



Conference of Ministers responsible for Media and Information Society

Artificial Intelligence – Intelligent Politics

Challenges and opportunities for media and democracy

10-11 June 2021, Cyprus (online event)

Conference Report

by Peter Noorlander¹

Introduction

On 10-11 June 2021, the Ministers responsible for Media and Information Society issues met to discuss and agree on action required to address the impact of the profound technological changes on the media and information environment, and on the dangerous backsliding in the area of journalists' safety. In light of the ongoing pandemic, they also discussed the importance of the free enjoyment of freedom of expression and information in times of crisis.

The sessions on the first day were open to all stakeholders – representatives of governments, media stakeholders, academia, civil society, etc. – and featured presentations and discussion focused on four themes: (1) the impacts of Artificial Intelligence-powered technologies on freedom of expression; (2) the changing environment in media and information; (3) the need for reinforced action to ensure the safety of journalists; and (4) the resilience of freedom of expression protection frameworks in times of crisis. There were two special interventions analysing the most pressing challenges facing media and communication globally and exploring possible solutions. The first day ended with two presentations: the first, presenting a blueprint for effective action for media and journalists' safety; and the second, on transparency and accountability for human rights compliant content moderation.

The second day featured 'flash sessions' on (1) AI regulation; (2) the work of the European Audiovisual Observatory; and (3) the role and responsibilities of states and internet platforms and challenges for the media in the digital age (the last was a merged session). Two 'World Café' sessions delivered first-hand accounts from local and community media representatives on the issues of media diversity, access and media literacy; and on good practice examples in protecting journalists' safety.

¹ Peter Noorlander, Senior adviser on human rights and media law, GlobalRightsHub. This report summarises the two-day conference with the exception of the closed Ministerial Session which was minuted separately.

Following two days of discussions, the Ministerial Conference adopted a final declaration and four resolutions addressing these important issues, agreeing priority actions and informing the agenda of the Council of Europe on these topics for the years to come.

Core points of discussion emerging from the conference

Within the four main themes of the Conference, several points emerged as specific issues, raised by multiple speakers:

- The time to act is now, both with regard to the issue of improving safety of journalists and on the regulation of AI;
- Europe can play a leading role in both issues: reversing the regressive trend in journalists' safety, and leading a values and human-centred approach to the regulation of AI
- the importance of public trust: trust in the media, trust in AI, and trust in regulation
- Europe has a unique values-centred approach to regulation and within that, the Council of Europe plays an important role as the guardian of pan-European values rooted in human rights and democracy
- regulation of AI should support innovation whilst safeguarding human rights
- regulation of social media platforms is needed, but with respect for the human rights of all users at its heart, including the right to freedom of expression
- on the issue of safety of journalists, nearly every speaker emphasised the importance of the implementation of existing standards, political will, and the need for leadership
- those who violate media freedom should be called out and held to account for these violations
- academic research on AI and information needs to be supported, materially and financially as well as through giving researchers access to the data they need
- the COVID-19 pandemic has exacerbated many pre-existing threats to the media, contributing to financial insecurity, polarising debate, and having been used as an excuse by some governments to impose undue restrictions. At the same time, it highlighted the importance of and need for high quality information, and the role of the media in providing that
- the ongoing importance of public service media was emphasised as a key tool in the provision of quality journalism
- the structural and financial-economic conditions for media freedom and pluralism are under threat across Europe and support is needed to help media flourish and sustain high quality journalism in the new media environment
- speakers referred to an offline Coronavirus pandemic accompanied by an online 'infodemic'. The fight against misinformation and disinformation requires media education and literacy, (re)building trust and a 'vaccine' against misinformation, but we must guard against imposing restrictions on freedom of expression that strike at the core of the right

Day 1

Opening session

The conference heard opening remarks from **Marija Pejčinović Burić**, Secretary General of the Council of Europe, **Nicos Anastasiades**, President of the Republic of Cyprus, on behalf of co-organisers of the event. These were followed by opening remarks from **Peter Szijjártó**, Minister of Foreign Affairs of

Hungary and Chair of the Council of Europe Committee of Ministers. Mr **Nikos Nouris**, Minister of the Interior of Cyprus was elected President of the Conference and in turn gave his welcoming remarks as host of the Conference.

The speakers in the opening session introduced the key question of the Conference: how to uphold and promote human rights and democracy, and in particular freedom of expression in a changing environment, dominated by the use of new digital technologies and AI. All expressed common concerns:

- Technological advancement has been fast but a double-edged sword
- Concern about the excessive power of tech companies
- Concern about the rise of violence against journalists, especially female journalists
- The importance of information in the context of COVID 19
- The threats to the financial viability of the media, especially during 2020

Keynote speeches

The *overall conference moderator*, *Nicholas Karides*, introduced the two keynote speakers: the Council of Europe Commissioner for Human Rights, **Dunja Mijatović**, and the Vice-President of the European Commission, **Věra Jourová**.

