

19 April 2022

CDMSI-BU(2022)01

Report of the 22nd meeting (7 April 2022)

Meeting held via videoconference

1. Opening of the meeting

The CDMSI Chair, Mr Taavo Lumiste, opened the meeting. All Bureau members were present, with the gender distribution among them being two women (30%) and five men (70%). The list of participants appears in Appendix 2.

2. Adoption of the agenda and order of business

The Bureau members adopted the [agenda](#) of the meeting (Appendix 1) and agreed on minor changes in the order of business.

3. Freedom of expression in times of conflict and aggression

Mr Patrick Penninckx, Head of the Information Society Department, informed the Bureau about the Council of Europe's action steps taken in relation to Russia's aggression against Ukraine, including about the Organisation's support to Ukraine, and explained the consequences of the cessation of membership of the Russian Federation in the Council of Europe (as outlined in the Committee of Ministers [Resolution CM/Res\(2022\)3](#) of 23 March 2022), in particular as regards the functioning of the Council of Europe intergovernmental committees and their subordinate bodies and the vacancies created in CDMSI's expert committees as a result of the cessation of Russia's membership. He further drew the Bureau's attention to the importance of timely and coordinated action by the CDMSI and its Bureau in response to the current situation, in particular – the importance of ensuring that expert committees subordinate to the CDMSI are equipped with the human resources needed for their work.

The Bureau noted with regret that for the vacant position in the [MSI-RES](#), there was no candidate submitted by the member states within the deadline and the elections therefore could not take place, while elections to the [MSI-SLP](#), where two candidatures have been submitted by member States, have failed because of lack of quorum. After a discussion, the Bureau instructed the Secretariat:

- to send out a message to all CDMSI members to confirm their membership, voting rights owners and to update the mailing list, by 20 April 2022;
- as of 20 April 2022, based on the updated list, to proceed with elections to fill the vacant places in the MSI-RES and in the MSI-SLP, with the deadline of 4 May 2022.

The Bureau welcomed, in this connection, the special webpage developed by the secretariat in relation to freedom of expression in times of conflict - [Freedom of expression in times of conflict \(coe.int\)](#) - as well as the webinar [Mariupol: Testimony of a journalist](#) (Testimony by Anna Murlykina editor-in-chief at CitySites Network), held on 31 March 2022.

4. Follow-up to the CDMSI's previous work. Prospects for the future work

The Secretariat updated the Bureau regarding:

- the recent adoption by the Committee of Ministers of:
 - o [Recommendation CM/Rec\(2022\)4 of the Committee of Ministers to member States on promoting a favourable environment for quality journalism in the digital age](#),
 - o [Recommendation CM/Rec\(2022\)11 of the Committee of Ministers to member States on principles for media and communication governance](#),
 - o [Recommendation CM/Rec\(2022\)12 of the Committee of Ministers to member States on electoral communication and media coverage of election campaigns](#),
 - o [Recommendation CM/Rec\(2022\)13 of the Committee of Ministers to member States on the impacts of digital technologies on freedom of expression](#);
- the state of play with the draft recommendation of the Committee of Ministers on combatting hate speech and its draft Explanatory Memorandum, pending before the Committee of Ministers and subject to negotiations, with its adoption expected on 19 April 2022;
- the follow-up given to the decisions of the [Conference of Ministers responsible for Media and Information Society](#) (in particular, in addition to the finalization by the CDMSI and the adoption by the Committee of Ministers of the above-mentioned recommendations, the development of a concept for a Council of Europe campaign for the safety of journalists and steps towards enhancing the implementation of [Recommendation CM/Rec \(2016\)4](#));
- the current state of play with the [European Convention on Transfrontier Television \(ECTT\)](#);
- META's Metaverse project and its potential impact on human rights, democracy and rule of law.

