

25 November 2020

CDMSI(2020)002

18th meeting of the Steering Committee on Media and Information Society (CDMSI)

(24-25 November 2020, via videoconference)

ABRIDGED MEETING REPORT

Meeting details

The CDMSI held its 18th meeting from 24 to 25 November 2020 via videoconference, chaired by Inge Welbergen (the Netherlands). The CDMSI adopted the agenda as it is set out in Appendix I. The list of participants appears in Appendix II. Gender distribution: 124 participants, 60 men (48%) and 64 women (52%).

List of items for decision by the Committee of Ministers

- Take note of the abridged report of the 18th Plenary meeting of the Steering Committee on Media and Information Society (CDMSI) (24-25 November 2020).

List of items for information of the Committee of Ministers

The CDMSI:

Regarding standard-setting activities

- **welcomed** the adoption by the Committee of Ministers, on 8 April 2020, of the *Recommendation CM/Rec(2020)1 of the Committee of Ministers to member States on the human rights impacts of algorithmic systems*;
- **noted with regret** that *draft Recommendation of the Committee of Ministers to member States on promoting a favourable environment for quality journalism in the digital age* was still under discussion pending adoption, stressing the importance of the guidance provided by this document to member States and other actors, also in times of crisis;

- **exchanged views** with the Expert Committee on Freedom of Expression and Digital Technologies (MSI-DIG) Vice-Chair, Mr Viktors Makarovs and **took note of** information by the Secretariat on the activities of the MSI-DIG, of the report from its 1st meeting held on 15-16 September 2020 and of the roadmap for future steps. It further took note of the preliminary texts of the *draft recommendation by the Committee of Ministers to member States on the impacts of digital technologies on freedom of expression* and the *draft Guidance Note on best practices towards effective legal and procedural frameworks for self-regulatory and co-regulatory mechanisms of content moderation*;
- **exchanged views** with the Expert Committee on Media Environment and Reform (MSI-REF) Chair, Ms Maria Donde after **taking note of** information by the Secretariat on the activities of the MSI-REF, of the report from its 1st meeting held on 23-24 September 2020 and of the roadmap for future steps. It further took note of the preliminary texts of the *draft recommendation of the Committee of Ministers to member States on principles for media and communication governance* and the *draft recommendation of the Committee of Ministers to member States on electoral communication and media coverage of election campaigns*, as well as the outline of the *draft guidance note on the prioritisation and discoverability of public interest content*;
- **exchanged views** with the ADI/MSI-DIS Chair, Mr Alexander Hoefmans, who provided information on the discussion and outcomes of the 1st meeting of the Experts Committee, held on 29-30 September 2020, and on the expected involvement of the CDMSI in providing inputs and support to the ADI/MSI-DIS; it previously **took note of** information by the Secretariat on the joint Committee of Experts on Combating Hate Speech (ADI/MSI-DIS), subordinated to CDMSI and Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI), notably on its terms of reference, composition and roadmap.
- **took note of** the information provided by the Secretary of the Consultative Committee of Convention 108 on the state of signatures and ratifications of the modernised Convention (Amending protocol CETS n°223) and the forthcoming events organised to mark the 40th anniversary of Convention 108 on 28 January 2021; on the adoption of *Guidelines on Children's data protection in an education setting* and progress made on other important files (facial recognition, digital identity, political campaigns, the evaluation and follow up mechanism under the modernised Convention, etc.) at the 40th Plenary meeting of the Consultative Committee of Convention 108 (18-20 November 2020). It further **took note of** the follow-up given to the CDMSI comments on the *draft revised Recommendation 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* and **instructed** the CDMSI Bureau to take care of the transmission of this draft to the Committee of Ministers, when received;
- **welcomed** the adoption by the Committee of Ministers of the progress report of the Ad-hoc Committee on Artificial Intelligence (CAHAI) and took note of information by the CAHAI Secretariat on the forthcoming steps, in particular that the draft feasibility study for a legal framework for AI will be discussed at the CAHAI Plenary meeting in December 2020.