Dunja Mijatović underlined the interconnection between AI systems and the quality of our democracies. She welcomed the intention to steer towards AI governance based on human rights standards and highlighted three key topics. The ability of social media platforms to shape public debate with little accountability is highly concerning and the standards under which they are able to operate need far more debate. This links with the problem of hate speech and the issue of safety of journalists: insults, threats, and smear campaigns against journalists have flourished on social media. This creates a hostile environment in which journalists may resort to self-censorship. Political leaders bear a specific responsibility; they must refrain from promoting hostile speech against journalists and should condemn any attacks that occur. Ms Mijatović also called for action against Strategic Lawsuits against Public Participation (SLAPP lawsuits); and warned that the pandemic had served as a pretext for restrictions on media freedom. She urged greater openness and transparency in the provision of information by public authorities.

Věra Jourová, Vice-President of the European Commission, presented the Commission's work on the topics of the conference and the importance attached by the EU to related concerns. Referencing academic opinion that only 8-12% of journalists' tasks will be taken over by machines, she emphasised the role that journalists will continue to play. She affirmed that this role would be assisted, not replaced, by AI, and referenced the dedicated EU-funding available to help the media make the most of the opportunities of AI. She also referenced the European Democracy Action Plan adopted in 2020 and the proposed [legal framework for AI](#), which provides for a risk-based approach to regulation and the protection of citizens' rights. The overall goal should be to ensure that AI helps journalism and respects media freedom and pluralism. Ms Jourová also underlined the Commission's ongoing work on safety of journalists, potentially through a new "Media Freedom Act", and committed to continuing working closely with the Council of Europe to shape the digital environment in a way that respects and promotes fundamental rights.

THEME I. THE IMPACTS OF AI-POWERED TECHNOLOGIES ON FREEDOM OF EXPRESSION

The **Theme I** session was *moderated by Abraham Bernstein*, Professor and the University of Zurich and Director of the University's Digital Society Initiative. Delivering the 1 keynote, on the impacts of AI-powered technologies on freedom of expression, **Irene Khan**, UN Special Rapporteur on freedom of expression, warned that from a human rights perspective, AI poses serious threats. It is not a neutral or objective tool. AI shapes the world of information in a way that is opaque to the user, but that tends to reinforce biases and incentivise inflammatory content and disinformation. She warned that AI-enabled micro-targeting for advertising leads to mass personal data collection, with a lack of transparency and user control. AI impacts on freedom of opinion and expression through search engine algorithms and automated content moderation, which limits the availability of content that does not fall within algorithmic parameters. Finally, Irene Khan warned that AI enables mass biometric and emotion recognition surveillance, impacting on public assembly or dissidence. The pandemic has exacerbated all these issues. She recommended embedding human rights norms into AI; ensuring the transparency of the principles that govern AI; and stopping impermissible uses of AI, including through moratoriums or complete bans.

Expert speakers – **Noel Curran** of the European Broadcasting Union and **Alexandra Borchardt**, Rapporteur of the Council of Europe Committee of Experts on Freedom of Expression and Digital Technology – acknowledged the important work that the Council of Europe has already done and highlighted the challenges on which it needs to continue to work, including on public service media. Noel Curran called for innovative use of AI in public service media and gave examples of the EBU's work. Alexandra Borchardt recommended that remedies should be rooted in transparency, a human rights enhancing approach, accountability and redress, and called for citizen education and empowerment as well as research.

Petra De Sutter, Deputy Prime Minister and Minister of Civil Service, Public Enterprises, Telecommunication and the Postal Services of Belgium; **Karoline Edtstadler**, Federal Minister for the EU and Constitution at the Federal Chancellery of Austria; **Anneli Ott**, Minister of Culture of Estonia; and **Manlio Di Stefano**, Under-Secretary of State, Ministry of Foreign Affairs and International Cooperation of Italy further discussed the session theme. The discussants welcomed the benefits of AI while warning of the risks. They also welcomed the 'challenge' of regulation but warned of the many risks in over-regulation, which can be harmful to freedom of expression, particularly for small companies whose empowerment is so needed. Attention was drawn to Belgium's national plan for the regulation of AI; and it was suggested that media actors [may] have a duty to develop journalistic ethics for the use of AI tools. In further discussion the point was made that while AI algorithms are opaque to users; most media users also did not understand the goings on in 'traditional' newsrooms. Discussants agreed that while not every detail of how AI operates can be regulated, there was a need for regulation and transparency on the underlying operational principles.

THEME II. THE CHANGING ENVIRONMENT IN MEDIA AND INFORMATION

The Theme II Session *moderator, Damian Tambini*, Senior lecturer at the London School of Economics, described the focus of this session as two-fold: the struggle for safety of journalists and preventing censorship; and the challenge of building a new regulatory framework for the media. **Ricardo Gutiérrez**, Secretary General of the European Federation of Journalists, warned of the stark decline,

year on year, of media freedom across Europe, referencing 33 journalists killed in the last six years; 38 cases of impunity; and the lamentable lack of implementation of existing Council of Europe recommendations. He called out the role that politicians play in fuelling hate, and warned of growing online abuse of journalists, especially female journalists. Social media platforms are slow to respond and there's a lack of accountability. He called not for new commitments, but for the fulfilment of existing commitments, in particular Recommendation (2016)4 on the protection of journalism and the safety of journalists and other media actors. The second expert speaker, **Françoise Tulkens**, member of the High-Level Panel of Legal Experts on Media Freedom and former Vice-President of the European Court for Human Rights, echoed these concerns and underlined the importance of the right to freedom of expression as emphasised by the European Court of Human Rights. She also called for a focus on the issue of trust in the media, describing it as crucial to citizens' concerns. Baroness Tulkens emphasised that to fight the 'infodemic', a 'vaccine' is required to affirm the value of media independence. This calls for regulation, but states must guard against undermining democracy in the name of defending it.

