



Conference of Ministers responsible for Media and Information Society

Artificial Intelligence – Intelligent Politics

Challenges and opportunities for media and democracy

10-11 June 2021

Final Declaration

Resolution on freedom of expression and digital technologies

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Final Declaration

The specialised Ministers of the Council of Europe member states, on the occasion of the Conference of Ministers responsible for Media and Information Society, jointly organised by the Council of Europe and the Republic of Cyprus and held online on 10-11 June 2021, adopt the following declaration:

1. We reaffirm that freedom of expression and its corollary media freedom, as enshrined in Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") and interpreted by the European Court of Human Rights, are cornerstones of democracy and must be upheld and protected, with due respect to other rights enshrined in the Convention.
2. We recognise the impact of the application of digital technologies, including artificial intelligence (AI), on the exercise and enjoyment of human rights, including freedom of expression. These technologies offer enhanced opportunities for expression, access to information and distribution of information, as well as for research and content production and distribution and, more generally, for a more interactive media environment.
3. At the same time, the use of digital technologies such as automated content moderation tools, may result in undue interference with freedom of expression and other rights. While instrumental in addressing illegal content online, their operation must be carefully supervised to ensure that it remains in compliance with applicable safeguards enshrined in the Convention.
4. Also, internet intermediaries, including social media platforms, have become major players in the media industry of the digital age, generating a structural shift in the information environment that puts the sustainability of the media market into question. A risk of their undue interference with freedom of expression and other human rights exists.
5. At the broader societal level, digital tools are playing an increasingly important role in selecting and/or editing information that is accessible to users and influencing and shaping public – including political – communication. While facilitating exchanges, interaction and active involvement in public life, the vast increase in available content and the lack of skills to navigate in the information deluge have also contributed to fragmentation and division, which are a source of serious concern for the development and preservation of cohesive societies and democracy.
6. The development and deployment of digital technologies and the increasing processing of personal data related to individuals, aiming at their profiling and micro-targeting for commercial and other purposes, have radically affected how individuals and society seek and receive information, form and express their opinions and make decisions, including with respect to elections and other democratic participatory processes. These techniques, often based on digital footprints and biased datasets that may be unrepresentative of separate public groups, also amplify pre-existing inequalities and biases. The manipulative capabilities of digital technologies and tools, including the capacity to simulate human traits, raise concerns about their possible abuse by malicious actors.

7. We acknowledge that these developments are indicative of a change in the media and information environment. Alongside significant positive effects, digital transformation has exacerbated the spread of disinformation, opened the door to online hate and contributed to the polarisation of society. Consumption of news and information from the increasing range of diverse online sources, which in most cases are not bound by the standards of professional ethics, is contributing to confusion as to the veracity and reliability of news. This leads to a growing loss of confidence in media and can also result in a loss of confidence in democratic institutions and processes. It has also created serious challenges to the culture of trustworthy journalism.
8. We recognise that journalists and other media actors play a central role in enabling the full enjoyment of freedom of expression and are critical to the healthy functioning of a democracy. Because of their work and their role in exposing wrong-doing and holding public authorities and other powerful actors to account, they are often the target of threats, harassment and other forms of physical and psychological violence. As this dynamic deteriorates, there is a growing need for special protection of journalists.
9. We further recognise that the Covid-19 pandemic has also impacted on freedom of expression. Measures taken in response to the crisis have tested the resilience of existing human rights protection frameworks, revealing and amplifying, among others, the insufficiency of safeguards for freedom of expression and freedom of the media (including media pluralism and independence).
10. Recalling the Council of Europe member States' commitment to the values of human rights, democracy and the rule of law, we agree that the above concerns require political attention at the highest level and coordinated action from governments, in consultation with all relevant stakeholders.
11. Specific attention is required, and further guidance must be developed with respect to the internet intermediaries, the use of digital tools and their impact on freedom of expression both at the individual level, in the context of the newsroom and media outlets, as well as at the level of society. In particular, the protection and empowerment of children, elderly persons/seniors and other vulnerable groups with the knowledge, skills and awareness regarding their safe and informed access to and exercise of rights in the digital environment should be ensured at all times.
12. We commit in particular to creating the necessary conditions, including legal frameworks, for the effective protection of freedom of expression with regard to content moderation, as well as to specifically tackle online electoral communication, campaigning and media coverage to provide conditions for the fair conduct of electoral processes. This may include developing collaborative and/or co-regulatory approaches, including international and national legally binding regulation where appropriate, curation aimed at supporting impartial fact checking and promoting diverse and reliable professional media sources.
13. We further acknowledge that media and information literacy plays an essential role of equipping individuals with the skills and knowledge to adapt and thrive from the new information environment and help the growth of an informed citizenry, which is one of the foundations of democratic societies. Media and information literacy projects therefore must be encouraged and supported.
14. We acknowledge that the dangerous declining trend in the area of safety of journalists must be addressed urgently as a matter of priority, in a comprehensive and

coordinated manner at national and international levels, with due regard to its online dimension and to the specific threats faced by women journalists. All forms of attacks on journalists and other media actors intended to undermine their ability to perform their public watchdog role must be regarded as attacks on democracy and strongly condemned. It is the responsibility of States to act to effectively prevent, investigate and sanction threats and attacks against journalists' safety.

15. We recall that in times of crisis freedom of expression and information and freedom of the media maintain their important role for the functioning of democratic societies. Article 10 of the Convention and the relevant case law of the European Court of Human Rights remain the fundamental standards to be applied in the exercise of those rights. Protection frameworks for freedom of expression and freedom of the media need to be reinforced to ensure that journalists and the media can effectively perform their professional duties, including in times of crisis.

