

28 April 2021

CDMSIBU(2021)001

**Report of the 20th meeting (15-16 April 2021)
(meeting held via videoconference)**

1. Opening of the meeting

1. The CDMSI Chair, Ms Inge Welbergen, opened the meeting. The gender distribution among attending Bureau members was 2 women (20%) and 5 men (80%). The Chair welcomed the new Bureau member Ms Maja Zaric (Serbia).

2. Mr Jan Kleijssen, Director, Information Society - Action against Crime, Directorate General Human Rights and Rule of Law, welcomed the Bureau and thanked the members for their commitment, flexibility and readiness to adjust to the working methods imposed due to COVID-19 pandemic restrictions. He informed the Bureau of the latest developments related to intergovernmental work within the Council of Europe. He recalled the consultations held by Secretary General, in the course of 2020, with the chairs of intergovernmental committees and monitoring bodies on prospects for the Council of Europe future activities and that the CDMSI Chair had provided input in this framework. As a result, a Strategic Framework for future Council of Europe activities was presented to the Committee of Ministers, including key priorities and principles for the action of the Organization. A four-year programming cycle instead of the previous two is meant to give opportunities for the steering committees to design and develop their work into longer processes and from a wider perspective, while at the same time also creating some challenges, since a work program until 2025 needs to take into account the many uncertainties that may arise.

3. CDMSI areas of work, including freedom of expression, safety of journalists, AI and digital transformation issues, hate speech are highly topical and were duly included among the Council of Europe's key priorities in the Strategic Framework. Moreover, the challenges of the pandemic have made the CDMSI work even more relevant.

4. It is also clear that the work of the expert committees subordinate to the CDMSI - such as the ongoing work on hate speech and content moderation issues and, more widely, the impact of the digital development on freedom of expression - is more transversal than ever, which makes it necessary to coordinate the work properly. It is the task of the Bureau and the Secretariat to ensure the necessary complementarity in related processes and avoid contradictions or overlaps, also in relation with the work of the other Council of Europe subordinate bodies and external partners.

5. The Council of Europe remains partner to different activities related to internet and digital governance on the international scene (e.g. IGF), including the work of the EU, which is

followed closely.

2. Adoption of the agenda and order of business

6. The Bureau adopted the agenda, agreeing on several changes of order of agenda items, for logistical reasons.

7. The agenda appears in Appendix 1. The list of participants appears in Appendix 2.

3. Prospects for the future work of CDMSI - future Terms of Reference

8. Mr Patrick Penninckx, Head of the Information Society Department, welcomed the Bureau and thanked the members for their commitment to the work of the CDMSI.

9. Regarding the Council of Europe Strategic Framework for 2022-2025, he mentioned that a mid-term review was envisaged to allow adjusting according to emerging challenges and/or policy decisions, and stressed that the future terms of reference of the CDMSI, under preparation, will have to fit within the main priority areas of the Organization. Within the Strategic Framework, the 12 priorities have been established, three among which are linked to the work of this committee: freedom of expression, AI, hate speech. The number one priority will continue to be, both for the Council of Europe and its member states, the implementation of the ECHR as the most important legally-binding instrument for collective enforcement of human rights and fundamental freedoms in Europe, embodying the values upon which the Organization is founded. The CDMSI work on freedom of expression also falls within the implementation of the ECHR.

10. There remains the need to foster synergy among the Council of Europe departments, promote further intergovernmental cooperation, increased coordination between monitoring, standard setting and assistance to member states, as well as continuous cooperation with the EU, UN and other international organizations.

11. The Bureau was further informed that the political declaration which will be adopted at the end of the German presidency of the Committee of Ministers will most likely make reference to the priority areas mentioned above, all linked to current and future CDMSI work.

12. Ms Artemiza Chisca, Head of the Media and Internet Division and Secretary to the CDMSI, provided information concerning ongoing work on the **future Terms of Reference of the CDMSI** and the pending revision of the ***Resolution CM/Res(2021) on intergovernmental committees and subordinate bodies, their terms of reference and working methods***.

