

**Committee of Experts on Generative AI implications
for Freedom of Expression (MSI-AI)**



**MSI-AI(2024)04
30 May 2024**

1st meeting, 23-24 April 2024 (hybrid)

DRAFT MEETING REPORT

Opening, agenda, elections

1. Ms Irena GUIDIKOVA, Head of the Democratic Institutions and Freedoms Department, Council of Europe, opened the meeting. In her welcoming remarks, she highlighted the potentials of Generative AI, including in enhancing freedom of expression. She also noted that risks may arise from its use and that the work of the MSI-AI will be pivotal in providing a thorough analysis of what are the implications for freedom of expression, as well as which solutions should be made available, including for users. She stressed the cross-sectorial character of the topic and therefore invited members and participants to carry out their task by taking into due consideration relevant existing and upcoming instruments and tools.
2. Ms Artemiza-Tatiana CHISCA, Head of Freedom of Expression and CDMSI Division and Secretary to the Steering Committee on Media and Information Society (CDMSI) provided information about the work of the CDMSI and its interaction with its expert committees during the process of developing, approving, and adopting future instruments. She highlighted the importance of clearly defining and agreeing on the scope of the MSI-AI's guidance note from the outset to streamline the drafting process and avoid revisiting foundational discussions later. She also presented the relevant CDMSI instruments of relevance for the work of the Expert Group.
3. The MSI-AI members adopted the meeting agenda (Appendix 1) without amendments. The list of participants to the meeting appears in Appendix 2.

4. Ms Giulia Lucchese, Secretary to the MSI-AI, introduced the main objectives of the Council of Europe standard-setting work and presented the working methods and procedures of expert committees, in line with [Resolution CM/Res\(2021\)3](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods. She also provided some background to the MSI-AI's Terms of Reference and the expected deliverable, as well as a brief overview of the Council of Europe standard-setting and other documents of relevance for the MSI-AI (a selection of reference documents is available on the MSI-AI website).
5. The members of the MSI-AI held a *tour de table*, they introduced themselves and briefly shared their expectations from the work of the Committee.
6. The MSI-AI proceeded to elections. With only one candidate proposed for each of the functions, the MSI-AI unanimously elected Mr Andrin EICHIN (Switzerland) as Chair and Ms Katerina MANTZOU (Greece) as Vice-Chair. Mr Raphael KIES (Luxembourg) was appointed as Gender Equality Rapporteur.
7. The meeting was further chaired by the newly elected Chair. Members of the MSI-AI presented their initial views on the most outstanding issues to be addressed in the draft Council of Europe Guidance Note that it is expected to be finalised and submitted to the CDMSI for adoption by the end of its mandate in December 2025.
8. The MSI-AI designated Ms Iva NENADIC (Croatia), Ms Murielle POPA-FABRE and Ms Patricia SHAW as drafting co-Rapporteurs.

Preliminary discussion on scope, purpose and main elements of the draft Guidance Note

9. The MSI-AI agreed to elaborate a sectorial document keeping a narrow focus on freedom of expression, interpreted in line with Article 10 of the ECHR and the case-law of the European Court of Human Rights and ensuring linkage with relevant work of the Council of Europe. Members shared the idea that the ambition of the Guidance Note should be to remain “future-proof”, relevant beyond the term of the Expert Committee’s mandate.
10. Members stressed the importance of defining the audience of the deliverable. They shared the view that, other than member States as appropriate, the Guidance Note should address other relevant stakeholders, such as private sector, technology companies, and users.
11. The MSI-AI broadly agreed that the different phases in the Generative AI lifecycle, notably generation and dissemination, and the diverse implications and impacts they

