

***Bureau of the Steering
Committee on Media
and Information Society
– CDMSI-BU***



30/10/2018

**Report of the 14th meeting
Strasbourg, 15-16 October 2018**

1. Opening of the meeting

The CDMSI Chair, Mr Thomas Schneider (Switzerland) opened the meeting. He informed the Bureau of the absence of Ms Elfa Ýr Gylfadóttir (Iceland) and communicated that Ms Ingvil Andersen Conradi is no longer the CDMSI representative for Norway. The gender distribution among five attendants was two women (40%) and three men (60%).

Mr Patrick Penninckx, Head of the Information Society Department, informed the Bureau that the Russian Federation will not pay its contribution for 2019, highlighting the implications for the Council of Europe's (CoE) budget and its human resources. He briefed the Bureau about staff changes, including the departure of Ms Amélie Lepinard, the end of Ms Lejla Dervišagić's (Head of Cooperation Unit) contract, and her replacement by Mr Ivan Nikoltchev, who has formerly worked as Head of Cooperation Unit. Mr Penninckx stressed the importance of the intergovernmental sector and its standard-setting work as acknowledged in the recent meeting convened by the Secretary General with the Chairs of intergovernmental committees. In this connection and with reference in particular to the CDMSI's work, it was recalled that the Council of Europe is the only organisation which has developed a comprehensive set of standards on freedom of expression and freedom of the media, which apply at the pan-European level. This prominent role has been recognised by the European Union, which has asked the CoE, on a regular basis, to check on the progress made by South-Eastern States in implementing freedom of expression standards for the purpose of accession to the EU.

2. Adoption of the agenda

The Bureau adopted the agenda of its meeting in view of the preparation of the 15th CDMSI Plenary meeting, which will take place from 27 to 30 November 2018. The annotated agenda appears in Appendix 1. The list of participants appears in Appendix 2.

3. Standard setting

3.1 Committee of experts on Quality journalism in the digital age (MSI-JOQ)

The Bureau took note of the information provided by the Secretariat on the second meeting of the MSI-JOQ (24-25 September 2018). The current versions

of the draft deliverables are based on a firm commitment to the right to freedom of expression applying to everyone, while the guidelines developed in the texts focus on how to additionally empower quality journalism. Quality journalism is qualified with regard to the methods and processes of reporting, as well as the principles, values and purposes involved in news production; these principles, values and purposes are then further developed into specific guidelines on funding, quality and ethics and education. The Bureau discussed the draft deliverables and made the following specific comments:

On the draft Recommendation on promoting a favourable environment for quality journalism in the digital age

The Bureau welcomed the text. The UK delegate highlighted the topicality of the subject matter, referring to a report which will be published in the UK in early 2019 on sustainable journalism in the digital age, which looks at a number of the aspects touched upon by the recommendation. The Chair stressed the importance of facilitating quality journalism for younger generations and the Secretariat confirmed that this aspect was addressed in the context of the strengthening of the visibility of public service media.

On the Draft Declaration on the financial sustainability of quality journalism in the digital age:

Support was expressed for the current text. A number of comments were made in relation to the following: the difficulties for the media to qualify for charitable/not for profit status due to lack of recognition of its public good dimension; the terms used to define internet platforms' activity when organising, ranking or displaying content. In this respect, the French delegate mentioned that in current French policy/studies, the term "accelerator of content" is used. Support was expressed for possible redistribution mechanisms from online platforms to news content providers for revenues arising from the monetisation of journalistic content; however, as this is a new proposal, some opposition on the part of certain member states is to be expected.

In respect of the draft Study on media and information literacy in the digital environment, the Bureau supported the work carried out thus far, including the questionnaire that will be used for collecting data on case-studies of valuable practices.

3.2 Committee of experts on Human Rights Dimensions of Automated Data Processing and Different Forms of Artificial Intelligence (MSI-AUT)

The Bureau took note of the information provided by the Secretariat on the second meeting of the MSI-AUT (17-18 September 2018). The Bureau discussed the draft deliverables and made the following specific comments:

On the draft Recommendation of the Committee of Ministers to member states on human rights impacts of algorithmic systems:

The Bureau welcomed the first draft. It advised that the preamble should clarify that the overall approach is innovation neutral and that it should draw attention to both the risks and benefits of algorithmic systems. The Secretariat explained

that the MSI-AUT is tasked precisely to look at the human rights dimensions of algorithmic systems because the risks, as opposed to the benefits, are underexplored in the current debate. It further highlighted that the preamble should explain where the main concerns arise and why certain action may be required, while emphasising that innovation and human rights protection are not mutually exclusive. The Bureau also suggested that the Recommendation's guidelines be streamlined/shortened and address responsibilities of companies towards users and other businesses (B2B and B2C).