13. Regarding the future **Terms of Reference**, Ms Chisca recalled that a first exchange was held on prospects for future work during the last meeting of the CDMSI in November 2020. The Secretariat was now working on proposals for the future terms of reference, taking into account the Strategic Framework and other previously discussed considerations, as well as the proposals received from CDMSI members since the November meeting. The expected conclusions of the June ministerial conference were to be taken into account as another important reference for the Committee of Ministers in its decisions on the future work of intergovernmental committees, related resources and institutional structures (subordinate expert committees).

14. The Bureau was therefore informed that, in the light of the above framework, the main areas of work for CDMSI for 2022-2025, as envisaged, include: human rights and rule of law challenges related to development of digital, including AI, technologies; content moderation and transparency issues; hate speech and disinformation; promoting quality journalism; strategic lawsuits against public participation (SLAPPs); promoting and protecting safety of journalists.

15. The future deliverables will include both legal instruments, guidelines, practical tools, and analysis of good practice and emerging trends, with a focus on providing practical guidance to member states in more effectively implementing existing instruments. In sum, the Committee will continue to develop activities in its traditional field of action and explore specific aspects further, while at the same time keeping in sight the developments.

16. Following an exchange of views on the future areas of work and more specific tasks (deliverables) to be determined, it was concluded that the CDMSI would be duly informed of all subsequent steps and decisions related to its future mandate and will have the opportunity to hold a discussion on the matter and provide input to this process in the framework of its May meeting.

17. The Bureau was subsequently informed on the pending revision of the ***Resolution CM/Res(2021) on intergovernmental committees and subordinate bodies, their terms of reference and working methods***. In addition to providing more strategic guidance for the work of intergovernmental structures, the revision process was aimed at introducing increased clarity on a number of rules on the work of the steering and other intergovernmental committees and filling in existing gaps. It involved revisiting and updating, in the light of a number of developments, rules governing specific aspects of the work. The revised Resolution will inter alia address remote meetings and decisions by written procedure, other means to adapt to the health and other crisis situation and needs, voting rights, role and powers of the bureau, election of bureau and leadership of committees, etc. A final text including a number of agreed amendments was on the agenda of the Committee of Ministers for approval.

4. Review of progress

4.1 Follow-up to CDMSI previous work

18. The Bureau members noted that the Draft recommendation on promoting a favourable environment for quality journalism in the digital age, approved by the CDMSI in December 2019, was still pending for adoption by the Committee of Ministers. A brief exchange of views was held on possible ways to help advance to the adoption process and, subsequently, to promote the effective implementation of the Recommendation.

4.2 Information on latest developments in the Council of Europe work on Data Protection

19. Mr Peter Kimpian, Data Protection Unit, provided information on the celebration of the 40th celebration of the Convention 108 and some major documents adopted (Declaration of the Committee of Ministers on the future role of Convention 108, calling for its ratification; Facial recognition guidelines). He also referred to the international conference organized under the German presidency of the Committee of Ministers in the same purpose.

20. Further, Mr Kimpian offered information regarding the documents under preparation by the committee and the ratification process of the additional Protocol of the Convention 108, which is still to be further advanced.

4.3 Information on latest developments in the work of CAHAI

21. Ms Clementina Barbaro, co-Secretary to the CAHAI, presented information regarding the work of the CAHAI and the recently adopted feasibility study, as well as the related multi-stakeholder consultation process.

22. Mr Thomas Schneider provided further insights from the reflection process and the challenges related to the development of a possible Council of Europe instrument on AI. The members were informed that, according to its mandate, the CAHAI is expected to provide to the

Committee of Ministers, by the end of the year, elements for possible binding and non-binding frameworks on the development, deployment and use of AI technologies. The Bureau expressed interest in the work in progress and forthcoming steps and stressed the importance of the coordination between the work of the two committees on AI developments (from a horizontal perspective, for the CAHAJ, for a more sectoral angle, that of the protection of freedom of expression and information, by the CDMSI).

4.4 Co-operation with other relevant Council of Europe bodies and committees (and other institutions)

Consultations on issues/documents of relevance to the CDMSI work

23. The Bureau was informed on a request for contributions from Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) on a Draft General Recommendation on the digital dimension of violence against women. The text appeared to not be in contradiction with the CDMSI work and a consolidated position was to be sent to the Members of the CDMSI for approval before being forwarded to the GREVIO.

24. The Bureau was also informed regarding a preliminary draft recommendation relating to the PACE report on 'Media freedom, public trust and the people's right to know', but for which further clarity was considered necessary.