- have on freedom of expression should be singled out. They also remarked its multimodality, extending to all aspects and modes of Generative AI – text, image, video, audiovisual, voice, etc. They therefore agreed to adopt a functional definition of Generative AI, focusing on the potential of generating human-like expression rather than on the technology used, with a view to resist to the ever-evolving changes in technology.
12. The MSI-AI approved the idea to elaborate a preliminary structure of the deliverable according to a stack model of Generative AI, taking into account multiple layers, and corresponding implications for freedom of expression. A first step would be to determine applicable core principles, meaning main conditions for enabling freedom of expression in the Generative AI environment.
 13. Members further concurred to frame the document around benefits as well as systemic risks for freedom of expression that can derive from the use of Generative AI. They agreed to first run an analysis to identify the main elements for the two categories, and then to elaborate, respectively, guidance on how to mitigate systemic risks and guidance on how to capitalise on potentials.
 14. Discussing benefits, *inter alia* the members noted that Generative AI has the potential to: expand access to information at a larger scale; adapt the information format to the individual, for example making the language simpler and communicate visually; enable a better understanding and use of information; increase visibility of diverse voices, providing a suitable platform also for groups and individuals in vulnerable situations.
 15. Addressing the systemic risks, members noted that these can have implications both at the community and individual levels. Amongst many, discussions concerned the spreading of disinformation, de-skilling of people, digital exclusion, manipulation, cheating, deepfakes, and environmental aspects of foundation models.
 16. The MSI-AI considered crucial attempting a mapping of multistakeholders' involvement at the various levels, also with a view to elaborate their different roles and responsibilities, tailor guidance and create incentives.
 17. The Expert Group held a preliminary exchange on whether annexes or other practical, concrete tools should accompany the Guidance Note. Proposals included an assessment tool for systemic risks, examples of use cases, and a due diligence questionnaire on governance and oversight for member States, along the lines of Annex 1 to the Guidelines on the responsible implementation of artificial intelligence (AI) systems in journalism, but decided to defer the decision at a later stage.

18. The MSI-AI discussed the opportunity to reach out to external stakeholders for consultations, such as digital companies taking part to the Council of Europe Digital Partnership, and agreed that the timing and modalities will be determined once the text is more mature.

Roadmap and next steps

19. The MSI-AI entrusted the drafting rapporteurs to provide a first outline by early June and a preliminary draft Guidance Note with substantial drafting elements by mid-September.

20. The Expert Committee agreed to hold its next meeting on 17-18 October 2024. The meeting will be held in person in Strasbourg, in the Palais de l' Europe. A roadmap as presented to the MSI-AI during the first meeting is available in Appendix 3.

Any other business

21. In line with established practice, the Secretariat will share the draft meeting report with the MSI-AI, allowing for comments within five full working days. In the absence of comments, the report will be deemed agreed, uploaded on the website of the MSI-AI and transmitted to the CDMSI for information.

Appendix 1

1st meeting Agenda

Committee of Experts on the Impacts of Generative Artificial Intelligence for Freedom of Expression (MSI-AI) 1st meeting

Draft Agenda

23-24 April 2024

Hybrid

Room G04, Agora Building, Council of Europe, Strasbourg and
Online via Zoom

Day 1 - 23 April 2024 10:00-12:30 CET / 14:00-17:00 CET

1. Welcoming and opening of the meeting

Irena GUIDIKOVA, Head of the Democratic Institutions and
Freedoms Department of the Council of Europe

2. Adoption of the agenda

[MSI-AI\(2024\)02](#)

3. Information by the Secretariat

- Introduction to the working methods and procedures of intergovernmental committees and subordinate bodies [CM/Res\(2021\)3](#)
 - Information on the aims and working methods of the Committee of Experts on the Impacts of Generative Artificial Intelligence for Freedom of Expression
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10:50-11:10 CET – Coffee Break

4. Tour de table

- Brief introduction by the Committee Members
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12:30-14:00 CET – Lunch Break

5. Elections

- Election of the Chair and the Vice-Chair, appointment of the Gender Equality Rapporteur
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6. Discussion of the Terms of Reference for the MSI-AI

The Expert Committee will discuss the structure and scope of the text that it is expected to deliver during its mandate: *Guidance Note*

[Terms of reference of the MSI-AI](#)

on the implications of generative artificial intelligence for freedom of expression.