The discussants in this session (the honourable **Carmelo Abela**, Minister within the Office of the Prime Minister of Malta; **Benjamin Dalle**, Flemish Minister for Brussels, Youth and Media of Belgium; **Gheorghe Leucă**, State Secretary, Ministry of Foreign Affairs and European Integration of the Republic of Moldova; **Pilvi Torsti**, State Secretary, Ministry of Transport and Communications of Finland; and **Thomas Schneider**, Ambassador, Head of International Affairs at the Federal Department of the Environment, Transport, Energy and Communications of Switzerland and Vice-Chair of the Council of Europe Steering Committee of Media and Information Society (CDMSI)) affirmed the need to protect fundamental European values and emphasised the importance of local media companies, and the competition they face – including from American and Chinese companies. Attention was drawn to the Flemish media recovery plan, which includes infrastructure support for the media through an online hub, cross-media measurement systems and tools that can help detect and expose misinformation. The need for media literacy was emphasised, and the importance of a multi-sectoral approach to respond to information disorder. Concern was raised about the manipulative tendency of online content, and a need for stronger cooperation between media regulators for online content, particularly in the case of cross-border content. Discussants also pointed out the very real dangers of inaction against hate speech – especially for women, girls and vulnerable groups. Online hate speech has led to some candidates refusing to stand for elections, fearing online abuse: this is truly a threat to democracy. The vice chair of CDMSI referenced the need for a strong media ecosystem and warned of the financial economic challenges to the media.

In closing the session, the moderator drew attention to the deeply worrying observation that freedoms are declining across Europe, and there has been a surge of hatred, fuelled in part by politicians.

SPECIAL INTERVENTIONS

David Kaye, Independent Board Chair of the Global Network Initiative and former UN Special Rapporteur on freedom of expression, issued a plea to governments to listen to the voices at the front lines; to support good laws; to call states to account; to defend the fundamentals; and to regulate corporate super-dominance without undermining the contribution that the social media and other tech businesses make to freedom of expression. Mr Kaye stated that the Council of Europe has a

unique ability to integrate principles and policies, through its various bodies and organs, and urged it to continue to highlight how human rights and media development intersect and involve civil society. He emphasised the importance of holding states to account, with the force of sanction and public opprobrium, as well as to hold up and promote examples of good practice. He warned that AI has exacerbated many 'traditional' threats to the exercise of freedom of expression and leads has led to faster and more pervasive actionable surveillance. He stressed that individual and democratic rights should be put at the centre of this conversation and called for integration into government regulation of the UN Guiding Principles on Business and Human Rights.

Amal Clooney, Deputy Chair of the High-Level Panel of Legal Experts on Media Freedom, referenced the fact that according to academic research liberal democracies now cover only 14% of the world's population. This means that journalists face unprecedented threats, including of murder and kidnap. She emphasised that the Council of Europe's positions on these issues truly matter. They set a standard for Europe and function as a beacon for those elsewhere in the world who look at the Council of Europe as a leader in human rights standard-setting. She recalled that those who are determined to silence the press have a well-developed toolkit of unfair laws and repressive tactics. So, equally strong tools are needed to respond. Ms Clooney presented the work of the [High Level Panel of Legal Experts on Media Freedom](#), which has so far come up with four key recommendations: (1) providing emergency visas to journalists at risk; (2) providing diplomatic support to journalists at risk; (3) imposing sanctions on those who violate media freedom, using various mechanisms – human rights sanctions but also trade preference regimes; and (4) the creation of an international task force to investigate media freedom violations. She argued that concerted action by democracies can change the calculus for autocrats around the world who have been able to silence the press without consequence. Ms Clooney warned that the time for action is now, and Europe should lead the response.

In subsequent Q&A Amal Clooney emphasised that the main issue is political will. Even the seemingly resource-intensive recommendation of establishing an international investigative taskforce boils down to the simple task of a few countries seconding dedicated experts, pre-vetted and trained and ready to be deployed quickly. This would not require a lot of resources but could be very impactful. David Kaye agreed this would be simple to implement and could build on existing infrastructure in the UN system. David Kaye also noted that while the statistics are gloomy, the debate on journalists' safety increasingly references human rights standards and institutions, emphasising their continuing relevance.