In view of the above:

- a. We adopt the Resolutions of this Ministerial Conference which are appended to this final Declaration.
- b. We request the Committee of Ministers of the Council of Europe:
 - to take all necessary steps to implement the actions mentioned in this Final declaration and the Resolutions;
 - to ensure regular review and reporting on the measures taken for their implementation, in consultation with the relevant stakeholders.
- c. We invite the Council of Europe:
 - to pursue, as a matter of priority and with due allocation of resources, its efforts, including, where appropriate, through the development of relevant binding and non-binding documents to uphold and guarantee the effective enjoyment of the rights protected by Article 10 of the European Convention on Human Rights, taking due account of the impacts of digital technologies on freedom of expression, and the challenges to media freedom in the new media environment, as well as the important public watchdog role played by the media, including in times of crisis;
 - to continue to provide annual assessments of the state of freedom of expression in Europe, under the authority of the Secretary General of the Council of Europe, with concrete proposals for action, including as regards journalists' safety, and the promotion of a favourable environment for journalism resting on the standards of professional ethics in the digital age.
- d. We undertake to meet in the ministerial conference format at regular intervals to discuss current developments in the media and information society to ensure consistency and continued progress in guaranteeing respect and protection of the right to freedom of expression, and all its constituent rights, both online and offline, as interpreted by the European Court of Human Rights.

Resolution on freedom of expression and digital technologies

The specialised Ministers of the Council of Europe member states, on the occasion of the Conference of Ministers responsible for Media and Information Society, jointly organised by the Council of Europe and the Republic of Cyprus and held online on 10-11 June 2021, adopt the following resolution:

1. Technological advancement over the past decades has fundamentally transformed the communication patterns and behaviours of individuals, communities and societies. Modern communication is influenced and shaped by digital tools and services that play a role throughout our social, economic and political lives, within families, in class-rooms and in public life more broadly. While affecting the exercise of all human rights and fundamental freedoms, including notably the right to privacy and data protection, the growing application of these technologies, including different forms of artificial intelligence (AI), is having a profound impact on the exercise and enjoyment of the right to freedom of expression, as guaranteed by Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) and interpreted by the European Court of Human Rights.
2. The right to form, hold and express an opinion without undue interference, along with its corollaries of freedom of information and media freedom, is crucial for the fulfillment and protection of all other human rights. It enables citizens to make informed choices, to participate actively in democratic processes, and to help ensure that powerful interests are held to account. Empirical research points persistently to a strong correlation between the levels of media freedom and the overall resilience of a democracy. Media freedom, therefore, is essential in any democracy, and for economic prosperity, and is part of our collective global human rights agenda.
3. The impact on freedom of expression, whether positive or negative, of progressively autonomous digital technologies and services carry consequences not only for our individual freedoms but also for the very foundations of democratic societies. As such, they deserve our keen political attention and we welcome the research and initiatives undertaken already in various member States, aimed at amplifying positive effects and preventing or minimising possible adverse effects.
4. The use of digital technologies, including different forms of artificial intelligence (AI), impacts freedom of expression at several levels: at the level of communication between individuals, which is facilitated, structured and shaped by online platforms and social media; in the context of newsrooms and media outlets; and at the broader societal level, including in political communication. Moreover, it can have a considerable influence over our individual self-determination and its protection. To be comprehensively addressed by policy makers in Council of Europe member States, these different levels of impact must be considered both separately and in conjunction with each other.
5. As regards communication between individuals, different forms of AI applications are increasingly relied upon to enhance access to information, seek new opportunities for expression and explore novel forms of interaction. At the same time, digital technologies also create new forms of interference with freedom of expression. The blocking, filtering, removal, demotion or demonetisation of illegal and harmful online content, for instance, can only be managed at scale with the help of algorithms that

are developed and run by platforms. While algorithms play a vital role in accelerating and expanding online platforms' efforts to detect and address illegal and harmful content, human oversight over these processes is crucial to avoid undue limitations. Ensuring effective human oversight does not only constitute a complex task, it also raises serious concerns regarding the labour conditions of relevant workforces which have yet to be suitably addressed.

6. We are concerned that existing approaches to online content moderation do not always satisfy the requirements of legality, legitimacy and proportionality guaranteed in Article 10.2 of the Convention. Digital technologies must operate within firm legal frameworks that help prevent unintended consequences, including over-takedown, bias and lack of transparency, and must be accompanied with effective complaint mechanisms. We pledge to coordinate more closely our efforts in this regard, through international cooperation and on the basis of independent research, including through jointly developed standards. For this purpose, we acknowledge the need for enhanced transparency and dialogue with the wide range of non-governmental actors that operate in the online environment, including civil society representatives, online service providers and social media companies, individual users and the media, who must each live up to their respective responsibilities.
7. At the level of the media and the newsroom, digital technologies and AI tools are increasingly deployed to support research and content production, including through fully automated news creation, as well as to facilitate content distribution. The latter is mainly performed through automated recommender systems that, benefitting from data exploitation practices often unknown to the user, tailor the distribution of news according to the 'digital profiles' and assumed preferences and emotions of readers. Such micro-targeting techniques have revolutionised the news ecosystem, led to the emergence and empowerment of new media actors, including social media platforms, and fundamentally shifted routines and divisions of tasks between humans and machines. Yet, these techniques are often based on biased datasets that are unrepresentative of the public, particularly with respect to marginalised groups, thereby limiting the exposure of users to diverse information.
8. The advent of digital technologies has also prompted a structural shift within media markets, which is putting into question the sustainability of traditional media. Access to technology, skills and data constitutes an important competitive advantage for large social media platforms and search engines over traditional media outlets, particularly smaller ones and those located in regions with limited digital infrastructure. Moreover, while traditional media can be held liable for the content that they publish and are subject to editorial rules and ethics regarding the accuracy of their content and the credibility of their sources, including with respect to reader comments, online platforms do not hold the same level of liability for the content they give access to.
9. At broader societal level, the technical possibility of tailoring information according to the assumed preferences of specific groups and for diverse purposes entails opportunities for a more interactive and user-oriented public information environment. The possibility for individuals to gain greater insight and control over their media use could therefore create optimal conditions for them to seek, receive, and generate information on all matters of public and private interest and for freedom of expression to flourish. Owing to the mounting use of digital technologies in the communication sphere, including in political communication, information is no longer transmitted to an unidentified and unidentifiable audience. The risk of stereotyping individuals on the

basis of their past preferences must, however, be duly taken into account as an adverse influence on free self-development and formation of opinion.

10. At the same time, the increasing use of digital technologies for the personalised distribution of information via social media platforms has resulted in a growing digital divide where some groups are marginalised, with access to a less diverse information offer, while others benefit from amplified channels to access information, disseminate their opinions and dominate public discourse. This situation has contributed to the fragmentation of public communication spaces into divided groups that feed from and nurture contradictory narratives. This carries obvious concerns for democratic participatory processes and the development and preservation of cohesive societies. Targeted efforts are needed to address the digital divide, among others, by promoting more diversity within the labour forces that design, encode and engineer digital technologies and different forms of AI.