Regarding the Conference of Ministers Responsible for Media and Information Society ("Artificial intelligence - Intelligent politics: Challenges and opportunities for media and democracy", Nicosia, Cyprus, 10-11 June 2021):

- **discussed** the implications of the current public health crisis situation for the organisation of the Ministerial Conference and **came to a preliminary agreement** that, depending on the circumstances, the event may be held in the online or hybrid format. To ensure due and dynamic decision-making process, the CDMSI **entrusted the Bureau** with overseeing the Secretariat's action with regard to the choice of format and dates of the Ministerial Conference, in close coordination with the host country;
- **took note of** the concept note and programme of the Conference (as revised with a view to integrate the subject of the impact of the pandemic on freedom of expression) and **instructed** the Secretariat to continue taking all necessary steps in the organisation of this event, with the understanding that the final programme will need to be revisited/adjusted according to the final format of the Conference (online/hybrid);
- **discussed** the additional *draft Nicosia Resolution on the impact of the health crisis on freedom of expression* and the *draft Final Declaration of the Ministerial Conference*, as revised after the postponement of the Conference and complemented by items addressing the impact of the public health crisis on freedom of expression. On both documents, the CDMSI **agreed** to send their comments in writing by 2 December and **instructed** the Secretariat to incorporate the comments received and to submit the revised documents to the CDMSI, within a timeline that would allow its submission for discussion in the GR-H in February 2021;
- **took note of** information by the Secretariat on the examination by the GR-H of the *draft Nicosia Resolutions on freedom of expression and digital technologies, on the changing media and information environment* and *on the safety of journalists* and that these documents have passed all related procedural steps. The CDMSI **instructed** the Secretariat to include them in the agenda of the next CDMSI meeting for approval, with a view to further adoption at the Ministerial Conference.

Regarding activities in the field of internet/digital governance

- **held and exchange of views** with Ambassador Rasmus Lumi, new Thematic Co-ordinator on Information Policy of the Council of Europe (TC-INF), identifying the areas for future co-operation and stressing the importance of co-ordination within the Organisation on internet/digital governance issues, including on the basis of a strategic approach. **Invited** Ambassador Lumi to take part in the Ministerial Conference (10-11 June 2021, Nicosia);
- **took note of** information by the Secretariat on the developments regarding partnership with business companies, notably the interest expressed by a number of companies to join the cooperation platform with the Council of

Europe, and **welcomed** the anticipated preparation of an Action Plan for this partnership in 2021;

- **welcomed and further encouraged** the Council of Europe's active participation in the international internet governance fora that, among others, ensures due visibility of the Organisation's standard-setting and other related work - i.e., IGF 2020 (2-17 November 2020, online), EuroDIG-2020 (10-12 June 2020, online) and ongoing preparations for EuroDIG-2021 (28-30 June 2021, hybrid meeting: Trieste and online).

Regarding the implementation of Council of Europe adopted standards and best practices

- **welcomed** the publication, online and as a hard copy, of the *Implementation Guide to the Committee of Ministers Recommendation CM/Rec(2016)4 on the protection of journalism and safety of journalists and other media actors* and **expressed strong support** to this important tool for furthering the implementation of the adopted standards and for advocacy work in the field. The CDMSI further **discussed** the forthcoming steps, as foreseen in the *Implementation Strategy to CM/Rec(2016)4* and **agreed** that circulating questionnaires has proved to be an efficient way of collecting good practices by member states in the implementation of the *Recommendation CM/Rec(2016)4*. They **instructed** the Secretariat to proceed with further collection of good practices, with a view to setting up a database of such practices. It further **instructed** the Secretariat to make arrangements for extending the Implementation Guide to the pillars of "prevention" and that of "promotion of information, education and awareness raising" of the *Guidelines to Recommendation CM/Rec(2016)4*.