THEME III. TAKING ACTION TO ENSURE THE SAFETY OF JOURNALISTS

The Theme III Session was *moderated by Barbora Bukovská*, Senior Director for Law and Policy at the freedom of expression watchdog organization, ARTICLE 19. The keynote by **Agnes Callamard**, Secretary General of Amnesty International, concerned the safety of journalists. Ms Callamard argued that information is central to all other challenges we face: the fight against Covid-19; understanding and tackling climate change; international hegemonic battles; balancing out a narrative of dehumanisation of communities and individuals such as refugees and migrants, Muslims and Jews, and the poor; and the current revolution in AI. Journalists, understood in the broad definition, are at the heart of the fight over the political soul and directions of this decade. Therefore, she expressed concern that the worrying trends regarding the killing and imprisonment of journalists, threats and

surveillance are likely to increase in intensity, spread and scale in the decade ahead. To counter this, she urged the implementation of existing standards, including effective investigations of all threats against them and provision of protective mechanisms (police protection, restraining orders against potential aggressors and, in exceptional cases, subject to free and informed consent of the threatened individual, protective custody). This duty extends extra-territorially. Recalling that spyware and AI tools are frequently used against journalists, Ms Callamard called for effective export controls on surveillance tech companies that operate out of Europe. Finally, Ms Callamard expressed strong concern at the poor levels of implementation of European Court of Human Rights judgments and called on the Committee of Ministers to adopt stronger decisions on this.

The first expert speaker, **Can Yeginsu**, member of the High-Level Panel of Legal Experts on Media Freedom, urged the provision of safe refuge for journalists at risk, building on the humanitarian visas offered by Germany, Switzerland and Norway. Fifteen visas per state per year would mean everything. The second expert speaker, **Paul Radu**, called for action in a different field: as co-founder of the Organised Crime and Corruption Reporting Project, he expressed his fear about when, not if, one of the journalists in this network would be killed. He described the power of criminal cartels in alliance with corrupt politicians, law firms and reputation management companies, and called for effective international police action alongside the work of his investigative journalists.

Emma Lind, Vice Minister of Culture and Equality of Norway; **Taras Shevchenko**, Deputy Minister of Culture and Information Policy of Ukraine; **Inge Welbergen**, Senior Legal Officer and the Ministry of Education, Culture and Science of the Netherlands and Chair of the Council of Europe Steering Committee of Media and Information Society (CDMSI) provided remarks discussing the session theme. Discussants agreed that, without journalism, democracy dies, referenced the growing threats, and joined the call for action. The standards exist: states must act, implementation is needed. It is of vital importance to any democratic state to expose, report, investigate and prosecute attacks on journalists; states must not look the other way when violations occur, they must speak out and condemn the violation. For this reason, the Platform to Promote the Protection of Journalism and Safety of Journalists was supported, and EU involvement on the issue of journalists' safety welcomed. There was also a call for more national action plans on the safety of journalists. Attention was drawn to Norway's work on journalists' safety, and at the same time it was emphasised that there is a need for vigilance everywhere. Even in countries that rank highly on the press freedom lists, such as the Netherlands where a protocol on the safety of journalists (Protocol PersVeilig) was introduced, there have been setbacks and recent incidents of violence against journalists.

THEME IV. RESILIENCE OF FREEDOM OF EXPRESSION PROTECTION FRAMEWORKS IN TIMES OF CRISIS

The Theme IV Session was *moderated by the overall conference moderator, Nicholas Karides*. Delivering the keynote for Theme IV, **Emily Bell**, Professor of Professional Practice at the Columbia University Graduate School of Journalism, described the challenges facing journalists. She emphasised that 'information warfare' is relevant not just to conflict zones: manipulation of information aimed at guiding behaviour is everywhere, from local meetings in town halls and education committees to all the other work that a journalist does. Journalists have to battle disinformation and an advertising recession in advertising as well as threats to their safety, the latter often encouraged by official sources. She described how many of the pressures faced by the media had been exacerbated by the 'accelerant

event' of the pandemic: lack of finance, problems with training, and problems with disinformation. At the same time, she described reasons for hope and optimism: more journalists saw a sense of mission, found appreciation from the public, and they found that what they do matters. This led to the identification of a paradox: on the one hand, journalism really matters, but on the other hand the free market does not provide financial stability for it. That means that investment is needed in an enabling environment for journalism, and in particular for local and small-scale journalism, providing jobs and healthcare to ensure that journalists can represent and report on communities they are from.

The first expert speaker, the Director of the European Union Agency for Fundamental Rights **Michael O'Flaherty** considered that efforts to tackle misinformation had been overly broad, but similarly saw positives: there had been investments in supporting a strong media. There remained much to be done however, particularly in responding to hate speech, and Michael O'Flaherty called for better resourcing of national human rights institutions. He also warned against the 9/11 effect: the imposition of disproportionately harsh regulation in the immediate aftermath of a disaster. The second expert speaker, **Barbara Trionfi**, chronicled the impact on media freedom of measures taken under the pretext of the pandemic, describing how Covid-19 had exacerbated existing trends of encroachment on media freedom, how in some countries state support had been provided only to pro-government media, and decrying the unfit state of the international framework to tackle these issues. The international frameworks for the protection of freedom of expression has been shown to have key weaknesses, and this is concerning given the call for greater regulation of matters such as AI and disinformation.

The discussants for this session (the honourable **Stéphane Dion**, Ambassador of Canada to Germany and Prime Minister Special Envoy to the EU and Europe, and **Dott. Paolo Ruffini**, Prefect of the Dicastery for Communication of the Holy See) underlined the fragility of press freedom but agreed that it was not yet too late to act: on the contrary, the time is now!