In view of the above:

- a. We affirm the pivotal importance of freedom of expression, which embraces the freedom of information, and the particular role of the media as a pillar and precondition of participatory democracy, as a platform for deliberation, provider of pluralist information and critical watchdog over holders of political, economic and social power.
- b. We stress our commitment to ensure that further integration of digital technologies and different forms of AI into public communication spaces and the media occur in full respect of human rights, notably freedom of expression, and in line with the relevant caselaw of the European Court of Human Rights.
- c. We commit to reach out actively to all actors involved in the design, development and deployment of digital technologies and AI tools for the creation, moderation and distribution of online content and to develop functional collaborative and/or co-regulatory approaches to such processes. These may include legally binding regulation where appropriate, providing for effective protection of freedom of expression in the digital environment, while fostering safety, straightforward access to legal remedies and independent oversight over content moderation practices.
- d. We emphasise the need for all relevant actors, at an early stage of application design and development of such technologies, to assess the possible adverse impact on human rights and the safety of users and to adopt a precautionary approach, based on 'human rights by design' and 'safety by design' models, as well as appropriate measures for risk prevention and mitigation.
- e. We underline the importance of empowering individuals of all age, gender, and socio-economic groups, through targeted media and information literacy programmes, to understand and exercise their rights and responsibilities as regards online expression, to develop the necessary competences to draw benefit from the use of digital technologies, including AI tools, and to identify, assess and mitigate possible risks to their safety and well-being.¹

¹ The position of the Russian Federation on this paragraph is expressed in its interpretative statement appended to the documents of the Ministerial Conference.

- f. We pledge to create, where appropriate, the necessary regulatory conditions for ensuring that automated processes for the creation and dissemination of news, including through tools such as Natural Language Processing, robo-journalism and algorithmically prepared newsfeeds, be used in full respect of freedom of expression. Relevant legislative frameworks should pay due attention to the rights and responsibilities of journalists. These include rights regarding access to data for the purposes of investigations as well as the protection of journalists' data and that of their sources.
- g. We reiterate the particular role and mission of public service media in delivering a diverse, attractive and inclusive media offer and creating optimal conditions for freedom of expression. Public service media should set an example for the responsible use of AI and should be provided with the remit, resources, and independence necessary to fulfill this role with transparency and accountability. They should be enabled to experiment with and invest in AI tools that promote media pluralism and the values of privacy and data protection, diversity, equality and social cohesion by actively reaching out to disengaged audiences, including youth.
- h. We urge all actors to pay closer attention to groups who are marginalised in the information environment, structurally excluded from receiving news, at risk of receiving a less diverse information offer or paying a disproportionate price for it, including in terms of privacy. We will focus on developing solutions that give persons belonging to such groups access to more diverse information and more control in exercising their freedom of expression rights in the online environment.
- i. We highlight, in the light of the growing competition between traditional media and new media actors, and with a view to protecting and promoting open and diverse media markets, the need for member States to ensure that access to innovative technologies, training data, digital skills and education regarding their use is readily accessible to all media, including, smaller and local players. To this end we commit to support and publish independent research related to technological advancement that can foster freedom of expression and help bridge the digital divide.
- j. We underline that new media actors (including online platforms) have an active responsibility in preventing negative impacts of digital technologies on freedom of expression, including selective use of sources, rendering access to news contingent on personalised data exploitation, over-takedown and bias, in line with CM/Rec (2018)2 on the roles and responsibilities of internet intermediaries.
- k. We invite the Council of Europe to continue to create awareness for and critically observe the operation of digital technologies at the level of communications between individuals, within newsrooms and within public communication spaces, and to assess their impacts, positive and negative, on freedom of expression, including through the work of the Steering Committee on Media and Information Society and the Ad hoc Committee on AI, with a view to
 - I. Developing guidance on the impacts of digital technologies and AI tools on freedom of expression and the most effective means for its protection, building on the experiences gathered and results achieved in the member States.
 - II. Elaborating, in close cooperation with media professionals, guidelines for the development of codes of ethical conduct for journalists, editors and new actors

with editorial-like functions, including online platforms and software developers, to promote and foster

- a. the informed, transparent and responsible use of AI tools in the newsroom, including as regards effective human oversight over automated journalistic processes, the adequate verification of content accuracy and credibility of sources,
- b. protection from the dangers of data exploitation, including with respect to personal data protection safeguards, and from the bias contained in datasets,
- c. exposure to full diversity of media content and sources, especially with respect to marginalised groups.

Guidance should consider the different cultural, economic, legal and technological conditions in member States and their specific implications for the use of digital technologies in the newsroom.

- III. Exploring the level of desirable user control from the media's and from society's perspective and studying what levels of transparency must accompany automated media distribution processes and newsfeeds.
- IV. Exploring how the enhancement of user autonomy may be translated into the design, development and deployment of algorithmic systems for use by the media.
- V. Supporting the development of effective and targeted media and information literacy projects that empower individuals of all backgrounds to critically understand the opportunities and challenges of the use of digital technologies and AI tools in public and private communication, and allow them to take control over their data and the form in which they wish to exercise their freedom of expression in the digital environment.
- VI. Reviewing regularly, in consultation with the relevant stakeholders, and reporting on the measures taken to implement this Resolution.