Exchanges held with other international organizations on issues of common interest (in particular with the EU and UNESCO)

25. The Secretariat provided information regarding the cooperation with European Commission and the ongoing consultations on issues of common interest. Reference was made to discussions on the EC Rule of Law Report, media freedom related issues, including the safety of journalists and the related initiative of the European Commission for a EU recommendation on the matter, and the impact of the Covid-19 pandemics on freedom of expression.

26. The Bureau was also informed on the cooperation with UNESCO and the events in which the Council of Europe representatives participated, including inter-secretariat coordination meetings but also conferences and other events held on topics such as press freedom and safety of journalists.

5. Further ongoing activities on freedom of expression issues

27. The Secretariat informed the Bureau of the work of the Council of Europe Taskforce on freedom of expression and media, and in particular the contribution of the taskforce to the preparation of new Report of the Secretary General addressing freedom of expression issues (SLAPPs, media coverage of public demonstrations, audio-visual bans). The Report is to be presented to the Committee of Ministers in the second part of 2021.

6. Participation of the members of the Bureau in events of relevance for CDMSI

28. Mr Thomas Schneider provided information regarding his participation in a hearing held by the French Senate on issues related to pending European regulations on digital services as well as on data protection issues.

29. The Bureau was also informed of the involvement of the Council of Europe and steps taken by the secretariat in the preparation of the forthcoming 2021 meetings of EuroDIG and IGF, to be held fully online.

7. Tour de table Information on recent country-specific developments in the field of freedom of expression

30. The Bureau members informed about recent events in their countries, among which the new media strategy adopted by the Government in Serbia and its action plan, and a new law in Greece to support television stations and local media to deal with the consequences of the pandemic.

8. Standards setting

8.1 Committee of Experts on Media Environment and Reform (MSI-REF)

31. Ms Urska Umek, Secretary to the MSI-REF, provided information on the two meetings held in 2021 by the expert committee and the advancement of the work on the committee's three expected deliverables:

- Draft Recommendation of the Committee of Ministers to member States on principles for media and communication governance
- Draft Recommendation of the Committee of Ministers to member States on electoral communication and media coverage of election campaigns
- Draft Guidance note on the prioritisation of public interest content on online platforms

32. Ms Umek briefly presented the structure of the three documents, the main issues covered and related exchanges within the committee. The three drafts will be sent to all CDMSI members for their input and exchanges in the framework of the CDMSI plenary meeting in May. The CDMSI is expected to give its agreement to the launch of public consultations on the draft recommendations during the summer. Revised versions incorporating the input received will be submitted to the steering committee for its final approval at its last meeting of 2021.

8.2 Committee of Experts on Freedom of Expression and Digital Technologies (MSI-DIG)

33. Ms Elena Dodonova, Secretary to the MSI-DIG, presented the progress of the work of the expert committee on the two documents it has been mandated to elaborate:

- Draft recommendation by the Committee of Ministers to Member States on the impacts of digital technologies on freedom of expression
- Draft Guidance Note on best practices towards effective legal and procedural frameworks for self-regulatory and co-regulatory mechanisms of content moderation

34. Ms Dodonova briefly presented the two documents, the main issues covered and related exchanges within the committee. The Bureau was informed that during the second MSI-DIG meeting held on 17-18 March 2021, the members of the committee finalized and agreed on the text of the draft guidance note on self-regulatory and co-regulatory mechanisms of content moderation. The Committee had entrusted the Secretariat with the final editorial review of the text in cooperation with the rapporteur, before submitting it to the CDMSI for discussion and possible approval at the May plenary meeting.

35. The draft recommendation will be presented to the CDMSI for discussion at the next plenary meeting. The CDMSI is expected to give its agreement to the launch of public consultations on the draft during the summer. A revised version incorporating the input received will be submitted to the steering committee for final approval at its last meeting of 2021.

8.3 Committee of Experts on Combatting Hate Speech (ADI/MSI-DIS)

36. Ms Giulia Lucchese, Co-Secretary of the ADI/MSI-DIS, informed about the work of the committee which has been tasked for the preparation of a draft Recommendation on a

Comprehensive approach to Combating Hate Speech and its draft Explanatory Memorandum. ADI/MSI-DIS is subordinated to two steering committees CDMSI and Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI), which requires coordination and negotiations at two different levels.