In Q&A, Emily Bell, commenting on the situation in the United States emphasised the threat to local journalism, when at the same time there is continued support for 'elite level' national journalism institutions. Barbara Trionfi opined that Europe was a 'special place' for local journalism, referring to a [report published by the International Press Institute](#) showing that journalists are finding ways to survive and create journalism with few resources. Michael O'Flaherty echoed the concern about local journalism, but also said that the more initiatives are locally connected, the better they work: the same has been found by human rights academics and professionals. He raised two additional challenges as food for thought: (1) how can AI be harnessed to help create communities of interest?, and (2) while much of the discussion has focused on professional media and journalists, he reiterated the importance of citizen journalism and urged that this important topic should not be left out.

Presentations: journalists' safety, and accountability in content moderation

The first day of the conference closed with two sets of presentations: a Blueprint for Effective Action for Media and Journalists' Safety; and on Transparency and Accountability for Human Rights Compliant Content Moderation.

The first was provided by speakers from four of the fourteen civil society partners of the Council of Europe's [Platform to promote the protection of journalism and safety of journalists](#): **Tom Gibson**, EU Representative at the Committee to Protect Journalists; **Sarah Clarke**, Head of Europe and Central Asia

for ARTICLE 19; **William Horsley**, Media Freedom Representative of the Association of European Journalists; and **Jessica Ní Mhainín**, Policy Research and Advocacy Officer at Index on Censorship. They called for action, collaboration and partnership with member states on this important issue. Referring back to speakers who had made similar points earlier in the day, they stated that 2020 had been a traumatic year for the practice of journalism: the threats of the Covid emergency, financial instability of the media, poor economic working conditions of journalists, and ongoing challenges to the safety of journalists intertwined to make it even harder and riskier to report reliable information to the public. They pointed out that while the Platform should be an early warning and rapid response system, fewer than half of all the alerts got a written response, three states are currently not cooperating, and only three alerts in 2020 were swiftly resolved by remedial actions. They drew attention to the crisis of violence against female journalists, as well as the continued need for strong support for public service media. They also called for action against SLAPP lawsuits, and reminded States that, as part of their commitments under Recommendation (2016)4, they should facilitate reforms of laws and practices that affect freedom of expression, including regarding national security, defamation and access to information, to bring them in line with international standards. All urged an end to the climate of impunity for violence against journalists. The urgency of their call was underlined by **Andrew Caruana Galizia**, son of the murdered Maltese journalist, Daphne Caruana Galizia, who spoke of how the murder of a journalist invariably is the result of a breakdown at some level of the rule of law and that this needs to be addressed.

The final presentation concerned transparency and accountability for human rights compliant content moderation. **Joe McNamee**, member of the Council of Europe Committee of Experts on Freedom of Expression and Digital Technologies, introduced the recently adopted Council of Europe [Guidance note on best practices in content moderation](#). He explained that content moderation is about the regulation of unwelcome content. Some of this is illegal content, the removal of which is straightforward (although there may be a need to not just remove content but also address the underlying crime, for example in relation to child sexual abuse). The situation regarding legal content being removed is very different, particularly when the rules that govern removal are unclear and unpredictable, imposed in a discriminatory way, or when flawed automated tools are used. Discussing the nature of regulation, he explained, based on past experience with self- and co-regulation, that regimes that have certain characteristics are more likely to be successful: administrative transparency; involvement of diverse expert stakeholders; setting clear objectives and benchmarks; ensuring accountability (through such mechanisms as mandatory public reporting, complaints mechanisms for third parties, and independent audits); and oversight by an independent regulatory body. Problems remain particularly as regards jurisdiction: global orders are sometimes issued that restrict content in jurisdictions where the content in question was not illegal.

Day 2

Opening session

Kyriacos Koushos, Government Spokesman, the Republic of Cyprus, opened the second day reminding the participants of the ongoing and radical changes that AI has brought to the media and information environment, and recalling the difficult working environment for the media as well as individual

journalists caused by financial and economic challenges as well as physical threats to the safety of journalists. He called on participants to move to the stage of political commitment and firm engagement to safeguard a healthy media ecosystem and by extension healthy democratic processes and societies. **Rik Daems**, President of the Parliamentary Assembly of the Council of Europe, recalled the work of PACE on the consequences of the Covid-19 pandemic on media freedom, including on the safety of journalists. He also urged the need for independent regulation of AI, given the growing concentration of technological and economic power in the hands of a few large internet companies, the impact that this has on the enjoyment of human rights, and the realisation that social media is increasingly ‘anti-social’. **Audrey Azoulay**, Director General of UNESCO, recalled the shared values of UNESCO and the Council of Europe – grounded in respect for human rights – and called for the development of safeguards with regards to AI: greater transparency of AI news and social media algorithms, greater education and media and information literacy around AI, and respect for international standards and law in the operation of AI. Whilst AI brings clear benefits, it must operate within the boundaries set by these safeguards, agreed through multilateral discussions including both UNESCO and the Council of Europe.