Regarding co-operation programmes and activities in the field of media and freedom of expression

- **took note of** information by the Secretariat on the on-going and future co-operation programmes and activities, among others, in Georgia, Ukraine, the Republic of Moldova, Azerbaijan, in the Western Balkans and in Northern Africa. Cooperation activities include: legal and policy advising and technical support, training and curricula development for journalists, law enforcement, legal professionals and other relevant stakeholders, awareness-raising and enabling technical capacities of beneficiary institutions and organisations in the field of public service media through the enhancement of implementing international standards to name just a few. Co-operation activities and programmes encompass, among others, the areas of safety of journalists, transparency of media ownership, public service media, media literacy and quality journalism.

Regarding planning and procedural matters

- in view of the anticipated rich agenda for its 19th Plenary meeting, **agreed** to advance this meeting from June (eve of the Ministerial Conference, 1 day) to

May 2021 (tentatively, the week of 17-20 May; online format to be considered depending on the circumstances) and to extend it to three days (to be preceded by a CDMSI Bureau meeting, tentatively in the week of 12-16 April);

- **took note of** information by the Secretariat and **discussed** the required co-ordination with the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) regarding joint standard-setting work;
- **stressed** the importance of early reflection on the Terms of Reference for the next biennium and **agreed** to submit proposals to the Secretariat in writing by the end of January 2021.

Regarding other developments

- **welcomed** the presentations by Susanne Nikoltchev, Executive Director of the European Audiovisual Observatory and Maja Capello, Head of Department for Legal Information, **expressed their high appreciation** for the work of the Observatory and **underlined** its importance and relevance for the work of the Committee;
- **welcomed** the presentation by Anna Herold, Head of Unit, Audiovisual and Media Policy at European Commission, on the development of the EU Digital Services Act, the European Democracy Action Plan and the Audiovisual and Media Action Plan, as well as other work of the European Commission of relevance to the CDMSI, and **stressed** the importance of co-operation and information exchange on the respective lines of work;
- **shared information** about initiatives in member States (in particular, in Germany - state media treaty by the Länder and European Council Conclusions on safeguarding a free and pluralistic media system; in Monaco – actions steps towards smooth digital transition, including sensibilisation and education in the field of digital technologies and engagement in partnership with academia and private actors, including on AI; in the Netherlands – release in December 2020 of technical design principles preventing discrimination by AI-based systems and in early 2021 – human rights impact assessment at the early stages of development of AI technologies; in the UK – ongoing project addressing online harms and protection of children in the online environment; in Ukraine – project “Media Change Ukraine” to assist broadcasters in times of crisis) of relevance to the CDMSI work;
- **took note of** the latest information from other Council of Europe institutions and bodies, circulated by the Secretariat in writing ahead of the meeting;
- **took note of** participation of CDMSI members in meetings and events, i.e. participation by Inge Welbergen, Chair in the CDADI Plenary meeting, as well as her written reply to the Council of Europe Secretary General’s questionnaire sent to the Chairs of steering and monitoring committees on relation to the most important aspects of the intergovernmental cooperation;
- **took note of** information by the Secretariat:
 - o on the current situation in the Organisation vis-à-vis the COVID-19 pandemic and on the Council of Europe work on its impact on freedom of expression and the media (e.g., the SG/Inf(2020)19 Toolkit by the Secretary

General on the impact of the sanitary crisis on freedom of expression and media freedom);

- on the newly established Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI);
- on the inter-secretariat Task force on freedom of expression and media (reactivated by the Secretary General after the 2019 Helsinki Ministerial meeting, with the appointment of Christos Giakomopoulos, Director General – Directorate General of Human Rights and Rule of Law, as its co-ordinator) and on the ongoing preparation by the Task force of a draft report of the Secretary General for the Committee of Ministers on the issue of safety of journalists;
- on the informal exchange of views on media freedom and safety of journalists between the Council of Europe Secretary General and the Committee of Ministers, with the participation of representatives of partner organisations to the Platform to promote the protection of journalism and safety of journalists (8 September 2020).