37. At its meeting held on 11-12 April 2021, the committee analysed the draft recommendation section by section and held a thorough discussion on the content and overall structure. The members agreed on the main elements of the draft recommendation and provided further inputs for the accompanying draft Explanatory Memorandum. Both CDMSI and CDADI are expected to discuss and provide input to the draft recommendation at their May and, respectively, June 2021 meetings, and to give their agreement to the launch of public consultations on the draft during the summer. Following public consultations, the expert committee will finalize the draft recommendation and submit it to both steering committees for final approval at their last 2021 meetings.

9. Preparations of the Ministerial Conference (10-11 June 2021)

38. The Bureau was informed about the progress of the preparations for the Ministerial Conference.

39. The members had exchanges on the proceedings of the conference and the expected involvement of the ministers and other high representatives of the member states in the various sessions.

40. In this context, it was recalled that the documents proposed by the CDMSI for adoption by the ministers will constitute a reference and will secure a renewed political commitment, at the highest level, for the future action of the Council of Europe and its member states on the topics of the conference.

41. All conference documents will be on the agenda of the May CDMSI plenary meeting for approval before being sent to member states' ministers in view of the conference. As noted at the November plenary, the draft resolutions on freedom of expression and digital technologies, on the protection of journalists and on the new media and the information environment have passed all procedural stages, including their examination by the GR-H, in 2020. The draft Resolution on the impact of the COVID-19 pandemic on freedom of expression and the draft final Declaration have also been discussed by the GR-H, at its meeting of 18 February 2021 and, in the meantime, have been revised in the light of the positions and suggestions expressed by national delegations.

42. In the ensuing exchange, the Bureau members stressed that it was now essential to make every effort to ensure that all documents were approved by the CDMSI at the May meeting and forwarded to members states for final adoption at the conference. It was recalled that, in addition to being entrusted with the organization and preparation of the conference, the CDMSI has the responsibility to contribute to achieving, prior to the conference, the necessary consensus for the adoption of the documents.

10. Other business

43. The next meeting is envisaged to take place in mid-October, followed by a CDMSI plenary end November or early December.

APPENDIX 1

20th meeting
15-16 April 2021
(10h00 – 12h30; 14h00 – 16h30)

Meeting held via videoconferencing

CDMSI-BU(2021)OJ1

Draft Annotated Agenda

15 April 2021

Morning Session 10-12:30

1. Opening of the meeting

Mr Jan Kleijssen, Director, Information Society - Action against Crime, Directorate General Human Rights and Rule of Law

2. Adoption of the agenda and order of business

Draft agenda

3. Prospects for the future work of CDMSI

- Council of Europe Strategic framework for 2022-2025
Mr Patrick Penninckx, Head of the Information Society Department
- Future terms of reference of the CDMSI. In-house consultations on the work of steering and ad-hoc committees: pending revision of the *Resolution CM/Res(2021) on intergovernmental committees and subordinate bodies, their terms of reference and working methods*
Ms Artemiza Chisca, Head of media and Internet Division – Secretary to the CDMSI

4. Review of progress

For information and discussion

4.1. Follow-up to CDMSI previous work

- *Draft Recommendation on promoting a favourable environment for quality journalism in the digital age*

4.2. Information on latest developments in the Council of Europe work on data Protection – information provided by the Secretariat

4.3. Information on latest developments in the work of CAHAI Information provided by Mr Thomas Schneider, vice-Chair of CDMSI and liaison person with CAHAI and Secretariat

4.4. Co-operation with other relevant Council of Europe bodies and committees (and other institutions)

- consultations on issues/documents of relevance to the CDMSI work (GREVIO, PACE)
- exchanges held with other international organizations on issues of common interest (in particular with the EU and UNESCO)

5. Further ongoing activities on freedom of expression issues

- Information on the work of the Council of Europe task-force on freedom of expression and media - by the Secretariat

6. Participation in events

- Participation of the members of the Bureau in events of relevance for CDMSI
- Involvement in EuroDIG, IGF and other relevant events.