Having thoroughly discussed the above issues, the Bureau:

- took note of the adoption by the Committee of Ministers of the deliverables developed by the CDMSI in the previous years and advised that member States should be encouraged to translate these texts into their national languages;
- welcomed the preparation by the Secretariat of a draft questionnaire aimed at collecting good practice for the extension of the [Implementation Guide](#) to the [Recommendation CM/Rec \(2016\)4](#) and instructed the Secretariat to circulate the questionnaire among all CDMSI members for their input by 1 June 2022;
- agreed that in the current circumstances the ECTT and the perspectives for its revision merit a discussion by the CDMSI and instructed the Secretariat to put this item on the agenda of the 21st CDMSI Plenary meeting and to prepare a draft concept paper on the subject. They further invited the Secretariat to set up a reflection group composed of 4-5 CDMSI members to further work on the concept paper, with a view to finalising it for discussion at the next CDMSI Plenary meeting;
- took note of the background paper "The Metaverse impact on Human Rights, Democracy and Rule of Law" prepared by the Secretariat and, recalling the CDMSI's steering role, agreed that the emergence of immersive reality projects in the digital space required closer

attention from the CDMSI and for the Council of Europe. They instructed the Secretariat to put this item on the agenda of the 21st CDMSI Plenary meeting and to invite META representatives for an exchange of views with the CDMSI.

Also, as entrusted by the CDMSI at its 20th Plenary meeting and based on the submitted candidatures, the Bureau agreed to appoint:

- Ms Malgorzata Pek as Gender Equality rapporteur for the CDMSI,
- Mr Marius Jitea and Ms Maja Zaric as Youth and Children's rights rapporteurs respectively,
- Mr Thomas Schneider (Switzerland), as a liaison person of the CDMSI with the CAI.

The Bureau further emphasised that [Gender Equality rapporteurs](#) and other rapporteurs on transversal issues should be mindful that in fulfilling this role they do not represent the respective governments, but the CDMSI, to which they are expected to report, and that they should be guided by the Council of Europe's respective mainstreamed perspectives.

5. Tour de table - country-specific developments

Members of the Bureau shared information about the following country-specific developments of relevance for the CDMSI:

- in Estonia - a MIL (media and information literacy) platform has been set up; measures for countering disinformation are being taken in line with the EU policy; for Ukrainian refugees media houses are providing access to Ukrainian news, as well as to Estonian news translated into Ukrainian;
- in Serbia - consistent work in the field of media and information literacy (MIL) is ongoing. MIL is mentioned in four laws; handbooks on MIL for public administration and for pre-university education are available, the latter also translated into Albanian and Hungarian languages; MIL handbooks for other target groups (e.g., for business communities) are in preparation. A media MIL campaign and a series of MIL trainings will be organised in the coming years. Also, an assessment of MIL skills and the needs of media actors is underway in cooperation with the OSCE.
- in Romania - public debate underway regarding interference with the work of an independent journalist in view of his investigation into the veracity of the Prime Minister's PHD.

6. Standard setting

6.1. [Committee of experts on Integrity of Online Information \(MSI-INF\)](#)

The Secretariat informed the Bureau about the [first meeting](#) of the MSI-INF (15-16 March 2022, via videoconference).

At the meeting, the Committee of experts elected Ms Elizabeth Lambert (the United Kingdom) as their Chair and Mr Hrvoje Lisičar (Croatia) as Vice-chair. Ms Malgorzata Pek (Poland) was as appointed Gender Equality Rapporteur.

The MSI-INF further discussed and agreed on the scope and structure of the *guidance note on countering the spread of online mis- and disinformation through fact-checking and platform design solutions in a human rights compliant manner*.

The MSI-INF considered that the guidance note should aim to be as concrete as possible, while noting the importance of providing context and background to the complex challenge at issue. It was therefore agreed to complement the future guidance note with an explanatory

memorandum as an interpretative support tool. Mr Ronan Ó Fathaigh, Ms Sophie Lecheler and Mr Cristian Vaccari were appointed as rapporteurs for the draft guidance note and its explanatory memorandum. The MSI-INF further agreed on the roadmap, with a view to finalising the draft guidance note by December 2023.

The Committee of Experts will hold its second meeting on 5-6 October 2022.

6.2. Committee of Experts on Increasing Media Resilience (MSI-RES)

The Secretariat informed the Bureau about the [first meeting](#) of the MSI-RES (31 March - 1 April 2022, held in the hybrid format).