Resolution on the safety of journalists

The specialised Ministers of the Council of Europe member states, on the occasion of the Conference of Ministers responsible for Media and Information Society, jointly organised by the Council of Europe and the Republic of Cyprus and held online on 10-11 June 2021, adopt the following resolution:

1. The society is experiencing a profound transformation of the media environment, with repercussions at individual, community and societal levels. Search engines, social media platforms and other online services have taken over large parts of the distribution of news and information and have secured a substantial share of the revenues originating from advertisers. This in turn has impacted on business models of traditional journalism, the resources available for journalism as well as on journalists' working conditions, rendering them more vulnerable.
2. The key role of journalists and other media actors in exposing wrongdoing, corruption, crime and abuse of power exposes them to intimidation, threats, harassment and violence, arbitrary surveillance or interception of communications, misuse of national laws, abusive litigation (SLAPP), sometimes to arbitrary deprivation of liberty, and in some most extreme cases to torture and killings. While States have a duty to protect the physical and psychological integrity of all individuals within their jurisdiction, an attack aimed at silencing a journalist not only violates that person's human rights. It is simultaneously an interference with the right of journalists to freedom of expression, notably the right to hold opinions, seek and impart information, as well as a violation of the right of the public to receive information, with societal repercussions including an impact on democratic processes.
3. The risk of deterring journalists and other media actors from pursuing their work or of encouraging self-censorship is increased by the aggressive rhetoric, targeted disinformation and smear campaigns carried out by some political and private actors in response to critical reporting. Politicians increasingly use social media, websites, blogs and other digital platforms for direct communication with their electorate, and sometimes also to circumvent journalists and avoid their scrutiny, thereby pushing them out of the public debate. Moreover, the authorities' failure to swiftly and decisively condemn an attack on a journalist or their family members increases the risk of further threats and violence against journalists and undermines public trust in the credibility of journalism.
4. Journalists are likewise often targeted and discriminated on personal grounds, notably gender. In addition to facing the same threats as their male counterparts, female journalists face specific gender-related threats both offline and online, including sexual and gender-based violence, sometimes also in the context of workplace discrimination, mob-related violence or abuse while in detention. In particular, gender-based online attacks, taking the form of sexual harassment, threats of physical violence and even rape, have exponentially increased and now, reportedly, affect two-thirds of women journalists. Beyond gender, journalists are targeted with abuse and threats online on various grounds such as race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation or other status.²

² The position of the Russian Federation on this paragraph is expressed in its interpretative statement appended to the documents of the Ministerial Conference.

5. Recommendation CM/Rec(2016)4 on the protection of journalism and the safety of journalists and other media actors provides detailed guidance to member States organised around four pillars: prevention, protection, prosecution and promotion of information, education and awareness-raising. The text is based on the binding legal requirements of the European Convention on Human Rights and the relevant case-law of the European Court of Human Rights. Its implementation by member States has however, proved insufficient and/or ineffective and as a result, the situation has further degraded in the recent years.
6. Data collected by the Council of Europe Platform to promote the Protection of Journalism and Safety of Journalists (the Platform) shows that, since the launch of the Platform in 2015, the environment for the media in Council of Europe member States has further degraded. The increasing trend of attacks on journalists encompasses a doubling on an annual basis of the number of recorded threats, including death threats, and a staggering total of 27 murders noted by the Platform in member States since 2015, 22 of which remain unsolved.
7. The prevailing impunity, which fuels further threats and attacks on journalists, remains the most serious concern. Since the elaboration of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity endorsed by the United Nations Chief Executives Board on 12 April 2012, impunity rates in journalists' killings across the world hover around 90%, according to the latest reports, and the same rate appears to apply to OSCE countries. Also, the Council of Europe member States too frequently fail to fulfil their obligation to conduct prompt and effective investigations and prosecution of these crimes, falling short of bringing those responsible to justice. Unfortunately, this allows a culture of impunity to take root.
8. The time for effective action is now. The urgency of the situation needs to be matched by an urgent engagement at the political level by member States. Dedicated national action plans on the safety of journalists and other media actors must be established and implemented to tackle this emergency in a comprehensive and coordinated manner, based on the above Recommendation. These national action plans should be grounded in an informed and well-researched analysis of the situation in the country, including the professional situation of journalists, the applicable legal framework for the safety of journalists, and the effectiveness of existing safety measures, and should include a gender perspective and other aspects of diversity³. Most importantly, national action plans must be premised by the recognition at the highest political level that threats and violence against journalists and other media actors constitutes an attack on democracy.

In view of the above:

- a. We reiterate the role of journalists and other media actors as public watchdog as they are instrumental for the healthy operation of democracy.
- b. We acknowledge that, in order for journalists and other media actors to effectively and safely fulfil this role, they require appropriate protection and an enabling environment for freedom of expression and media freedom in which a vigorous public debate can thrive.

³ The position of the Russian Federation on this paragraph is expressed in its interpretative statement appended to the documents of the Ministerial Conference.

- c. We affirm that intimidation, threats, harassment, and violence against journalists and other media actors, as well as their family members, constitutes an attack on democracy and requires urgent attention and coordinated action at the highest political level, both domestically and internationally.
- d. We commit to devise, based on Council of Europe Recommendation CM/Rec(2016)4 and best practices of Council of Europe member States and other jurisdictions, dedicated national action plans on the safety of journalists, setting a comprehensive and effective programme of activity, with urgency-based priorities and adequate resources for their implementation. Strong political and operational leadership, coordination between the authorities involved, and the effective involvement – at all stages – of civil society, academia, journalists and their professional associations are instrumental to the success of such plans and should receive appropriate attention.
- e. We resolve, in the context of the national action plans, to promptly and decisively address the specific risks, challenges and threats that women journalists and other media actors face on account of their gender, also in the online sphere. We furthermore resolve to appropriately address the threats, abuse and intimidation faced by journalists and other media actors on grounds of their race, colour, ethnic or national origin, language, religion or sexual orientation or other personal characteristics.⁴
- f. We commit to dedicate specific attention and resources to stemming impunity for killings of, attacks on and ill-treatment of journalists and other media actors, by:
 - i. providing early warning mechanisms and threat assessments;
 - ii. ensuring that investigations into these crimes are prompt and effective;
 - iii. recognising such acts either as a dedicated category of crimes or as an aggravated circumstance leading to heavier penalties; and
 - iv. providing for practical and operational measures to stem impunity.
- g. We further commit to adequately enforce applicable employment laws to better protect journalists and other media actors from arbitrary dismissal or reprisals, and from precarious working conditions that make them more vulnerable to attacks.
- h. We acknowledge the importance for the police and media to build a mutual understanding of their respective responsibilities and constraints, notably through training, regular dialogue and the joint development of guidelines for their interaction.
- i. We pledge to swiftly and decisively condemn any attack on journalists and other media actors and their family members, whether these have taken place on national soil or in any other member state, and to make the protection of journalists a political priority, with the corresponding political accountability that this engages.
- j. We pledge to strengthen international collaboration to promote safety of journalists and continue to place the issue high on the agendas of global and regional

⁴ The position of the Russian Federation on this paragraph is expressed in its interpretative statement appended to the documents of the Ministerial Conference.

organisations to which we belong. Furthermore, we fully support initiatives (such as the Media Freedom Coalition set-up in the context of the Global Pledge on media freedom), that call on States to speak out and act when violations of media freedom take place.