On the Draft Declaration of the Committee of Ministers on the manipulative capabilities of algorithmic processes:

The Bureau agreed with its substance and focus. Delegates suggested modifying the style of the declaration in order to make it more understandable for policy makers and the public.

On the draft study of the implications of advanced digital technologies (including AI systems) on the concept of responsibility within a human rights framework:

The Bureau welcomed the text, its structure and focus. It suggested that the text be formulated in more concrete terms, including with examples and references to empirical evidence, where possible. Given the complexity of the topic, it was also suggested to provide more guidance to the reader by highlighting the main messages. The Bureau also proposed to shorten the text by, inter alia, providing less detail on points that have already been established, including on published CoE standard-setting instruments and studies.

First draft study on forms of liability and jurisdictional issues in the application of civil and administrative defamation laws in Council of Europe member states:

The Bureau welcomed the study and considered it feasible to aim for its adoption at the CDMSI plenary in June 2019. The Bureau agreed that the language should be more balanced and that it should cover experience from civil law countries as far as possible.

4. Co-operation activities

The Bureau took note of the information by the Secretariat on on-going and future co-operation programmes and activities, as reflected in document MEDIA-COOP(2018)01rev. The Bureau agreed that the Moroccan delegation would make a presentation on their activities in the field of freedom of expression and the media in the November plenary.

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

5.1 Initiatives in member states

The Secretariat recalled this standard item which aims to share information on initiatives related to the CDMSI's area of work between members and the Secretariat.

The Bureau took note of the list of initiatives communicated to the Secretariat, including Ukraine's translation of a number of CM Recommendations into its national language, Austria's self-evaluation report under the Internet Freedom recommendation (CM/Rec(2016)5) and France's publication of a report on information manipulation and its draft law on "fake news". These initiatives will also be communicated to the CDMSI and possibly be presented by the relevant delegations. This list may be further completed towards the time of the plenary.

5.2 Internet governance

Internet Governance Strategy 2016-2019

The Bureau took note of information by the Secretariat on the state of play of the implementation of the Council of Europe Strategy on Internet Governance 2016-2019, adopted on 30 March 2016 by the Committee of Ministers.

Internet Governance Forum (IGF) and ICANN

The Bureau took note of information provided on CoE involvement in the preparation and organisation of five events at the IGF in Paris. Ms Joanna Chansel (France) provided additional information on the preparatory work carried out by France, the host of this year's event. The Bureau was equally informed of the CDMSI Chair's and the CoE Secretariat's participation at the ICANN 63 meeting in Barcelona.

Item 5.3 Implementation of the CM Recommendation on protection of journalism and safety of journalists and other media actors

The Bureau was briefed by the Secretariat about the on-going work on a qualitative study on fear as a factor affecting choices between self-censorship and ethical journalism in Europe, a follow-up to the 2017 Council of Europe publication "Journalists under Pressure". The Bureau was further informed that, as per the decision taken by the CDMSI in June, the Implementation Strategy of Recommendation CM/Rec(2016)4 was published on the Freedom of Expression website on 14 September.

The Secretariat also informed the Bureau about the on-going work on the Implementation Guide to CM/Rec(2016)4. It stated that, upon completion of the Implementation Guide (which focuses on the "Protection" and Prosecution" pillars of the Recommendation), the Secretariat will use the self-assessment tool included therein as a questionnaire to Member States, to identify CM/Rec(2016)4 implementation best practices and feed them into the Implementation Guide. The Secretariat also relayed an important initiative in the Netherlands, whereby a "Steering Committee on Violence and Aggression against Journalists" has been set up by the Government and an agreement has been reached with the Ministry of Justice to strengthen the position of journalists against violence and aggression.

Item 5.4 Platform to Promote the Protection of Journalism and the Safety of Journalists

As regards the Platform to Promote the Protection of Journalism and the Safety of Journalists (the Platform), the Bureau requested to have an exchange with the Director of the Platform in the course of the upcoming November Plenary.

Item 5.5 Implementation of Recommendation CM/Rec(2013) on gender equality and media

The Bureau noted the information by the Secretariat on co-operation between the Gender Equality Commission and the CDMSI, which foresees, as first step, a questionnaire to follow up on the implementation of the recommendation, then the analysis of the data collected, followed by a report and finally, a possible joint event in 2019.