At the meeting, the Committee of experts elected Mr Ramón Salaverría (University of Navarra, Spain) as their Chair and Mr Manuel Puppis (University of Fribourg, Switzerland) as Vice-Chair. Ms Ludmila Andronic (Moldova State University, Republic of Moldova) was appointed as Gender Equality Rapporteur.

The MSI-RES is tasked with preparing two documents by the end of 2023: draft *Guidelines on the use of digital tools including artificial intelligence (AI) for journalism/by journalists* and *Good practices for sustainable media financing*.

The Guidelines will be drafted by Ms Natali Helberger (University of Amsterdam Netherlands) and Mr Richard Fletcher (Reuters Institute of the Study of Journalism, UK) and will focus on news media, formulating guidance for both journalists as the news producers and, in a wider perspective, for journalism as a public good and industry sector. They will build on several existing instruments of the Committee of Ministers and align approaches to those outlined in the legal instrument on the development, design and application of AI systems currently developed by the Committee on Artificial Intelligence. The Guidelines will primarily address states and the media sector and encompass the AI lifecycle as applied to the processes in the media supply chain, that is newsgathering, production, dissemination and use.

Good practices for sustainable media financing will be drafted by Ms Elda Brogi (European University Institute Florence, Italy) and Ms Helle Sjøvaag (University of Stavanger, Norway) and will include references to the relevant standards, define persistent challenges and analyse some of the existing funding models and schemes, exploring their impact and potential to be multiplied in other Council of Europe member states.

The Committee of Experts will hold its second meeting on 29-30 September 2022.

6.3 Committee of Experts on Strategic Lawsuits against Public Participation (MSI-SLP)

The Secretariat informed the Bureau about the [first meeting](#) of the MSI-SLP (4-5 April 2022, held in the hybrid format). At the meeting, the Committee of experts elected Ms Karmen Turk (Estonia) as Chair of the MSI-SLP and Mr Željko Martyn Sampor (Slovak Republic) as Vice-Chair. Ms Evelyn Borg Costanzi was appointed as Gender Equality Rapporteur.

The MSI-SLP further discussed and agreed on the scope and outstanding issues to be addressed by the *draft recommendation on strategic lawsuits against public participation*.

The MSI-SLP considered that the draft recommendation should aim at strengthening existing applicable standards of the European Court of Human Rights and available in other Council of Europe relevant instruments, while noting the importance of providing guidance to member states on measures necessary to specifically address SLAPPs and support targets. It was therefore agreed to complement the future draft recommendation with an explanatory memorandum as an interpretative support tool. Ms Flutura Kusari and Mr Tarlach McGonagle were appointed as rapporteurs for the draft recommendation and its explanatory memorandum. The MSI-SLP further discussed the roadmap, with a view to finalising the draft recommendation by the end of 2023.

The Committee of Experts will hold its second meeting on 18-19 October 2022.

After a discussion on items 6.1, 6.2 and 6.3 of the agenda, the Bureau expressed content with the progress made so far and with the roadmaps agreed by the three Committees of experts and instructed the Secretariat:

- to put the respective items on the agenda of the 21st CDMSI Plenary meeting and to ensure due coordination and information exchange between the three Committees of experts.

7. Digital Governance

7.1 Exchange of views with Ambassador Rasmus Lumi, TC-INF

Ambassador Rasmus Lumi, Thematic Coordinator on Information Policy (TC-INF) updated the Bureau on his recent work, in particular on the last TC-INF meeting held on 8 February 2022 which addressed the following issues:

- the Council of Europe's Digital Agenda for 2022-2025 "Protecting human rights, democracy and the rule of law in the digital environment" – currently under discussion at the Committee of Ministers, with certain questions being raised regarding its implementation (length, financing and distribution of tasks, including reporting). Delegations to the Committee of Ministers were expected to provide written comments to the Secretariat, with a view to finalising the document for adoption by the Committee of Ministers;
- the Council of Europe's partnership with internet companies - based on the exchange of views held with the 26 partners on 4-5 February 2022, a workplan on cooperation activities for the next biennium is currently in preparation by the Secretariat. Recently, the Chamber of Commerce, the LEGO Group and Thales have joined as new members, while partnership agreement with Sberbank was terminated as of 4 March 2022, as a consequence of Russia's aggression against Ukraine;
- the state of play of the Council of Europe's work on artificial intelligence - an AI Co-ordination Group has been set up to ensure continued co-ordination on AI work between various sectors of the Organisation. The Group held its first meeting on 10 January 2022;
- latest developments regarding the Council of Europe Convention on Access to Official Documents (Tromsø Convention) – the [1st meeting of the Consultation of the Parties](#) was held on 29 November 2021. At its [2nd meeting](#) 31 March 2022, the the Consultation of Parties elected members of the [Access Info Group](#) responsible for monitoring the implementation of the Convention by the Parties. Recently, Spain and Albania have [signed](#) the Tromsø Convention.

After an exchange of views with Ambassador Lumi on the issues listed above, the Bureau:

- welcomed the progress made with the Council of Europe's Digital Agenda for 2022-2025, stressed the importance of this document for the CDMSI and invited the Secretariat to keep the CDMSI duly informed about further developments;
- recalled the relevance of the Tromsø Convention to the work of the CDMSI and advised that member States should be encouraged to consider accession to this Convention.

7.2 Information on latest developments in the work of CAI

Mr Thomas Schneider (Switzerland) informed the Bureau that at the 1st meeting of the [Committee on Artificial Intelligence \(CAI\)](#), held on 4-6 April 2022 in Rome, he was elected Chair of the CAI. Discussions at the 1st CAI meeting focused on the nature of the legal framework on the development, design, and application of artificial intelligence that the CAI is tasked to develop and on the working methods and schedule. A first draft will be discussed at

the second CAI's meeting in September 2022 (date tbc). In its work, the CAI will rely on "Possible elements of a legal framework on artificial intelligence, based on the Council of Europe's standards on human rights, democracy and the rule of law" prepared by the [CAHAI](#).

Regarding Mr Thomas Schneider's appointment as the CDMSI's liaison person with the CAI, the Bureau recalled that this role involves facilitating coordination between the two Committees and stressed the importance of regular information exchange.

7.3 Council of Europe involvement in digital governance events (EuroDIG, IGF and other)

The Bureau took note of the information provided by the Secretariat about the Council of Europe's involvement in the organisation of the [EuroDIG 2022](#) (20-22 June 2022, Trieste and online) and preparations for participation in the IGF 2022 (Addis Abeba and online, dates tbc).

8. Information on latest developments in the Council of Europe work on data protection

The Bureau took note of the information provided by Ms Isabelle Servoz-Gallucci, Head of Data Protection Unit - Secretary to the [Consultative Committee of the Convention for the protection of individuals with regard to automatic processing of personal data \(T-PD\)](#). The modernised Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Amending protocol CETS n°223, also known as Convention 108+) has reached [44 signatures and 17 ratifications](#). The T-PD Bureau held its last meeting on 23-25 March 2022. The T-PD is finalising the draft guidelines on digital identity (expected to be adopted in June 2022). It is updating the Standard Contractual Clauses and works on inter-state exchanges of data for anti-money laundering, countering financing of terrorism and tax purposes; has started working on the interpretation of Article 11 of the Convention 108+; was asked by the Council of Europe's administration to provide an opinion on the Organisation's draft Regulation on the protection of personal data (adoption by the Committee of Ministers expected in May 2022). The Organisation of the American States (OAS) has requested observer status with the T-PD.

9. Information on latest developments in the Council of Europe's work of relevance for the CDMSI (planning for the next CDMSI Plenary meeting)

9.1. Information on latest developments in the cooperation work on freedom of expression

Mr Shahin Abbasov, Co-operation on Freedom of Expression Division, informed the Bureau of the latest developments in the cooperation work, with a focus on the ongoing and planned activities with relation to Russian aggression in Ukraine.