- k. We fully support the work to be carried out under the Council of Europe Implementation Strategy for Recommendation CM/Rec(2016)4 on the protection of journalism and safety of journalists and other media actors, both at domestic level and within the Organisation.

We invite the Council of Europe to:

- I. elaborate guidance for the drafting of national action plans on the safety of journalists and other media actors, in line with Recommendation CM/Rec(2016)4 on the protection of journalism and safety of journalists and other media actors as well as its implementation strategy and guide.
- II. disseminate and promote amongst member States the "Implementation Guide to Recommendation CM/Rec(2016)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors".
- III. intensify the Organisation's efforts conducive to an effective, strategic and harmonized implementation of Recommendation CM/Rec(2016)4 on the protection of journalism and safety of journalists and other media actors. To that end:
 - 1. produce an annual report on the state of freedom of expression in Council of Europe member States as part of the annual reports of the Secretary General on the state of democracy, human rights and the rule of law;
 - 2. conduct research into the grounds and reasons for impunity for the crimes against journalists in order to better understand the phenomenon and develop appropriate responses;
 - 3. carry out a comprehensive campaign, at European level, to promote the protection of journalism and the safety of journalists and support corresponding campaigns at national level.
- IV. continue to assist with the implementation of Council of Europe standards in the area of media freedom, independence and pluralism through co-operation and technical assistance activities, as well as support to the media sector and civil society organisations active in the Council of Europe member States.
- V. take stock of innovative approaches and best practices developed by member States for the purpose of safeguarding journalists, as well as of the results achieved.
- VI. support the work of the Council of Europe's Platform to promote the protection of journalism and the safety of journalists, and produce regular evaluation reports measuring the effectiveness and rapid response capacity of the platform, while striving for a comprehensive coverage of all incidents occurring in Council of Europe member States.
- VII. review regularly, in consultation with the relevant stakeholders, and report on the measures taken to implement this Resolution.

Resolution on the changing media and information environment

The specialised Ministers of the Council of Europe member states, on the occasion of the Conference of Ministers responsible for Media and Information Society, jointly organised by the Council of Europe and the Republic of Cyprus and held online on 10-11 June 2021, adopt the following resolution:

1. Our states are undergoing unprecedented levels of media change. Proliferation of technology, devices and content has allowed media to reach more people than ever before. Digitalisation has brought great opportunities to individuals, although the benefits of connectivity have not been distributed equally. Individuals have obtained access to a wide variety of information sources and materials delivered at an ever increasing speed. Today they can also create and share news and information themselves, both privately and publicly.
2. These changes were believed to pave the way for the democratisation of the media and strengthening of their public watchdog role. They were generally considered to empower media freedom and pluralism, crucial corollaries of the right to freedom of expression as guaranteed by Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention").
3. However, in recent years it has become clear that digital transformation, along with its many positive effects, has also contributed to an erosion of the media ecosystem. Major search and social media platforms, today's gatekeepers between news and information providers and their audiences, have acquired a central position in the market for online advertising. This has disrupted the fragile business models of the media. Furthermore, by deciding on the organisation, display and removal of media content, including that of established media, these platforms exert a strong influence on how individuals are informed and form their opinions. People increasingly rely on news and information from online sources, some of which lack professional standards and ethics, as well as accountability mechanisms that as a rule characterise the mainstream media.
4. Search and social media platforms operate based on the collection of their users' data and personalised recommendations of news and other content. This enables them to maximise the users' attention and their own revenues from selling advertising space. When using online platforms as news sources, individuals are receiving an endless flux of information selected mainly for their potential for virality, rather than for their accuracy. Online platforms are furthermore associated with negative features such as partisanship and online hate speech, as well as the fast spreading of disinformation, misinformation and mal-information. In the "click-based economy", reliable news is not always easy to find. Sensationalist or misleading content may be more profitable and is thus given more prominence.
5. The pressures on the media sector and loss of advertising markets to online platforms have led to increased media ownership concentration and convergence strategies. Moreover, there is a general trend among media organisations of cutting production costs, significantly reducing the ranks of professional journalists, the number of journalistic sources and, thereby, the diversity of viewpoints. Ultimately, such measures can have an impact on the quality of journalistic reporting. More and more communities, especially in peripheral, rural or poorer areas, are experiencing media desertification and lose all credible sources of local or regional news. This process is

depriving communities of crucial watchdogs over local affairs and the work of local authorities and, more widely, over the state of local economies and democracies.

6. The challenges related to this shift from traditional to social media are manifold, affecting the overall sustainability of the media ecosystem and the culture of trustworthy journalism. We are concerned that the media may no longer be able to effectively exercise their democratic control over governing structures, nor provide a vital conduit for information and views on other matters of public interest. It is increasingly difficult for individuals to discover what is true and who to believe, which impacts on their trust in media and, in some cases, causes them to abandon news altogether. These developments are leading towards a fragmentation of the public sphere into separate "truth publics" with parallel realities and narratives. In the final instance, this can result in a loss of confidence in democratic institutions and processes.
7. We are determined to address the implications of this profound media change and create conditions for a media environment that champions independent media and journalism – both offline and online – as a vital part of our democratic systems. We will build on the existing standards and principles enshrined in numerous instruments of the Council of Europe, notably the Convention and the relevant case-law of the European Court of Human Rights, using the graduated and differentiated approach to identifying and regulating media actors as set out in Recommendation CM/Rec(2011)7 of the Committee of Ministers to member States on a new notion of media.
8. We welcome self-regulatory initiatives by journalists and media stakeholders to improve media ethics, professionalism, transparency of funding, as well as media and information literacy campaigns implemented in collaboration with educational institutions and civil society. We emphasise the crucial role of public service media, in many countries a trusted and reliable source of information, and that of not-for-profit community media. Likewise we welcome responses by search and social media platforms, aimed at improving moderation of content, fact-checking and credibility signalling, provided that they are in line with the Council of Europe standards on freedom of expression and other applicable standards, including those related to the prohibition of discrimination.
9. Individual initiatives, however, are not sufficient to appropriately address the multifaceted implications of the new media environment. These implications go well beyond the performance of individual actors, challenging, at a general level, the protection and enjoyment of human rights, as well as the effectiveness of the rule of law and democratic principles in our societies. Such long-term challenges require particular policy attention, both at European and national level.
10. We recognise that new ways of articulating and institutionalising the duties and responsibilities of media and similar actors, including those online platforms that host various forms of content without taking responsibility for it, are required. Appropriate consideration should be given to areas where the change in media environment may have a significant impact, in particular, for example, elections. Various forms of voter manipulation or undue influencing, including from foreign actors, can endanger the fair conduct of the electoral process and, ultimately, put at risk democracy itself.
11. We are committed to finding effective responses to these challenges, through regular and comprehensive consultations with all, established and new stakeholders in the