7. Tour de table Information on recent country-specific developments in the field of freedom of expression

Afternoon session 14:00 – 17:00

8. Standard setting

8.1. Committee of Experts on Media Environment and Reform (MSI-REF)

- *Report of the 2nd meeting of the MSI-REF (19-20 January 2021)*
- *Draft recommendation by the Committee of Ministers to member States on principles for media and communication governance*
- *Draft recommendation by the Committee of Ministers to member States on electoral communication and media coverage of election campaigns*
- *Guidance note on the prioritisation of public interest content on relevant online platforms*

For discussion - take note of the draft documents and discuss forthcoming steps

8.2. Committee of Experts on Freedom of Expression and Digital Technologies (MSI-DIG)

- *Report of the 2nd meeting of the MSI-DIG (17-18 March 2021)*
- *Draft recommendation by the Committee of Ministers to member States on the impacts of digital technologies on freedom of expression*
- *Draft guidance note on best practices towards effective legal and procedural frameworks for self-regulatory and co-regulatory mechanisms of content moderation*

For discussion - take note of the draft documents and discuss forthcoming steps

8.3. Committee of Experts on Combating Hate Speech (ADI/MSI-DIS)

- *Report of the 2nd and 3rd meetings of the ADI/MSI-DIS (15-16 December 2020; 13-14 April 2021)*
- *Draft recommendation on a Comprehensive approach to Combating Hate Speech*

For discussion - take note of the draft document and discuss forthcoming steps

16 April 2021

Morning Session 10-12:30

9. Ministerial Conference

9.1. Preparations of the Ministerial Conference (10-11 June 2021)

Programme of the Conference; dedicated webpage [Conference website](#)

9.2. Documents of the Ministerial Conference

- *Draft Nicosia Resolution on freedom of expression and digital technologies*
- *Draft Nicosia Resolution on the changing media and information environment*
- *Draft Nicosia Resolution on safety of journalists*
- *Draft Nicosia Resolution on the impact of the health crisis on freedom of expression*
- *Draft Final Declaration*

For discussion

Take note of information by the Secretariat on the state of play regarding the documents which will be submitted to ministers for adoption at the Ministerial Conference (draft resolutions and draft final declaration), including feedback received from national delegations in the framework of the GR-H of 18 February 2021.

Provide guidance, as appropriate, on steps likely to contribute to the expected consensus, in the framework of the CDMSI, on the conference documents.

10. Other business

APPENDIX 2

List of participants

Members of the Bureau

Ms Inge Welbergen, the Netherlands (Chair)

Legal officer - Media

Ministry of Education, Culture and Science

Directorate-General of Culture and Media | Media and Creative Industries

Mr Thomas Schneider, Ambassador, Switzerland (Vice-Chair)

Director of International Affairs

Federal Department of the Environment, Transport, Energy and Communication DETEC

Federal Office of Communications OFCOM

Mr Taavo Lumiste (Estonia)

Deputy Permanent Representative

Permanent Representation of Estonia to the Council of Europe

Mr Iordanis Giamouridis (Greece)

Head of Department for Audiovisual Media and Internet

Directorate for Media, Secretariat General for Communication & Media, Presidency of the Government

Mr Serge Robillard (Monaco)

Chargé des relations institutionnelles

Délégation Interministérielle pour la Transition Numérique

Mr Skender Adem (Slovenia)

Undersecretary, Ministry of Culture of Republic of Slovenia

Ms Maja Zaric (Serbia)

Head of Unit for International Cooperation, European Integration and Projects in the field of Media, Ministry of Culture and Media of Serbia

Secretariat

Mr Jan Kleijssen, Director, Information Society - Action against Crime, Directorate General Human Rights and Rule of Law

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

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

Ms Giulia Lucchese, Administrator, co-Secretary to the ADI/MSI-DIS Committee, Media and Internet Division, Directorate General Human Rights and Rule of Law

Ms Rodica Ciochina, Administrator, Media and Internet Division, Directorate General Human Rights and Rule of Law

Ms Sophie Kwasny, Head of the Data Protection Unit, Secretary to Consultative Committee of Convention 108, Information Society Department, Directorate General Human Rights and Rule of Law

Ms Clementina Barbaro, Co-Secretary of the CAHAI, Digital Development, Information Society Department Directorate General Human Rights and Rule of Law

Mr Peter Kimpian, Data Protection Unit, Directorate General Human Rights and Rule of Law

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

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