15:30-15:50 CET – Coffee Break

6. Discussion of the Terms of Reference for the MSI-AI (continued)

17:00 CET – End of Session

Day 2 – 24 April 2024 09:30-12:30 CET / 14:00-16:30
CET

6. Discussion of the Terms of Reference for the MSI-AI (continued)

10:50-11:10 CET – Coffee Break

7. Appointment of rapporteurs

12:30-14:00 CET – Lunch Break

8. Discussion of the timeline for the MSI-AI (2024-2025)

9. Any other business

10. Date and place of next meeting

16:30 CET – End of the Meeting

Appendix 2

List of Participants

**Committee of Experts on the Impacts of Generative Artificial Intelligence
for Freedom of Expression (MSI-AI)**

**Comité d'experts sur les implications de l'intelligence artificielle générative
pour la liberté d'expression (MSI-AI)**

1st Meeting – 23-24 April 2024

1ère réunion – 23-24 avril 2024

List of participants / Liste de participant.e.s

COMMITTEE MEMBERS / MEMBRES DU COMITE

Mr/M Andrin EICHIN

Senior Policy Advisor on online platforms, algorithms, and digital policy at the Swiss Federal Office of Communications (OFCOM), Switzerland
Conseiller politique principal sur les plateformes en ligne, les algorithmes et la politique numérique à l'Office fédéral suisse de la communication (OFCOM), Suisse

Mr/M Marius JITEA

Public manager within the Public Policy Unit of the General Secretariat of the Romanian Government, Romania
Gestionnaire public au sein de l'Unité des politiques publiques du Secrétariat général du gouvernement roumain, Roumanie

Mr/M Raphael KIES

Senior researcher at the University of Luxembourg and founder of the Luxembourgish Platform of Participatory Democracy (PLDP), Luxembourg
Chercheur principal à l'Université du Luxembourg et fondateur de la Plate-forme luxembourgeoise de la démocratie participative (PLDP), Luxembourg

Ms/Mme Katerina MANTZOU

Media Policy Expert Department for Audiovisual Media & Internet, Government Presidency - General Secretariat for Communication & Media, Greece
Experte en politique des médias, Département de l'Audiovisuel et de l'Internet, Présidence du Gouvernement - Secrétariat Général de la Communication et des Médias, Grèce

Mr/M Jean-Gabriel MINEL

Special advisor to the Director General of Media, Cultural and Creative Industries, France
*Conseiller spécial auprès du directeur général des médias, des industries culturelles et créatives,
France*

Ms/Mme Iva NENADIC

Assistant Professor in Journalism at the Faculty of Political Science, University of Zagreb, and Research Fellow at the Centre for Media Pluralism and Media Freedom, European University Institute, Croatia

Professeure adjoint de journalisme à la faculté de sciences politiques de l'université de Zagreb et chercheur au Centre pour le pluralisme et la liberté des médias de l'Institut universitaire européen, Croatie

Mr/M Haroon SHEIKH

Senior scientist at the WRR (the Dutch Scientific Council for Government Policy) and Professor in Philosophy of Culture, Politics and Organization at VU University, The Netherlands

Chercheur principal au WRR (Conseil scientifique néerlandais pour la politique gouvernementale) et professeur de philosophie de la culture, de la politique et de l'organisation à l'Université VU, Pays-Bas

Mr/M David CASWELL

Product developer, consultant, and researcher of computational and automated forms of journalism. Founder of StoryFlow Ltd.

Développeur de produits, consultant et chercheur en journalisme informatique et automatisé. Fondateur de StoryFlow

Ms/Mme Natali HELBERGER

Distinguished University Professor for Law and Digital Technology, with a special focus on AI, University of Amsterdam

Professeure universitaire distingué pour le droit et la technologie numérique, avec un accent particulier sur l'IA, Université d'Amsterdam

Ms/Mme Eliška PÍRKOVÁ

Senior Policy Analyst and Global Freedom of Expression Lead, Access Now

Analyste principale des politiques et responsable de Global Freedom of Expression à Acces Now