Previously, cooperation projects in Ukraine have been among the most active and successful. As of 24 February 2022, implementation of the projects underway in Ukraine has been suspended. At the same time, 100 000 euros have been allocated from the Information Society Department's ordinary budget to support the media sector in Ukraine. Under this head, among others, the Council of Europe is planning (subject to approval by the Ukrainian Government) to support relocation of the public broadcaster from Kyiv to Lviv and to provide recommendations and assistance to regulators. Based on the incoming urgent requests for assistance, a needs assessment has been conducted and an Immediate Measures Package for Ukraine has been compiled (to be launched in April 2022). Based on the decisions of the Council of Europe's Secretary General, a package of measures for the post-war period is in preparation.

Also, in the Republic of Moldova training has been organised on addressing hate speech and information disorder and legal opinions on the draft legislation related to the military crisis in Ukraine have been provided.

On 1st of January 2022, the Council of Europe launched a new project in the Republic of Moldova on [“Support for Media Pluralism and Freedom of Expression in the Republic of Moldova”](#), to be implemented throughout January 2022 - June 2024. New cooperation projects in Azerbaijan and in Armenia are in the pipeline.

9.2. Implementation of freedom of expression related HELP online courses in member states

The Bureau took note of the information provided by the Secretariat in written form.

9.3. Information from Council of Europe institutions and bodies

The Secretariat is collecting information from the Council of Europe institutions and bodies about their work of relevance for the CDMSI. Any inputs collected will be communicated to the CDMSI at its 21st Plenary meeting.

9.4. The Council of Europe Task Force on freedom of expression

The Bureau took note of the information provided by the Secretariat on the ongoing work of the Council of Europe’s Secretariat Task Force on freedom of expression. According to its mandate, the Task Force also prepares Secretary Generals’ regular reports to the Committee of Ministers on topical issues related to media and freedom of expression. The latest report [“Current trends in threats to Freedom of Expression: interference with the coverage of public events, broadcasting bans and strategic lawsuits - SG/Inf\(2021\)36”](#) has been well received by the Committee of Ministers. On 7 February 2022, the Task Force held its 3rd meeting and identified political expression, women journalists, other aspects of public broadcasting, transparency of media ownership as possible themes for the future Secretary General’s reports.

On items 8 and 9 the Bureau:

- expressed strong appreciation and support for the ongoing and planned activities with relation to Russian aggression in Ukraine;
- instructed the Secretariat to put the respective items on the agenda of the 21st CDMSI Plenary meeting and to check about the possibility of inviting the Council of Europe Commissioner on Human Rights, representatives of other relevant Council of Europe entities, bodies, institutions, as well as representatives of other international organisations for an exchange of views at the next CDMSI Plenary meeting.

10. Participation in past and future events

Mr Taavo Lumiste, Chair of the CDMSI, informed the Bureau of his interventions

- at the first meetings of the MSI-INF, MSI-RES and MSI-SLP and of his recent participation in an [exchange of views](#) with the Bureau of the [European Committee on democracy and governance – CDDG](#) (25 March 2022, also with the participation of Ms Inge Welbergen and Mr Thomas Schneider);
- in the UN-EU High-level Policy Dialogue on safety of journalists and media freedom (24 February 2022);
- in the conference on “Democracy is reliant on maintaining information integrity” (23 March 2022, co-organised by the Permanent Representation of Estonia to the Council of Europe and the Consulate General of the United States of America in Strasbourg);

- in the online event [“Mariupol: Testimony of a journalist”](#) (31 March 2022, co-organised by the Council of Europe and the Group of Friends on the Safety of Journalists and Media Freedom).

The Bureau further took note of the information provided by the Secretariat on the Third Global Conference for Media Freedom (Tallinn, 9-10 February 2022), Free European Media conference in Gdansk (17-18 March 2022); the event “Francophonie le direct” (30 March 2022, organised by the *Organisation Internationale de la francophonie* and *La plateforme des initiatives francophones de lutte contre la désinformation* (ODIL)); on the upcoming conference “Freedom of expression in political speech” (28-29 April 2022, co-organised by the Council of Europe and the University of Geneva); on the planned conference to be co-organised by the Council of Europe and the EBU on the role of public service media (date and place tbc).