media environment, as well as civil society and academia. We also remain mindful of the inherent risk of creating a chilling effect on freedom of expression. There continues to be a key role for the Council of Europe in coordinating the objectives and approaches to media and information policymaking at the pan-European level and addressing the emerging challenges.

In view of the above:

- a. We recognise the crucial importance, in any democratic society, of reliable and trustworthy news and information, produced and delivered in a pluralistic, diverse and sustainable media environment, free from undue state or private control.
- b. We further affirm that relevant national frameworks should be the outcome of transparent and inclusive processes and based on an understanding of their potential consequences for freedom of expression and the media, as enshrined in Article 10 of the Convention and the relevant case-law of the European Court of Human Rights.
- c. We highlight, in view of the complexity of the media ecosystem which combines public and private actors, that a flexible and systematic multi-stakeholder approach, supported by international cooperation, as well as increased collaboration with independent research and academic institutions working on the subject, is required to address the changing media environment.
- d. We pledge to address the challenges of increasing disinformation, misinformation and malinformation by, *inter alia*, supporting a media ecosystem based on a plurality of independent media actors and other relevant organisations that represent the whole diversity of the society and:
 - (i) share commitment to truth seeking and reporting in line with journalistic ethical guidelines,
 - (ii) adopt transparent journalistic practices that enable individuals to assess information and develop trust in both the media and the content provided, and
 - (iii) empower individuals, through widely available content of public interest across all platforms, including public service, to make autonomous decisions about their life, work and public participation.
- e. We commit to review and, where necessary, revise our frameworks pertaining to media and information, including those governing electoral communication and media coverage of election campaigns, in order to adapt them to the changing media environment, in line with the right to freedom of expression and information, privacy and protection of personal data and any other applicable rights, as enshrined in the national legal and constitutional frameworks, in line with the Convention and the relevant case-law of the European Court of Human Rights.
- f. We support collaborative initiatives related to online platforms' content moderation and curation that are aimed at supporting independent fact-checking and promoting diverse and reliable media sources, in line with the relevant standards of the Council of Europe, including those prohibiting discrimination on the basis of political or other opinion.
- g. We further resolve to work together with all concerned stakeholders in developing our future approaches to issues such as online distribution of news and media content, prioritisation of public interest content, including public service media content, across all platforms, or/and responsibility for online content.

We invite the Council of Europe to:

- I. Follow and analyse the changes in the media and information environment, including the phenomenon of media desertification, and their legal, social, economic, cultural and technological implications, along with individuals' habits of media consumption, with a view to identifying common pan-European principles and approaches for reviewing – as appropriate - national regulatory frameworks, as well as self- and co-regulatory instruments and arrangements for the media;
- II. Promote exchanges of information concerning regulatory, co-regulatory and self-regulatory initiatives in member States for the survival of an independent and pluralistic media sector, including local and community media, as well as to promote a wide availability of public interest content and minimise the risks related to disinformation, misinformation and mal-information. Take stock of the results achieved by member States, as well as of ongoing research in the field.
- III. Provide States with a tool to critically evaluate possible adverse human rights effects of regulatory and co-regulatory measures and ensure their compliance with Council of Europe related standards; to this end, explore the objectives, principles and methodology for human rights impact assessment of existing and proposed media regulatory and co-regulatory frameworks;
- IV. Review and, where appropriate, refine or revise the standards governing responsibility for online content in the light of the evolution of the roles exercised by key actors in the media environment, including search and social media platforms. Ensure that such responsibility mechanisms are fully in line with human rights, including the right to freedom of expression and information, privacy and protection of personal data and any other applicable rights, as protected by the Convention and its case-law;
- V. Develop guidance on online electoral communication, campaigning and media coverage, in the light of the changes in campaigning techniques, to ensure a platform-neutral application of the principles of fairness, transparency and equal opportunity in political processes, as well as the application of data protection principles set by the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108), as modernised by its amending Protocol (CETS No.223);
- VI. Support media and information literacy projects aimed at developing individuals' necessary knowledge and skills to critically engage with media content, to navigate the complex media and information ecosystem and, ultimately, to make their political and other choices in an autonomous manner;
- VII. Review regularly, in consultation with the relevant stakeholders, and report on the measures taken to implement this Resolution.

Resolution on the impacts of the COVID-19 pandemic on freedom of expression

The specialised Ministers of the Council of Europe member states, on the occasion of the Conference of Ministers responsible for Media and Information Society, jointly organised by the Council of Europe and the Republic of Cyprus and held online on 10-11 June 2021, adopt the following resolution:

1. Freedom of expression, access to information and freedom of the media are crucial for the functioning of a democratic society, including in times of crisis. They nurture a free and pluralist public debate, which is a precondition for democracy and a means of resolving emerging challenges. The steady deterioration of freedom of expression in Europe, as evidenced in successive Annual Reports of the Secretary General of the Council of Europe and emphasised by the Committee of Ministers at its 129th meeting in Helsinki in May 2019, therefore requires strong and unwavering action.
2. Covid-19 has shaken European societies in 2020 and led Council of Europe member States to take a series of unprecedented measures. States of emergency have been declared in some States and strict confinement and other measures have been taken in most others to contain the spread of the virus. Apart from taking a huge toll on different aspects of people's lives, the health crisis has had an important impact on freedom of expression.
3. Effective and transparent crisis management depends greatly on prompt, accurate and reliable information being made available to the public. This serves the society to remain abreast of the constantly evolving situation and enables citizens' awareness of public affairs, it promotes accountability and fosters understanding for government action, reduces the impact of misinformation and helps to prevent its possible unwelcome consequences. The health crisis has underscored the need to reinforce the principle of transparency of public authorities regarding their activities.
4. However, in addition to the substantial restrictions on their freedom of movement during the pandemic, journalists and other media professionals faced limitations in terms of the information that they could access or publish. Several governments have taken measures that limit access to information held by public authorities relating to the pandemic and other crucial areas of public interest.
5. Furthermore, the health crisis has amplified pre-existing challenges to freedom of expression and media freedom in Europe. These challenges have been observed at various levels, including with respect to restrictive legal and regulatory frameworks for freedom of expression, the threats to the financial stability of the media sector, as well as the diminishing supply of quality journalism and insufficient levels of media and information literacy. Some countries have also seen public unrest and incidents of violence against journalists, including at anti-lockdown protests, adding to the existing threats to journalists' safety, including the gender specific threats against women journalists.⁵
6. It is crucial to address these challenges in order to counter the growing polarisation of the public discourse, the rise in hate speech, particularly online, address the particular challenges of persons belonging to minorities and other vulnerable groups in accessing the information they need, and tackle the problems of mis- and

⁵ The position of the Russian Federation on this paragraph is expressed in its interpretative statement appended to the documents of the Ministerial Conference.

disinformation related to Covid-19 referred to by the World Health Organisation as an "infodemic". Indeed, many Council of Europe member States have introduced measures to promote the circulation of reliable Covid-19 related information and analysis considered to be of high quality, often in cooperation with other stakeholders. Others have engaged in controlling information online and offline, including by outright restrictions on content considered to be "fake" or misleading. Restrictions appear to have been applied most forcefully in those member States where freedom of expression was already in decline.

7. The swift implementation of crisis-response measures further relies considerably on the cooperation and sense of responsibility of every single individual. Critical elements of crisis response, beyond timely and full information, are therefore open communication channels and trust in government action. Effective responses to the Covid-19 crisis have included transparent communication on the part of the government and free information flows, including clarifications, contextualisation and corrections where necessary. Such transparency improves public trust and confidence in the handling of the crisis and promotes responsible behaviour.
8. Effective protection of freedom of expression, media independence and diversity and open public debate therefore greatly enhance the resilience of a society towards crisis situations. By contrast, censorship and excessive blocking create a chilling effect on freedom of expression and lead to an information environment where questions or doubts are no longer discussed and resolved but may lead to disengagement, obstinacy and non-compliance.
9. In line with the Council of Europe Guidelines on protecting freedom of expression and information in times of crisis, crisis situations should not be used as a pretext for restricting the public's access to information. Neither should states introduce restrictions on media freedom beyond the limitations allowed by Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms (the "Convention") or permissible in accordance with Article 15 of the Convention during a state of emergency.
10. Media organisations and journalists should adhere to the highest professional and ethical standards, give priority to authoritative messages regarding the crisis and refrain from publishing, and thus amplifying, unverified stories. The mission of the public service media to inform, educate and entertain has reaffirmed its social value and relevance in the context of this health crisis, as shown by a significant increase of reach, audience engagement and trust levels. Not-for-profit community media with their local and multilingual sources of information are another key resource for effective crisis response, as they can engage audiences that other media may not be able to reach.
11. As Europe is facing one of the deadliest crises since the Second World War, we have seen a rise in pre-existing and urgent challenges to freedom of expression, both offline and online, and a decline in media freedom in Europe. It is critical therefore to reverse the deterioration in freedom of expression and media freedom in Europe as a precondition for the democratic functioning of society and as a pillar of its resilience.

In view of the above:

- a. We affirm the pivotal importance of freedom of expression and information in the face of crisis and the essential role of the media as a pillar and precondition of democracy,

as a platform for health-related public debate, provider of pluralist information to all sectors of society and critical watchdog over holders of political, economic and social power.

- b. We pledge to uphold the human rights protection framework designed by the Convention for cases of states of emergency and limit all exceptional measures to the conditions laid down in Article 15 of the Convention, as interpreted by the European Court of Human Rights (the Court), including as regards time limits and strict parliamentary scrutiny.
- c. We commit to remove all unnecessary obstacles to freedom of expression, put in place positive measures of support for this right, and abide by Article 10 of the Convention, in line with the relevant case law of the Court. With respect to the Covid-19 pandemic, we further commit to ensure that all limitations to free speech constitute the least restrictive means possible, are time-bound and proportionate to the legitimate aims of protecting public health and the rights of others, including by regularly reviewing their necessity in light of the evolving situation.
- d. We reiterate our commitment to ensure that existing laws and policies are not misused for the purposes of silencing critical or otherwise undesirable voices but instead for promoting a free and pluralist public debate on all issues of public interest, ensuring timely provision of key and evolving information related to crisis situations and fostering an overall information environment that is open to diversity of opinions.
- e. We underline the need to refrain from restricting the public's access to information beyond the limitations allowed by Article 10 of the Convention. We confirm our pledge to promote unhampered and timely access to information, including by proactively publishing information relating to the health crisis, ensuring free access to information through the media, and by striving to provide the conditions for affordable access to the internet to everyone, without discrimination, including to people with low income, those in remote areas and those with special needs.
- f. We stress our commitment to ensure access to official information and documents in line with the Convention, as interpreted by the case law of the Court. We acknowledge the importance of the Council of Europe Convention on Access to Official Documents (Tromsø Convention) in enhancing transparent governance and decision-making, notably during crisis situations.
- g. We pledge, taking account of the role of the Platform to promote the protection of journalism and safety of journalists, to ensure an information environment free of denigration and threats to the media, where all journalists – women and men – can perform their essential task in safety and in appropriate working conditions, reflecting the respect and high esteem that are due to their public watchdog role.
- h. We resolve to address the challenges of the media market, including for public service and community media, in a systematic manner and in close cooperation with media representatives and journalist associations, and to ensure media independence and sustainability. We further commit to pay urgent attention to the need for enhancing the resilience of media freedom and empowering independent and pluralist media in the face of crisis. This can include support measures for the media to alleviate their financial burdens, in a non-discriminatory manner and without interfering with their independence.

- i. We confirm our commitment to develop media and information literacy skills amongst the public and acknowledge the importance of education, media and communication systems to enhance, through targeted programmes, critical thinking skills in all segments of society, with a view to promoting the abilities of all individuals to take independent decisions at all times. This is particularly important in crisis situations where the implications of misinformation can have particularly grave consequences.