Ms/Mme Murielle POPA-FABRE

Expert and Consultant in Generative AI Policies and Governance, Computational Neuroscientist, former INRIA & Cornell Researcher

Experte et consultante en politiques et gouvernance de l'IA générative, neuroscientifique computationnel, ancienne chercheuse à l'INRIA et à Cornell

Ms/Mme Patricia SHAW

CEO and Founder Beyond Reach; expert and consultant on of AI and data ethics, privacy, policy, and governance

PDG et fondatrice de Beyond Reach ; experte et consultante en matière d'éthique, de protection de la vie privée, de politique et de gouvernance de l'IA et des données

Ms/Mme Maria Luisa STASI

Head of Law and Policy for digital markets, Article 19

Responsable du droit et de la politique des marchés numériques, Article 19

COUNCIL OF EUROPE MEMBERS STATES / ÉTATS MEMBRES DU CONSEIL DE L'EUROPE

<p>BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE</p>	<p>Mr/M Damir PRLJA Advisor for Information Society- Ministry of Communications and Transport <i>Conseiller pour la société de l'information - Ministère des Communications et des Transports</i></p>
<p>SLOVAK REPUBLIC / RÉPUBLIQUE SLOVAQUE</p>	<p>Mr/M Željko Martyn SAMPOR Senior Counsel to the Minister of Culture of the Slovak Republic / <i>Conseiller principal du ministre de la Culture de la République Slovaque</i></p>

COUNCIL OF EUROPE DEPARTMENTS AND BODIES / DÉPARTEMENTS ET ORGANES DU CONSEIL DE L'EUROPE

<p>EUROPEAN AUDIOVISUAL OBSERVATORY / OBSERVATOIRE EUROPÉEN DE L'AUDIOVISUEL</p>	<p>Ms/Mme Justine RADEL CORMANN Legal Analyst- European Audiovisual Observatory <i>Analyte juridique - Observatoire européen de l'audiovisuel</i></p>
<p>DIGITAL DEVELOPMENT AND GOVERNANCE / DÉVELOPPEMENT ET GOUVERNANCE NUMÉRIQUE</p>	<p>Mr/M Kristian BARTHOLIN Head of Unit Digital Development, Secretary to the Committee on Artificial Intelligence (CAI) <i>Chef de l'unité Développement Numérique, Secrétaire du Comité de l'Intelligence Artificielle (CAI)</i></p>
<p>IMPLEMENTATION OF HUMAN RIGHTS, JUSTICE, AND LEGAL CO-OPERATION STANDARDS / MISE EN ŒUVRE DES NORMES EN MATIÈRE DE DROITS DE HUMAINS, DE JUSTICE ET DE COOPÉRATION JURIDIQUE</p>	<p>Ms/Mme Elena YURKINA Head of Unit - Innovative solutions for human rights and justice <i>Cheffe d'unité - Solutions innovantes pour les droits humains et la justice</i></p> <p>Ms/Mme Biljana NIKOLIC Project manager - Transversal challenges and multilateral projects <i>Project manager - Défis transversaux et projets multilatéraux</i></p>

GENDER EQUALITY POLICIES/ <i>POLITIQUES DE L'EGALITE DE GENRE</i>	Ms/Mme Valerie POPPE Co-Secretary to the GEC, Gender Equality <i>Co-secrétaire de la GEC, L'égalité de genre</i>
ANTI-DISCRIMINATION DEPARTMENT / <i>SERVICE DE L'ANTI - DISCRIMINATION</i>	Mr/M Menno ETTEMA Head of Unit - Hate Speech, Hate Crime and Artificial Intelligence <i>Chef d'Unité - Discours de Haine, Crimes de Haine et Intelligence Artificielle</i> Ms/Mme Nidaa BOTMI Senior Project Officer - Hate Speech, Hate Crime and Artificial Intelligence <i>Chargé de projet principal - Discours de Haine, Crimes de Haine et Intelligence Artificielle</i> Ms/Mme Charlotte GILMARTIN Legal Advisor – Steering Committee on Anti-Discrimination, Diversity, and Inclusion (CDADI) <i>Conseillère juridique au Comité Directeur sur la Lutte Contre la Discrimination, la Diversité et l'Inclusion (CDADI).</i>