11. Other business

Having duly considered the general alleviation of COVID-related restrictions across Europe, the Bureau instructed the Secretariat to make arrangements for the hybrid format of the 21st CDMSI Plenary meeting (in Strasbourg and online). They further agreed:

- to hold an informal meeting of the Bureau in mid-May 2022 to hear an update from the reflection group on the ECTT and to discuss any outstanding issues;
- to hold the 23rd meeting of the CDMSI Bureau on 3 November 2022, to be preceded by an informal Bureau meeting in mid-September 2022.

For the 22nd CDMSI Plenary meeting, the Bureau advised the week of 21-25 November 2022.

Appendix 1**Agenda**

22nd CDMSI Bureau meeting

7 April 2022, online

- 1. Opening of the meeting**
- 2. Adoption of the agenda and order of business**
- 3. Freedom of expression in times of conflict and aggression**
- 4. Follow-up to the CDMSI's previous work. Prospects for the future work**
- 5. Tour de table - country-specific developments**
- 6. Standard setting**
 - 6.1 Committee of experts on Integrity of Online Information (MSI-INF)
 - 6.2 Committee of Experts on Increasing Media Resilience (MSI-RES)
 - 6.3 Committee of Experts on Strategic Lawsuits against Public Participation (MSI-SLP)
- 7. Digital Governance**
 - 7.1 Exchange of views with Ambassador Rasmus Lumi, TC-INF
 - 7.2 Information on latest developments in the work of CAI
 - 7.3 Council of Europe involvement in digital governance events (EuroDIG, IGF and other)
- 8. Information on latest developments in the Council of Europe work on data protection**
- 9. Information on latest developments in the Council of Europe's work of relevance for the CDMSI (planning for the next CDMSI Plenary meeting)**
 - 9.1 Information on latest developments in the cooperation work on freedom of expression
 - 9.2 Implementation of freedom of expression related HELP online courses in member states
 - 9.3 Information from Council of Europe institutions and bodies
 - 9.4 The Council of Europe Taskforce on freedom of expression
- 10. Participation in past and future events**
- 11. Other business**

Appendix 2

List of participants

22nd CDMSI Bureau meeting

7 April 2022, online

Members of the Bureau

Mr Taavo Lumiste, Estonia (Chair)
Deputy Permanent Representative
Permanent Representation of Estonia to the Council of Europe

Ms Inge Welbergen, Netherlands (Vice-Chair)
Legal officer - Media
Ministry of Education, Culture and Science
Directorate-General of Culture and Media - Media and Creative Industries

Mr Emir Povelkic, Bosnia and Herzegovina
Head of Audiovisual and Media Services
Communications Regulatory Agency

Mr Marius Jitea, Romania
Public Manager
General Secretariat of the Government of Romania

Ms Maja Zaric, Serbia
Head of Unit for International Cooperation
Ministry of Culture and Media

Mr Skender Adem, Slovenia
Undersecretary
Ministry of Culture of Republic of Slovenia

Mr Thomas Schneider, Ambassador, Switzerland
Director of International Affairs
Federal Department of the Environment, Transport, Energy and Communication DETEC
Federal Office of Communications OFCOM

Invitees

Ambassador Rasmus Lumi, Estonia
Thematic Coordinator on Information Policy (TC-INF)

Secretariat

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

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

Ms Elena Dodonova, Secretary to the MSI-INF Committee - Administrator, Media and Internet Division, Directorate General Human Rights and Rule of Law

Ms Urška Umek, Secretary to the MSI-RES Committee - Head of Media Unit, Media and Internet Division, Directorate General Human Rights and Rule of Law

Ms Giulia Lucchese, Secretary to MSI-SLP Committee – Administrator, Media and Internet Division, Directorate General Human Rights and Rule of Law

Ms Isabelle Servoz-Gallucci, Secretary to the Consultative Committee of the Convention for the protection of individuals with regard to automatic processing of personal data (T-PD) - Head of Data Protection Unit, Information Society Department, Directorate General Human Rights and Rule of Law

Mr Shahin Abbasov, Administrator, Co-operation on Freedom of Expression Division, Information Society Department, Directorate General Human Rights and Rule of Law

Ms Emma Gruden, Assistant, Media and Internet Division, Directorate General Human Rights and Rule of Law

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