Flash Session 1: AI regulation

Tonje Hessen Schei, screenwriter, film director and producer of the movie [iHuman](#), spoke of her strong concern about the power in the hands of technologists. Big tech companies have more power, including spending power, than entire nations, and young men gaining huge profit from AI are empowered to take decisions that affect the whole world. Ms Schei called for humans to ‘take back control’ over AI and stressed that this was power – but there isn’t enough awareness of the importance of the issue. **Gregor Strojín**, Chair of the Council of Europe Ad-hoc Committee on Artificial Intelligence (CAHAI), introduced CAHAI’s recent [feasibility study](#) which identified a clear need for regulation of AI because of the far-reaching and disruptive effects that it can have on the rule of law and democracy. He called for the adoption of a set of complementary and mutually reinforcing instruments, combining work done by the EU, the OECD, UNESCO and the United Nations. CAHAI is developing a methodology and a checklist for a Human Rights, Democracy and the Rule of Law Impact Assessment methodology (HUDERIA), which will help assess the impact of AI on democracy; by the end of this year, CAHAI seeks to have identified the essential building blocks for effective regulation.

The moderator, **Nicholas Karides**, opened the discussion by asking about the responsibilities that the companies who develop AI have. Tonje Hessen Schei mentioned that while the big tech companies were not started with bad intentions, profitability is their overriding goal and that has a detrimental impact on human rights. Companies are only beginning to be held to account. Asked about regulation, Gregor Strojín contrasted the European, Chinese and US approach and emphasised that the EU, Council of Europe but also the OECD and UNESCO should work together and develop complementary regulatory approaches, some binding, some non-binding, and each from within their own mandate addressing the various different issues. He pointed to past experience in the regulation of pharmaceutical companies, which was ultimately successful.

Flash Session 2: AI in the audiovisual sector in light of the latest market and legal developments

Susanne Nikoltchev, Executive Director of the European Audiovisual Observatory, introduced the work of her organisation – monitoring and researching market, legal and technical developments in

the audiovisual market – and explained that this Flash Session would focus on two under-highlighted issues: the role of Video on Demand (VOD) platforms and copyright. She handed over to her colleague **Gilles Fontaine**, Head of the Department for Market Information, who described the shift towards more Video on Demand (VOD), the contribution that this makes to greater diversity in content, and the role of AI in providing content recommendations which are inherently broad: it makes commercial sense for the content provider to recommend as much of its content as possible. **Maja Capello**, Head of the Legal Department, elaborated that the current legal regulatory framework does not address the role of AI in the context of VOD. Regulation is on the horizon, though, in the form of the EU [Digital Services Act](#) which requires transparency of the main principles behind AI. Another proposal on the horizon concerns harmonisation of the rules on AI. There are questions, however, with regard to a number of issues: copyright, the poor ability of AI to recognise satire or parody, the regulation of deep fakes, and the use of personal data, to name but a few. With regard to copyright, the growing use of AI in the production of media content requires policy makers to confront and somehow reconcile diverging approaches in different European countries. The question is: can machine-created works be copyrightable, and if so, who is the copyright holder? In many civil law countries, only physical persons can be copyright holders, which is a dilemma to be resolved.

Flash Session 3: The role and responsibilities of states and internet platforms, and challenges for the media in the digital age

Flash Session 3 was moderated by the overall conference moderator, **Nicholas Karides**, and featured **Natali Helberger**, Professor of Law and Digital Technology, University of Amsterdam and Chair of the Committee of Experts on Freedom of Expression and Digital Technologies (MSI-DIG), and **Maria Donde**, Head of International Content policy at the UK Office of Communication (OFCOM) and Chair of the Committee of Experts on Media Environment and Reform (MSI-REF). The Session started with a short recorded interview with **Natali Helberger**. She addressed the regulatory challenge facing states: ensuring an enabling digital environment for the media as well as for freedom of expression on social media platforms (dominated by technology companies whose primary objective is commercial) whilst avoiding overly restrictive regulation. She also emphasised the important role played by journalists, fact checkers and academia in addressing the challenge of disinformation and called for support and access to data for researchers. Following the video, the opening discussion focused on the importance of strong support for research and an enabling environment for academics, with greater access to information for evidence-based new regulation. In terms of regulation, Natali Helberger emphasised the European approach of human-centred and values-centred regulation of AI, and the importance of institutions such as the Council of Europe. Maria Donde called for a careful balance in regulation, emphasising the need to support innovation. Asked about whether self-regulation should be the preferred approach to state-imposed regulation, Maria Donde pointed to the example of press self-regulation and the need for there to be incentives to the community subject to regulation: when those incentives disappear, or the community loses trust, self-regulation ceases to be effective. She noted several key aspects that should underlie any form of regulation: transparency, accountability, consultation across all parts of society, the independence of regulation, and the need to attain public trust. Natali Helberger referred participants to a recent guidance note by her committee on content moderation (introduced at the end of day 1 by **Joe McNamee**), and elaborated on her committee's work on a draft Recommendation on this topic.

In a subsequent pre-recorded video interview, **Maria Donde** elaborated on fundamental disruption to media business models, as well as the importance to media of knowing how their readers/viewers interact with the content they produce. New approaches to media regulation require a holistic perspective on inter-connected issues such as media literacy, trust in the media, the prominence of online content, and the role of competition law. What would be helpful is if there would be greater clarity as regards the desired end-goals, and she called for political leadership in that.