OTHER PARTICIPANTS / AUTRES PARTICIPANT.E.S

EUROPEAN BROADCASTING UNION (EBU) / UNION EUROPÉENNE DE RADIO-TÉLÉVISION (EBU)	Ms/Mme Sophia WISTEHUD Legal Counsel <i>Conseillère juridique</i>
ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE (OSCE) / ORGANISATION POUR LA SÉCURITÉ ET LA COOPÉRATION EN EUROPE (OSCE)	Ms/Mme Julia HAAS Adviser, Office of the OSCE Representative on Freedom of the Media <i>Conseillère, Bureau du représentant de l'OSCE pour la liberté des médias</i>
CONFERENCE OF INGOS OF THE COUNCIL OF EUROPE / CONFERENCE DES OING DU CONSEIL DE L'EUROPE	Ms/Mme Francesca FANUCCI Senior Legal Advisor - European Center For Not-For-Profit Law Stichting (ECNL) <i>Conseillère juridique principale - Centre européen de recherche en droit des organisations à but non lucratif (ECNL)</i>

<p>EUROPEAN PLATFORM OF REGULATORY AUTHORITIES (EPRA) / <i>PLATEFORME EUROPÉENNE DES AUTORITÉS DE RÉGULATION</i></p>	<p>Ms/Mme Emmanuelle MACHET Head of EPRA Secretariat <i>Cheffe du secrétariat d'EPRA</i></p> <p>Ms/Mme Géraldine DENIS Administrative assistant to the EPRA Secretariat <i>Assistante administrative du secrétariat de l'EPRA</i></p>
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OBSERVER STATES TO THE COUNCIL OF EUROPE / ÉTATS OBSERVATEURS AU CONSEIL DE L'EUROPE

<p>JAPAN/JAPON</p>	<p>Mr/M Tetsushi HIRANO Deputy Director of Global Digital Policy Office, Ministry of internal affairs and communications <i>Directeur adjoint du Bureau de la politique numérique mondiale, ministère des Affaires intérieures et de la communication</i></p> <p>Ms/Mme Kana FUKUSHIMA Head of Mission, Consulate General of Japan in Strasbourg <i>Chargée de mission, Consulat général du Japon à Strasbourg</i></p>
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NON-MEMBER STATES / ÉTATS NON-MEMBRES

<p>MOROCCO/MAROC</p>	<p>Mr/M Mastafa AMADJAR Director of Communications and Public Relations <i>Directeur de la Communication et des Relations Publiques</i></p> <p>Mr/M El Mahdi AROUSSI IDRISI Director of Legal Studies, High Authority for Audiovisual Communication <i>Directeur des études juridiques, Haute Autorité de la communication audiovisuelle</i></p> <p>Mr/M Othmane ALAMI LAKTIB Senior Executive, Legal Studies Department, HACA <i>Cadre supérieur, département des études juridiques, HACA</i></p>
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COUNCIL OF EUROPE SECRETARIAT / SECRETARIAT DU CONSEIL DE L'EUROPE