6. European Convention on Transfrontier Television

The Secretariat briefed the Bureau about the 48th meeting of the European Platform of Regulatory Authorities, held in Bratislava, Slovak Republic, where notably in view of a possibly hard Brexit, the application of the European Convention on Transfrontier Television was discussed during a working group meeting. The Bureau was also informed about the Member states' replies to a questionnaire on the possible revision of the European Trans frontier Television Convention. It took note of the update and decided to continue the discussion at the November plenary meeting of the CDMSI, in the presence of a representative of the European Commission.

7. Data Protection

The Secretariat informed the Bureau of the opening for signature on 10 October of the amending Protocol to the Convention (the modernised Convention is being referred to as "Convention 108+"). Twenty-one countries signed the amending Protocol on that occasion. Two new parties joined Convention 108 on 1 October 2018, Cape Verde and Mexico, bringing to 53 the total number of Parties to Convention 108. Finally, Brazil and the data protection authority of Gabon were granted observer status within the Committee of Convention 108. It also informed the Bureau about a side-event to the 40th International Conference of Data Protection and Privacy Commissioners (Brussels, 22-25 October) on the "global data protection Convention 108+" (as experts are now referring to it), which it is organising.

The Bureau was also informed of the adoption by the Committee of Convention 108 of the "Privacy and data protection principles guide for ICANN related data processing", as well as of the work underway in the field of AI, namely the draft report on "Artificial Intelligence and Data Protection: Challenges and Possible Remedies" and the preparation of draft Guidelines on data protection and AI.

Finally, the Bureau's attention was drawn to the approval by the Committee of Convention 108, by written procedure, of the draft Recommendation on the protection of health-related data, and the fact that this draft – which had already been commented upon by the CDMSI earlier in the year – should now be channelled to the Committee of Ministers for adoption. The draft explanatory memorandum to the draft Recommendation will be finalised by the forthcoming

plenary meeting of the Committee of Convention 108 (20-22 November) and then transmitted to the CDMSI Secretariat.

Work of other Council of Europe institutions and bodies

8.1 Secretary General's initiatives

Secretary General Report; New initiatives on Artificial Intelligence (AI); High-level conference on AI, Helsinki, 26-27 February 2019; and First meeting of the chairs of the inter-governmental committees and working lunch with the Secretary General

The Bureau took note of the Secretary General's decision not to prepare a 2019 Annual Report on the State of Democracy, Human Rights and the Rule of Law and to focus instead on the preparation of the Helsinki Summit and the related report on the reform of the CoE for the next ten years. The Chair of the CDMSI and the Secretariat informed the Bureau of a meeting convened by the Secretary General with the Chairs of intergovernmental committees in order to address the importance of their work and strengthen their cooperation with other CoE bodies and institutions. In this connection, the Bureau stressed the need to raise more awareness of Council of Europe standard-setting instruments and other CoE work by: communicating more efficiently with Ministries of Foreign Affairs and their Permanent Representations here in Strasbourg; and involving thematic Ministries more in the CDMSI's work and providing them with additional guidance on the concrete applicability of CM recommendations. On this point, the Bureau was encouraged to use the website of the Information Society Department, notably its [leaflets](#) to communicate with the relevant Ministries.

Mr Pennickx also provided information on the up-coming conference to be held 26 and 27 February in Helsinki "Artificial Intelligence: Governing the Game Changer – Implications of AI development for human rights, democracy and the rule of law" which will concern developments in the different fields of action of the CoE in the area of Artificial Intelligence, and in respect of which, the Media and Internet division is playing a leading role. Lastly he relayed that Mr Jan Kleijssen, Director of Information Society and Action against crime Directorate has been appointed as task-force coordinator on AI for the CoE and is representing the organisation at the EU-High-Level Expert Group on Artificial Intelligence (AI HLEG).

8.2 Committee of Ministers

Recommendation CM/Rec(2018)7 – Committee of Ministers' Recommendation on Guidelines for member States to respect, protect and fulfil children's rights in the digital environment

The Bureau took note of the information provided by the Secretariat on the on-going preparation of an Implementation Handbook on Children's Rights in the Digital Environment. This work has been initiated by the Council of Europe Ad Hoc Committee for the Rights of the Child (CAHENF) following the adoption of the Committee of Ministers' Recommendation on Guidelines for member States to respect, protect and fulfil children's rights in the digital environment. A first preparatory meeting with consultants was held on 20 September 2018 in

Strasbourg. Mr Thomas Schneider, Chair of the CDMSI, and a representative of the Secretariat attended this meeting. A first draft of the Implementation Handbook is expected by the end of the year 2018 and the CDMSI will be invited to comment.