We invite the Council of Europe to:

- I. Strengthen international cooperation in the field of freedom of expression with a view to consolidating, and where necessary developing, guarantees for media freedom and access to information at all times, including during crisis situations. Such cooperation should contribute to identifying negative developments at an early stage and reinforcing the Organisation's response capacities regarding an issue of pivotal importance to human rights, democracy and rule of law in Europe, including in the context of crisis.
- II. Promote the Tromsø Convention as an important element of ensuring transparency and accountability of public actors and strengthening public scrutiny over their policies and actions, including in the context of crisis.
- III. Support member States' efforts to ensure, especially during times of crisis, access to a minimum level of information for everyone, also for people with low income, those in remote areas and those with special needs or facing other disadvantages or obstacles when accessing media content. This includes measures to promote and facilitate increased internet access.
- IV. Promote the co-operation between media self-regulatory bodies at regional and European level, in line with the Guidelines of the Committee of Ministers of the Council of Europe on protecting freedom of expression and information in times of crisis, with a view to promoting effective self-regulation as the most appropriate mechanism for ensuring that media professionals perform in a professional way and provide quality information to the public.
- V. Co-operate closely with journalists and media associations to explore the long-term structural conditions needed to promote an enabling economic environment for media, including during times of crisis, that does not reduce their role to fact-checking or publishing government messages but one that fosters media freedom, pluralism and diversity by facilitating coverage of the widest possible range of voices and opinions.
- VI. Support the creation of relevant fora for dialogue between public and private actors, media professionals, internet intermediaries, civil society and academia to develop effective strategies towards diminishing the heightened risk of polarisation of public discourse around crisis situations, including vis-à-vis the growing prevalence of mis- and disinformation as well as the spread of hate speech against certain groups.
- VII. Support the development of effective and targeted media and information literacy projects that empower individuals of all backgrounds to recognise and develop resilience against crisis-related mis- and disinformation, and foster a culture of solidarity, tolerance and understanding between different groups in society.

VIII. Review regularly, in consultation with the relevant stakeholders, and report on the measures taken to implement this Resolution.

Interpretative statement of the Russian Federation at the adoption of the final documents of the Council of Europe Conference of Ministers responsible for media and information society

The Russian Federation fully supports the call of the Ministers to the Council of Europe to pursue, as a matter of priority and with due allocation of resources, its efforts, including, where appropriate, through the development of relevant binding and non-binding documents to uphold and guarantee the effective enjoyment of the rights protected by Article 10 of the European Convention on Human Rights, taking due account of the impact of digital technologies on freedom of expression.

The Russian Federation believes that the rapid development of digital technologies considerably surpasses regulatory efforts by the States and international organisations. As a result we witness the proliferation of cases when human rights are breached on the internet by private actors. We believe that this demonstrates an urgent necessity to develop a relevant binding international legal instrument which would ensure a status of the internet as a common good and would set human rights compliant policies of global internet intermediaries. To that end we see a need in concerted efforts of all the Member States of the Council of Europe taken in the spirit of compromise and consensus. Therefore, this delegation decided to support the documents of this Ministerial Conference although it is not in a position to agree with some of their provisions.

The Russian Federation proceeds from the fact that the practice of the European Court of Human Rights does not in itself create obligations for all Member States (other than those against which concrete judgments finding violations are rendered). The Court itself is not bound by its previous judgments when it interprets the norms of the ECHR in the context of specific proceedings.

The Russian Federation adheres to the position that any arbitrary discrimination of journalists and media is unacceptable. The Russian Federation intends to implement relevant provisions of these documents in compliance with its obligations stipulated in the European Convention on Human Rights (Article 14). However, during the drafting and adoption of the "Resolution on safety of journalists" and the "Resolution on the impact of the COVID-19 pandemic on freedom of expression" the Delegation of the Russian Federation consistently opposed the use of the term "gender" in the documents of the Council of Europe. The Russian legislation does not contain the concept of "gender" and there is no commonly accepted definition of the term "gender" at the international level. Therefore the Russian Federation understands the word "gender" used in this resolution as a complete analogue of "sex". The terms "woman" and "man" should thus be applied in their literal meaning, and cannot be construed to include persons other than women and men respectively. Moreover, there is no sufficient scientific data and evidence confirming that women-journalists are affected by the mentioned human rights violations more than men. In addition, the delegation of the Russian Federation recalls its statement at the adoption of the Recommendation CM/Rec(2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity (document CDDH(2009)019, Appendix IV). Therefore the Russian Federation opposes the use of the term "sexual orientation" in the list of grounds for threats, abuse and intimidation faced by journalists. For these reasons the Russian Federation dissociates itself from the content of these Resolutions.

The Russian Federation has expressed its attitude towards the Platform to Promote the Protection of Journalism and Safety of Journalists. The Russian Federation shares the necessity to protect journalists and media against discriminatory policy by public authorities and private actors. At the same time, the Russian Federation believes that the Platform has

continuously demonstrated unbalanced and biased approach to the violations against journalists in different Member States. The Platform tends to ignore the violations against Russian and Russian-speaking journalists and media. Until this prejudice is corrected, the Russian Federation will be unable to support the activities of this structure.

The Russian Federation considers the notion of "other media actors" vague, unspecified and not enshrined in legally binding international instruments which makes its scope too broad and unclear. The Russian Federation intends to apply relevant provisions of the resolutions and final declaration of the Ministerial Conference only to media professionals as provided for in the national legislation of the Russian Federation.

The Russian Federation sees no need to develop a national action plan on the safety of journalists as the journalists in the Russian Federation are duly protected by the existing legal framework.

The Russian Federation cannot support the Media Freedom Coalition set up in the context of Global Pledge on Media Freedom. This initiative was developed in a non-transparent manner with Russia being excluded from its preparation. Therefore, we consider this initiative as a means of achieving opportunistic political ends.

As the Russian Federation is not a Party to the Council of Europe Convention on Access to Official Documents (CETS No. 205, Tromsø Convention) and does not intend to become it, the Russian Federation will not participate in the efforts to promote this document.

The Russian Federation requests that the publication of resolutions is followed by the Interpretative statement.