<p>DEMOCRATIC INSTITUTIONS AND FREEDOMS</p>	<p>Ms/Mme Irena GUIDIKOVA Head of Democratic Institutions and Freedoms Department <i>Cheffe de Service des Institutions et Libertés Démocratiques</i></p>
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<p>DEPARTMENT / SERVICE DES INSTITUTIONS ET DES LIBERTÉS DÉMOCRATIQUES</p>	<p>Ms/Mme Artemiza-Tatiana CHISCA Head of Freedom of Expression and CDMSI Division, Secretary to the Steering committee on media and information society (CDMSI) <i>Cheffe de la division de la Liberté d'Expression et CDMSI,</i> <i>Secrétaire du Comité Directeur sur les Médias et la Société de</i> <i>l'Information (CDMSI)</i></p> <p>Ms/Mme Giulia LUCCHESI Secretary to the Committee of Experts on the Implications of Generative Artificial Intelligence for Freedom of Expression (MSI-AI) <i>Secrétaire du Comité d'Experts sur les Implications de</i> <i>l'Intelligence Artificielle Générative pour la Liberté d'Expression</i> <i>(MSI-AI)</i></p> <p>Mr/M Cesare PITEA Secretary to the Committee of Experts online safety and empowerment of content creators and users (MSI-eSEC) <i>Secrétaire du Comité d'Experts sur la Sécurité en Ligne et la</i> <i>Responsabilisation des Créateurs de Contenus et des</i> <i>Utilisateurs (MSI-eSEC)</i></p> <p>Ms/Mme Nadire LAPI Assistant, Freedom of Expression and CDMSI Division <i>Assistante, Division de la Liberté d'Expression et du CDMSI</i></p>
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INTERPRETERS / INTERPRÈTES

Mr/M Grégoire DEVICTOR

Ms/Mme Katia DI STEFANO

Ms/Mme Morgane LAMOTHE

Appendix 3

MSI-AI Roadmap (as of 18 April 2024)

2024

23-24 April – 1st MSI-AI meeting

- Introduction into working methods and processes
- Election of the Chair and Vice-chair, appointment of drafting rapporteur/s
- Discussion of the scope and main issues to be covered in the deliverable

17 May – CDMSI Bureau meeting

- Report on the 1st MSI-AI meeting

18-20 June – CDMSI Plenary meeting

- Report on the 1st MSI-AI meeting and work progress
- Preliminary CDMSI orientation on the deliverable and timetable

April/ September: Intersessional work

Development of the first draft of the *Guidance Note on the implications of generative artificial intelligence on freedom of expression* by the drafting rapporteurs, in light of the outcome of the 1st meeting and of the CDMSI exchange, with assistance from the Chair and the Secretariat.

17-18 October – 2nd MSI-AI meeting

- Discussion of the first draft of the Guidance Note

October/November – CDMSI Bureau meeting

- Report on the 2nd MSI-AI meeting and overall work progress
- Invitation to CDMSI members to provide feedback on the draft guidance note at the Plenary meeting

December – CDMSI Plenary meeting

- Report on the 2nd MSI-AI meeting and overall work progress
- CDMSI feedback on and input into the draft Guidance Note

October 2024/March 2025: Intersessional work

Integration of feedback and comments received at the 2nd MSI-AI meeting and at the CDMSI Plenary meeting in the draft Guidance Note by the drafting rapporteurs, with assistance from the Chair and the Secretariat.

2025**March/April - 3rd MSI-AI meeting**

- Discussion of the advanced draft of the guidance note

April/May – CDMSI Bureau meeting

- Report on the 3rd MSI-AI meeting and overall work progress
- Invitation to CDMSI members to provide feedback on the advanced draft of the guidance note at the Plenary meeting

May/June – CDMSI Plenary meeting

- Report on the 3rd MSI-AI meeting and overall work progress
- CDMSI feedback on and input into the draft guidance note

March/September: Intersessional work

Finalisation of the draft guidance note by the drafting rapporteur/s, with assistance from the Chair and the Secretariat, based on the comments and feedback received at the 3rd MSI-AI meeting, at the 23rd CDMSI Plenary meeting and from consultations with relevant steering and conventional committees.

September/October – 4th MSI-AI meeting

- Discussion and finalisation of the draft guidance note
- Agreement by MSI-AI to submit the finalised draft guidance note to the CDMSI for adoption
- End of mandate of the MSI-AI

October/November – CDMSI Bureau meeting

- Report on the 4th MSI-AI meeting and overall work progress
- Discussion of the draft guidance note
- Agreement by the Bureau to put the item on the draft guidance note on the agenda of the CDMSI Plenary meeting for adoption

November/December – CDMSI Plenary meeting

- Report on the 4th MSI-AI meeting and overall work progress
- Discussion and finalisation of the draft guidance note
- Adoption of the guidance note by the CDMSI