World Café Session 1: Fostering media and information literacy

World café session one, moderated by **Martina Chapman**, consultant in Media Literacy and Digital engagement and co-author of the Council of Europe study on “Supporting quality journalism through media and information literacy” focused on the concept and importance of media and information literacy: an umbrella term that covers a very broad range of skills that people need to access, use and understand media in a fast-changing media landscape and that allows people to think critically about media, analyse it and make informed choices. In short, the moderator described it as encouraging people to have a healthy scepticism, but without developing a crippling cynicism. The first speaker, **Michael Nicolai** introduced the SMART project: Specific Methodologies and Resources for Radio Trainers. The project combined community radios and educational organisations from Ireland, Germany, Austria, Hungary, Switzerland and the Basque Country to develop training methodologies. The resultant SMART tool, online at <https://smart.radiotraining.eu>, provides ready access to all the materials, in five languages. Work is now continuing with two international partners, the European section of the World Association of Community Radio Broadcasters (AMARC Europe) and the Community Media Forum Europe (CMFE). **Lina Chawaf**, Programme manager at Radio Rozana and CMFE Board Member, talked about how Radio Rozana, a community radio station that broadcasts from Paris and has correspondents throughout Syria, started from an urgent need to provide news from inside Syria, and the challenges it faces. She highlighted how the project is grounded in the reality of Syrians’ everyday lives and is particularly focused on the experiences of women and children and their position in society. Yet, they fill a real need and use the power of radio to encourage diverse voices to speak up without fear of being recognised.

Soledad Galiana, Radio Coordinator of the Near Media Co-op, presented the Ethical Media for Active Citizenship (EMAC) project, focused on how to improve the media literacy skills of those producing the content: journalists, producers, editors, directors, and presenters. This is an important focus because media content producers have a duty to be media literate, particularly with ever-growing demand for instantly produced information, and decreasing time to analyse content and consider the impact it might have on the audience. She spoke of challenges to their work, especially the lack of funding for small not-for-profit community media who lack the administrative and financial resources to comply with burdensome requirements. This is disheartening considering the importance of community media in realising media pluralism and serving communities. **Larry Macaulay**, of the German Refugee Radio Network in Hamburg presented CMFE’s New Neighbours Project. This project highlights the positive social and economic contributions made by migrants and refugees, and has worked with public service media, community media and civil society organisations across Europe to place migrant voices at the heart of discussions on migration and helping to promote the integration of migrants into local communities. Macaulay presented a three-day media literacy training workshop for representatives from migrant groups in Reggio Emilia (Italy), which helped them develop core skills

such as presentation and interviewing. This resulted in a multilingual storytelling podcast and a test phase for a local community station.

Finally, **Lisa McLean**, daily news editor at ARA City Radio in Luxembourg, presented ARA's Covid-19 News Project. Reflecting on the diversity of Luxembourg's society – almost 50% of Luxembourg's population are non-Luxembourgers – she explained how ARA had been able to serve many marginalised communities that mainstream media had been unable to reach. Building on ARA's existing work translating the daily news into Arabic, they worked with volunteers to produce translations in other languages, too, including within a few days Farsi and Tigrinya. Content was distributed via Facebook, Telegram and other channels and became so popular that volunteers got in touch to offer translations into other languages. There was a high level of trust because content was being produced by members of the community.

In subsequent Q&A, the speakers reflected on a few key themes. Lina Chawaf came back to the dangers faced by correspondents – threats, prison sentences, and kidnappings – because extremists feel threatened by the stories from the ground that Radio Rozana brings. Lisa McLean described how the crowdfunding that the ARA project conducted actually brought a financial lifeline to the station, which had been under threat of closure prior to the pandemic. Larry Macauley spoke to the importance of building evaluation into projects, especially those that are donor funded – it is crucial to their ongoing success and they are able to show high impact and participation because of the evaluations they conduct. Michael Nicolai spoke to the challenges of maintaining quality standards in training, which are complex, highly country-specific and dependent on resources. Asked about the challenges of working with volunteers and maintaining consistency, Soledad Galiana spoke of the training that is offered to all of them, which means that new volunteers can be on-boarded with relative ease. She also reflected on how volunteers do commit over a longer period of time, and that sometimes volunteers return after having left.

World Café Session 2: Enhancing the safety of journalists: National action plans; best practices

World Café session two, moderated by **Tarlach McGonagle** of the University of Amsterdam, heard presentations on actions taken in the Netherlands, Serbia and Sweden to improve the safety of journalists; as well as presentations emphasising the importance of an intersectional perspective to journalists safety and on action needed at the international level.

Filippa Arvas Olsson, Deputy Director at the Swedish Ministry of Culture, presented the Swedish Action Plan on Defending Free Speech. She explained that wide consultation and dialogue with a broad range of stakeholders, including artists and elected local officials as well journalists and the media, had been key to the success of the Action Plan, along with political leadership. The Plan had sent a clear message that freedom of expression matters, and identified action points for each of the actors, including police and the judiciary. Reforms had been introduced in the justice system including the creation of 'democracy and hate crime units' in the police, and better co-operation with the police to increase investigations. Challenges remain, particularly with regard to a low level of trust from among journalists in the justice system.