Committee of Ministers Thematic Coordinator on Information Policy – TC-INF

The Bureau suggested having an exchange of views with Ms Corina Călugăru, the Thematic Coordinator on Information Policy (TC-INF) and Ambassador and Permanent Representative of the Republic of Moldova to the Council of Europe at the upcoming plenary meeting.

8.3 Parliamentary Assembly of the Council of Europe

The Bureau took note of the state of play of CDMSI comments on a series of PACE recommendations and on CM replies, where appropriate.

8.4 Commissioner of Human Rights

The Bureau was briefed about the publication of the new Commissioner of Human Rights' first activity report (second quarterly report) and about an Op-Ed on the issue of safety of journalists which received good media coverage. The Bureau suggested reiterating the invitation to the Commissioner of Human Rights for the upcoming November plenary meeting.

8.5 Conference of INGOs of the Council of Europe

The Bureau took note of information provided by the Secretariat on activity related to the Conference of INGOs and about the ICON conference "The Journey to Digital Trust", held on 13 September 2018 in Geneva, addressing cybercrime related issues. Information was provided to the Conference about on-going work of the two expert committees, MSI-JOQ and MSI-AUT.

8.6 Council of Europe Counter-Terrorism Committee (CDCT)

The Bureau was informed about the CoE Counter-Terrorism Strategy (2018 - 2022) as approved by the CM on 4 July 2018. It took note of its Activity 1.2, aiming to establish a compilation of best practices based on States' experience on responsible conduct for the media and internet service providers and other relevant actors to prevent the spread of terrorism and its ideology. The Bureau agreed that the participation of a CDMSI delegate in the work of the CDCT on this specific topic could be envisaged.

8.7 Steering Committee for Human Rights (CDDH)

Information was provided on on-going work of the CDDH on a "Guide to good national practices on how to reconcile freedom of expression with other rights and freedoms, in culturally diverse societies". The Bureau noted that Member States have received a detailed questionnaire with a specific section on hate speech and that the CDDH should conclude its work at the end of 2019.

8.8 European Audio-visual Observatory

The Bureau agreed that a representative of the Observatory be invited to update the CDMSI on its activities and last developments, notably its publication "How does Europe fight #fake news?", a report on "Foreign media ownership in Russia" and a report dedicated to the effects of Brexit.

8.9 Participation of CDMSI members in meetings and events

The Bureau noted that Mr Emir Povlakić (Bosnia-Herzegovina) will brief the CDMSI plenary in November about his attendance of the Cybercrime Convention Committee (T-CY) Plenary and the Octopus conference held in Strasbourg, from 9-13 July 2018.

9. Other organisations

9.1 European Union

The Bureau agreed that the Austrian and Romanian delegates will provide a brief overview to the plenary respectively on the out-going Austrian Presidency of the EU and the in-coming Romanian Presidency. The Bureau also noted that a representative of the EU Commission DG Connect will be invited for an exchange of views, notably on the reform of the Audiovisual Media Services Directive and other work of relevance to the CDMSI.

9.2 UNESCO

The Bureau took note of the information provided by the Secretariat on the UNESCO Internet Universality Indicators project. This project proposes an indicator framework for voluntary assessment by states of their internet environment. The Secretariat has been following the project throughout its consecutive phases, - through participation in consultations at respective sessions at EuroDIG 2017 (Tallinn, June 2017) and at the IGF 2017 (Geneva, December 2017), and also through submitting written comments during the public consultation in March 2018. Currently the project is in its final stage. The Bureau noted the proximity of the project to the indicators framework contained in the Committee of Ministers' Recommendation CM/Rec(2016)5 on internet Freedom, and opportunities for possible synergies at the implementation stage. In particular, the Bureau requested that the Director for Freedom of Expression and Media Development of UNESCO (Mr Guy Berger), be invited for an exchange with the CDMSI in the upcoming plenary session.

10. CDMSI work programme and working methods

10.1 Reflection on a future ministerial conference

The Bureau took note and endorsed two versions of the "Proposal for a Conference of Ministers responsible for Media and Information Society" (a longer version and a succinct version) prepared by the Secretariat, further to comments received by CDMSI members, participants and observers. The Secretariat clarified that both proposals contain all the elements required as per Resolution CM/Res(2011)7 and that they would both be sent to the CM Secretariat, which, in turn, would advise as to the text that is more fitting for the purposes of the

CM delegates. Both versions would be sent to the CDMSI and that the latter would be informed when the proposals would be sent to the CM Secretariat.

10.2 Evaluation by the Directorate of Internal Oversight (DIO)

The Secretariat informed the Bureau about two evaluations carried out by the Directorate of Internal Oversight currently under way: the "Council of Europe support to the protection and promotion of freedom of expression"; and the "Evaluation of Intergovernmental Committees" in respect of which CDMSI members received the relevant questionnaires.

