data Processing by and for Political Campaigns: The Application of the Council of Europe's Modernised Convention 108", possibly of relevance to the work of the MSI-REF.

The Bureau was also informed that a Questionnaire regarding the implementation of the Committee of Ministers Recommendation CM/Rec(2016)3 to member states on Human Rights and Business had been circulated by the Steering Committee for Human Rights (CDDH), and that the Secretariat had provided information on related work of the CDMSI and of the Media and Internet Division.

9. Reports, studies and other documents/activities of relevance for CDMSI

The Bureau was provided information and held an exchange of views on recent documents/activities of relevance for the CDMSI, to be also shared with CDMSI members during the forthcoming Plenary meeting:

- [the expert Report on the impact of COVID-19 and ensuing measures on freedom of expression in Council of Europe member states](#), one of the background papers for the Ministerial Conference, to be published as part of the ongoing reflection on the impact of the sanitary crisis on fundamental rights;
- [the study “A Mission to Inform”](#) (a qualitative study following up on the 2017 study on “Journalists under pressure - Unwarranted interference, fear and self-censorship in Europe”) and its launch event on 14 October 2020;
- [the Implementation guide to CM/Rec\(2016\)4 on the Protection of journalism and safety of journalists and other media actors](#) (finalised and published, also as a booklet), the ongoing preparation of its online interactive user-friendly version and further steps in its development and promotion as foreseen by the [Implementation Strategy for Recommendation CM/Rec\(2016\)4](#) (organising regular exchange on best practices and launching a database of best practices);
- the [Analytical report on the implementation of the CM/Rec\(2013\)1 on gender equality and media](#) (finalised and published, also as a booklet). Advancements in the implementation of the Recommendation being modest, as the report shows, the issue of gender equality in the media remains topical and requires attention;
- a new HELP course on Protection and safety of journalists (finalised and now freely available), as well as the revised HELP course on Freedom of expression.

10. Recent and forthcoming events

The Bureau took note of the information provided by the Secretariat on the recent and forthcoming events of relevance for the CDMSI:

- [the informal exchange between the Council of Europe Secretary General and the Committee of Ministers on media freedom and safety of journalists](#) (8 September 2020), following up on the decisions of the 129th Session of the Committee of Ministers (Helsinki, 17 May 2019). The exchange focused, among others, on the role and functioning of the Council of Europe Platform to promote the protection of journalism and safety of journalists and involved also representatives of the Platform’s partner organisations, including its President.
- [IGF-2020](#) (2-6 November 2020). The event will be held in the online format. The Council of Europe is involved in four sessions, including as (co-)organiser, and will also have an online booth to display/present relevant work of the Organisation.

The Bureau further had a *tour de table* regarding other events and developments of relevance for freedom of expression:

- Swiss national IGF held online on 28 September 2020, with high level attendance. Public policy strategy 2020-2023 adopted recently, covering also digitalisation.
- Monaco engaging in partnership with academia and private actors on AI;
- The publication, on 30 September 2020, of the European Commission’s [First Annual Report on the Rule of Law situation across the European Union](#)

11. Other business

No other issue was raised.

APPENDIX 1

19th meeting

Tuesday 29 September 2020 (10h00 – 12h30; 14h30-16h30)

Meeting held via videoconferencing

Agenda

1. Opening of the meeting
2. Adoption of the agenda
3. Current situation in the Organisation vis-à-vis COVID-19 and other general developments
4. Follow-up to the recommendations of the 17th and 18th CDMSI Bureau meetings
5. Standard-setting work
6. Conference of Ministers responsible for Media and Information Society
7. Planning
8. Latest Council of Europe developments of relevance for the CDMSI
9. Reports, studies and other documents/activities of relevance for the CDMSI
10. Recent and forthcoming events
11. Other business

APPENDIX 2

List of participants

Members of the Bureau

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

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) - apologised
 Undersecretary, Ministry of Culture of Republic of Slovenia

Secretariat

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

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

Mr Jens Lorentz, Special Advisor to the Director General for Human Rights and the Rule of Law and the Coordinator of the Task Force on freedom of expression, Directorate General Human Rights and Rule of Law

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

Ms Sophie Kwasny, Head of the Data Protection Unit, Secretary to Consultative Committee of Convention 108, Directorate General Human Rights and Rule of Law

Ms Ardita Abdiu, Head of the Co-operation Division, Directorate General Human Rights and Rule of Law

Ms Joanna Szelezniak, Assistant, Media and Internet Division, Directorate General Human Rights and Rule of Law

Ms Dominique Wulfran, Assistant, Media and Internet Division, Directorate General Human Rights and Rule of Law