Resource implications

n/a

Evaluation of completed activities

The CDMSI:

- **took note of** the *study "The impact of COVID-19 and ensuing measures on freedom of expression in Council of Europe member states"*, noting its topicality and timeliness both for the Organisation and its member States, and **advised** that more time be afforded to member States to answer the questionnaires informing such studies;
- **welcomed** the publication in July 2020 of the *Analytical Report on gender equality and media*, prepared on the basis of the member states' and media regulators' responses to a questionnaire elaborated in 2019. The Report focuses on the implementation of *Recommendation CM/Rec(2013)1 of the Committee of Ministers to member States on gender equality and media* and provides examples of good practices from across Europe;
- **welcomed** the elaboration of two online courses within the framework of the Council of Europe's Human Rights Education for Legal Professionals (HELP) framework: an updated *course on Freedom of Expression* and a new *course on the Protection and Safety of Journalists*. The CDMSI **expressed satisfaction** that both courses were finalised in 2020 and were currently available online;
- **welcomed** the publication of the *study "A mission to inform"* and its successful launch event organised on 14 October 2020 (online) and **highlighted** the importance of the continuing work in the field of safety of journalists, in particular to strengthening efforts towards the implementation of the adopted

standards and providing more effective safeguards for the protection of journalists.

Any changes to the composition of the Committee Bureau

The CDMSI held elections of the Chairperson, Vice Chairperson and one member of the CDMSI Bureau:

- Ms Inge Welbergen (the Netherlands) was elected Chairperson of the CDMSI until the end of 2021.
- Mr Thomas Schneider (Switzerland) was elected Vice Chairperson of the CDMSI until the end of 2021.
- Ms Maja Zarić (Serbia) was elected member of the CDMSI Bureau until the end of 2021.

Other observations

n/a

APPENDIX 1

18th meeting

(24-25 November 2020, 09:30-12:30 and 14:00-17:00)

Via videoconference

AGENDA

- 1. Opening of the meeting by Mr Jan Kleijssen, Director, Information Society - Action against Crime, Directorate General Human Rights and Rule of Law**
- 2. Adoption of the agenda**
- 3. Recent developments**
- 4. Council of Europe work on the impact of COVID-19 on freedom of expression and the media**
- 5. Standard setting**
 - 5.1 Developments regarding the CDMSI deliverables of the 2018-2019 biennium
 - 5.1.1. Recommendation CM/Rec(2020)1 of the Committee of Ministers to member States on the human rights impacts of algorithmic systems
 - 5.1.2. Draft Recommendation on promoting a favourable environment for quality journalism in the digital age
 - 5.2 Reports from expert committees subordinate to the CDMSI
 - 5.2.1. Expert Committee on Freedom of Expression and Digital Technologies (MSI-DIG)
 - 5.2.2. Expert Committee on Media Environment and Reform (MSI-REF)
 - 5.2.3. Expert Committee on Hate Speech (ADI/MSI-DIS)
 - 5.3 Information on the newly established Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI)
 - 5.4 Data protection
 - 5.4.1. Recent developments
 - 5.4.2. Draft revised Recommendation 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
- 6. Elections (information)**
- 7. Ad-hoc Committee on Artificial Intelligence (CAHAI)**
- 8. Conference of Ministers responsible for Media and Information Society (Nicosia, 10-11 June 2021)**

8.1 State of preparation

8.2 Conference documents

8.2.1 Report on the examination by the GR-H of the draft resolutions:

- on freedom of expression and digital technologies
- on the changing media and information environment and
- on the safety of journalists

8.2.2 Revised concept note and programme

8.2.3 Draft resolution on the impact of the health crisis on freedom of expression

8.2.4 Revised Draft Final declaration

8.3 Forthcoming steps/timeframe

9. Information from Council of Europe institutions and bodies

9.1 European Audiovisual Observatory

9.2 Latest information from other Council of Europe institutions and bodies

10. Internet/Digital Governance

10.1 Partnership with business

10.2 Exchange of views with the new Council of Europe Thematic Co-ordinator on Information Policy (TC-INF), Amb. Rasmus Lumi, Permanent Representative of Estonia