11. Application for CDMSI observer status

The Bureau took note of and expressed support for the two applications received by the Committee to Protect Journalists (CPJ) and International Media Service (IMS) for observer status to the CDMSI.

12. Provisional draft agenda of the 15th CDMSI meeting (27-29 November 2018)

The Bureau approved the draft provisional agenda for the 15th plenary meeting of the CDMSI, which may be completed with emerging issues according to the needs.

It noted that for organisational reasons the plenary would follow the format of two half days and two full days.

13. Election of the Chair, Vice-Chair and one Bureau member

The Bureau took note that the elections of the Chair, Vice-Chair and one Bureau member will be held in the upcoming November CDMSI Plenary for a term of one year, until end of 2019 and that the Secretariat would send an email inviting Members to express their interest, should they wish to stand for one of these three positions. It also noted that a re-election of the current Chair and Vice-Chair would be possible.

14. Any other business

None were reported.

Appendix I

Meeting agenda

1. Opening of the meeting

2. Adoption of the agenda

3. Standard setting

3.1 Committee of experts on Quality Journalism in the Digital Age (MSI-JOQ)

3.2 Committee of experts on Human Rights Dimensions of Automated Data Processing and Different Forms of Artificial Intelligence (MSI-AUT)

4. Co-operation activities

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

5.1 Initiatives in member states

5.2 Internet governance

5.3 Implementation of the CM Recommendation on protection of journalism and safety of journalists and other media actors

5.4 Platform to Promote the Protection of Journalism and the Safety of Journalists

5.5 Implementation of Recommendation CM/Rec(2013)1 on gender equality and media

6. European Convention on Transfrontier Television

7. Data protection

8. Work of other Council of Europe institutions and bodies

8.1 Secretary General's initiatives

8.2 Committee of Ministers

8.3 Parliamentary Assembly of the Council of Europe

8.4 Commissioner for Human Rights

8.5 Conference of INGOs of the Council of Europe

8.6 Council of Europe Counter-Terrorism Committee (CDCT)

8.7 Steering Committee for Human Rights (CDDH)

8.8 European Audio-visual Observatory

8.9 Participation of CDMSI members in meetings and events

9. Other organisations

9.1 European Union

9.2 UNESCO

10. CDMSI work programme and working methods

10.1 Reflection on a future conference of ministers responsible for media and information society

10.2 Evaluation by the Directorate of Internal Oversight (DIO)

11. Application for CDMSI observer status

12. Draft agenda of the 15th CDMSI meeting (27 – 29 November 2018)

13. Election of the Chair, Vice-Chair and one Bureau member

14. Any other item

Appendix II – list of participants

14th meeting of CDMSI Bureau
15-16 October 2018
Strasbourg, Agora building Room G03

Participants

The gender distribution among 5 attendants was 2 women (40%) and 3 men (60%)

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

Ms Joanna Chansel, France
Bureau des affaires européennes et internationales
Direction Générale des Médias et des Industries Culturelles
Ministère de la Culture et de la Communication

Mr Mati Kaalep, Estonia
Adviser of Audiovisual Affairs of Estonian Ministry of Culture

Ms Kathleen Stewart, UK
Head of International Broadcasting Policy

Mr Matthias Traimer, Austria
Federal Chancellery, Head of Department, Media Affairs and Information Society, Federal Chancellery, Constitutional Service, Vienna

Secretariat

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

Ms Silvia Grundmann, Head of Media and Internet Division, DG Human Rights and Rule of Law, Secretary to the Steering Committee on Media and Information Society

Ms Charlotte Altenhöner-Dion, Head of Internet Governance Unit, Secretary to MSI-AUT Committee, Media and Internet Division, DG Human Rights and Rule of Law

Ms Elena Dodonova, Administrator, Media and Internet Division, DG Human Rights and Rule of Law

Ms Sophie Kwasny, Head of Data Protection Unit, Information Society Department, DG Human Rights and Rule of Law

Ms Francesca Montagna, Administrator, Media and Internet Division, DG Human Rights and Rule of Law

Ms Małgorzata Pęk, Project officer, Media and Internet Division, DG Human Rights and Rule of Law

Ms Urška Umek, Head of Media Unit, Secretary to MSI-JOQ Committee, Media and Internet Division, DG Human Rights and Rule of Law

Ms Aliisa Siivonen, Trainee, Media and Internet Division, DG Human Rights and Rule of Law

Ms Julia Whitham, Administrative Assistant, Media and Internet Division, DG Human Rights and Rule of Law