Presenting the Dutch programme on safety of journalists, 'Persveilig' ('Press Safe', <https://persveilig.nl/>), its Project Manager, **Peter ter Velde**, elaborated on the multi-stakeholder

approach explaining that the Plan was a shared initiative by the media, judiciary, police, and the prosecutor's office. Like the Swedish Plan, the Dutch programme identifies the main roles and responsibilities of each and emphasises the urgency that cases of violence should be treated with by the police and in the justice system. Increased penalties are demanded and imposed, safety trainings are provided, a hotline established (which has seen a lot of demand) and journalists under threat have received protection, including through the installation of panic buttons in their homes. The programme also provides guidance to journalists as well as media on how to lodge complaints and sets out collective norms on violence and aggression. Regrettably, levels of aggression against journalists in society have gone up over the last two years.

Marija Babić, of the Serbian Independent Journalists' Association, described the situation in her country as "not good". In 2016, journalists' and media associations signed an Agreement with the Public Prosecutor's office and the Ministry of the Interior to raise awareness and agree specific measures to improve journalists' safety, such as establishing quick ways to report threats against journalists. Separately, in 2020, a media development strategy and accompanying action plan were adopted, parts of which address journalists' safety, and two government Working Groups were set up to monitor the implementation of the action plan. However, when the government refused to condemn a smear campaign against an investigative journalism outlet, the journalists and media associations decided to leave the government-led Working Group. Civil society is working to find new institutional partners, such as the Ombudsman, and has put in place structures of its own to protect the safety of journalists, such as providing legal aid. There is also cooperation with journalists' associations in other countries in the region.

Jennifer Adams from the University of Vienna emphasised that women journalists are still three times more likely than their male colleagues to be targets of attacks, humiliations or threats online, and emphasised the lack of participation by and representation of women in the media perspectives – especially (though not exclusively) during the pandemic. The same goes for other, historically marginalised, members of society. In the preparation and creation of action plans, the selection of stakeholders is therefore crucial. There is a need for bottom-up engagement and meaningful community inclusion. She recommended including organisations that have worked to address domestic violence organisations as well as LGBTQI+ advocacy organisations; more baseline research on which to base plans; a focus on media and information literacy; and emphasis on coordination in the form of networking and community-building.

Nadim Houry, member of the High-Level Panel of Legal Experts on Media Freedom and author of that panel's study [On Promoting More Effective Investigations into Abuses Against Journalists](#), elaborated on the troubling question why so few investigations into attacks on journalists lead to prosecution, and what can be done about this. The cause is a combination of lack of capacity and lack of political will. The main thing that is required at the international level is a standing investigative task force, able to conduct criminal investigations or assist local investigations. Recognising that a formal UN mandate for such a task force is unrealistic at this point, he suggested a multilateral approach of a 'coalition of the committed' to complement existing mechanisms as well as the investigative work of NGOs.

In subsequent discussion, the importance of political leadership was again emphasised, and the question was asked what indicators there are to tell whether States are merely 'ticking boxes' or

whether they are truly committed to improving journalists' safety. Tarlach McGonagle opined that Recommendation CM/Rec(2016)4 on the protection of journalism and safety of journalists provided a good guide: this, along with the accompanying Implementation Guide, makes very clear recommendations on steps that need to be taken; this should be faithfully and consistently implemented. Nadim Houry added that there are real indicators for lack of leadership in existing statistics on the number of complaints filed by journalists and investigated, as well as in the number of, and follow up on, complaints that have been taken by women journalists and those from marginalised communities. These statistics should be used to hold states accountable.

Panellists agreed that a bottom-up approach to devising action plans was undoubtedly much harder than a top-down approach, but that it was nevertheless essential to do this. States must re-evaluate their position on this and engage in wide consultation. Panellists were not aware of any states that had granted emergency visas to journalists under threat – a suggestion that had been made during day one of the conference.

Closing session

In his closing remarks, **Nikos Nouris**, Minister of the Interior of the Republic of Cyprus and Chair of the Conference, welcomed the Final Declaration and the four Resolutions adopted during the closed ministerial session as a benchmark for the conditions required for a free, pluralistic and quality media to flourish, and called for them to be implemented and become part of the DNA of our society. He urged that this would take real effort, quoting Aristotle: "Excellence is never an accident. It is always the result of high intention, sincere effort, and intelligent execution. It represents the wise choice of many alternatives; choice, not chance, determines your destiny."

In his closing remarks, **Christos Giakoumopoulos**, Director General of Human Rights and Rule of Law of the Council of Europe, noted that the rapid development of technology is beneficial, but needs to maintain respect for human rights. This calls for a values and human-centred approach, incorporating its impact on the media and in line with the requirements of the European Convention on Human Rights. The Council of Europe will continue to provide guidance to its member states in how to achieve this. He also emphasised the need for urgent action on journalists' safety, welcoming the adoption of national action plans and encouraging others to follow suit whilst strongly condemning all efforts to harass and undermine the safety of the media.

The Ministerial Conference documents, the Resolution on freedom of expression and digital technologies, the Resolution on the safety of journalists, the Resolution on the changing media and information environment, the Resolution on the impacts of the COVID-19 pandemic on freedom of expression, and the Final Declaration, may be found at the [Conference website](#).