10.3 Recent and upcoming events (IGF 2020, EuroDIG, other)

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

11.1 Informal exchange between the Council of Europe Secretary General and the Committee of Ministers on media freedom and safety of journalists

11.2 Inter-secretariat Task force on freedom of expression and media

11.3 Safety of journalists

11.4 Gender Equality and Media - Analytical Report – 2019 Data

12. Elections of the CDMSI Chairperson, Vice Chairperson and one member of the Bureau

13. Co-operation activities

14. Planning of 2020 and 2021 activities

15. Initiatives in member States (*tour de table*)

16. Participation of CDMSI members in meetings and events

17. Other business

APPENDIX 2

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS

Total number of participants: 124 / Nombre total des participants : 124

Gender distribution: 60 men (48%) / 64 women (52%)

Parité entre hommes : 60 hommes (48%) / 64 femmes (52%)

ALBANIA / ALBANIE

Mr Sokol Gjoka

Director of International Organizations /Ministry for Europe and Foreign Affairs

ARMENIA / ARMENIE

Ms Anna Karpetyan

External Relations Division

Ministry of Justice

AUSTRIA / AUTRICHE

Mr Matthias Traimer

Federal Chancellery, Media Affairs and Information Society, Federal Chancellery, Constitutional Service

Mr Andreas Ulrich, Federal Chancellery – Constitutional Service, Dept V/3 - Media Affairs, Information Society, Law of political parties

Mr Paul Firlei, Federal Chancellery – Constitutional Service, Media Affairs, Information Society, Law of political parties

AZERBAIJAN / AZERBAÏDJAN

Mr Allahveran Orujlu

Permanent Representation of Azerbaijan to the Council of Europe

Mr Agil Gunashov

Permanent Representation of Azerbaijan to the Council of Europe

Mr Javid Musayev

Head of the State Communication Policy Section of the Department for Work with NGO's and Communication of the Presidential Administration of the Republic of Azerbaijan

BELGIUM / BELGIQUE

Mr Johan Boucique

Media Advisor

Department of Culture, Youth and Media

Flemish Government

BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE

Mr Emir Povlakic

Head of Division for Licensing, Digitalization and Coordination in Broadcasting, Communications Regulatory

BULGARIA / BULGARIE

Ms Nelly Stoyanova

Head of Information Society Policy Department - Ministry of Transport, IT and Communications

Ms Axenia Boneva

CROATIA / CROATIE

Ms Nives Zvonarić

Head of Media Sector, Independent Media Sector, Ministry of Culture

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Ms Sunny Papadimitriou Tofa

Press and Information Officer, Ministry of Interior

CZECH REPUBLIC / REPUBLIQUE TCHEQUE

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Media and Audio-vision Department, Ministry of Culture

DENMARK / DANEMARK

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Ministry of Culture

ESTONIA / ESTONIE

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Deputy Permanent Representative

Permanent Representation of Estonia to the Council of Europe

FINLAND / FINLANDE

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Legal Officer

Unit for Human Rights Courts and Conventions (OIK-40)

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Mr Juuso Moisander

Market Access Unit (TUO-20)

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HUNGARY / HONGRIE

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Mr Colin Kavanagh
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IT expert within the office of the Prime Minister

Mr Mihai Floroiu
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RUSSIAN FEDERATION / FEDERATION RUSSIE

Mr Ilya Timokhov
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Mr Alexey Sazhinov
Deputy to the Permanent Representative of Russian Federation to the Council of Europe

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* * *

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INGO representative to the CDMSI

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Commission Cinéma, Festival, Culture, Commission Radio

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Ms Valeria Sturla

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Ms Marianne Franklin

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Ms Chihiro Saito

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Mme Lorena Alvarado

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Ms Anna Herold
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Mr Viktors Makarovs, Vice-Chair of MSI-DIG
Special Envoy on Information Security Issues
Ministry of Foreign Affairs, Latvia

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