



Council of Europe
Conseil de l'Europe

Update on Council of Europe Developments by the Media and Internet Division

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Steering Committee on Media and Information Society (CDMSI) 2016 - 2017

Standard-setting activities

- Media pluralism and transparency of media ownership
- Media coverage of elections (gender equality, the use of Internet in elections)

Sub-committees:
**Committee of experts
on Media Pluralism
and Transparency of
Media Ownership
(MSI-MED)**

- Internet intermediaries (Internet service providers and Internet platforms)
- Human rights dimensions of automated data processing techniques

**Committee of experts
on Internet
Intermediaries
(MSI-NET)**

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Activities of the Secretary General 2016

- Secretary's General report on [State of Democracy, Human Rights and the Rule of Law in Europe 2016](#)
Chapter II Freedom of Expression:
 - Safety of journalists and others performing public watchdog functions
 - Protection from arbitrary application of the law
 - Media independence
 - Media pluralism and diversity
 - Protection of freedom of expression on the Internet
- A comparative study of laws and practices regarding blocking and filtering of illegal Internet content in 47 member States
- Exploring possible role of national human rights institutions for enhancing safety of journalists and protection of journalism



Ongoing Cooperation activities and capacity building

- **PCF:** CoE/EU Eastern Partnership Programmatic Co-operation Framework (PCF) 2015-2017, Theme IV “Addressing Challenges of the Information Society”: 8 projects in the fields of **media** (Azerbaijan, Georgia, Ukraine and regional project), **Internet governance** (Georgia, Moldova and regional project) and **data protection** (regional project)
- **Ukraine:** VC (Action Plan) “Strengthening Freedom of Media and Establishing a Public Broadcasting System in Ukraine” 2016 – 2018
- **Tunisia:** “Accompanying the transitional process towards democracy, promotion of freedom of expression, independence of the media and public access to information” 2014-2016 and beyond (reform of legal framework, strengthening regulatory authority), VC Norway, about 240.000 €
- **Morocco:** “Promoting freedom of expression, media independence and plurality, within the framework of the “Neighbourhood Partnership with Morocco 2015-2017”, VC Norway (improvement of legal and institutional environment, capacity building for journalists and other media actors, judiciary)

new -> CoE/EU project JUFREX/SEE: “Reinforcing Judicial Expertise on Freedom of Expression and the Media in South-East Europe” (Albania, Bosnia-Herzegovina, the Former Yugoslav Republic of Macedonia, Kosovo*, Montenegro, Serbia) from June 2016 for 3 years, with a focus on the judiciary, including regulators and journalists

*All references to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nation's Security Council Resolution 1244 and without prejudice to the status of Kosovo.

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Defamation



Recent years - a sharp increase in the number of lawsuits and excessive awards of damages

Member states need to

- review domestic laws and practices concerning media freedom,
- review the way defamation is addressed,
- ensure they comply with the European Convention on Human Rights.

Press Freedom Day 2016

Secretary General: Defamation legislation should not silence the media

Update of defamation study forthcoming

<http://www.coe.int/en/web/freedom-expression/defamation>



Steering Committee on Media and Information Society (CDMSI), work accomplished 2015/2016

- **Recommendation CM/Rec(2016)5** of the Committee of Ministers to member States on **Internet freedom**
- **Recommendation CM/Rec(2016)4** of the Committee of Ministers to member States on **the protection of journalism and safety of journalists and other media actors**
- **Recommendation CM/Rec(2016)1** of the Committee of Ministers to member States on **protecting and promoting the right to freedom of expression and the right to private life with regard to network neutrality**
- Report on freedom of assembly and association on the Internet
- Internet Governance Strategy 2016-2019



Recommendation CM/Rec(2016)5 of the Committee of Ministers to member States on [Internet freedom](#)



Periodical evaluation of the level of respect for and implementation of human rights and fundamental freedom standards with regard to the Internet, using the Internet freedom indicators with a view to elaborating national reports, wherever appropriate.



Participation of all stakeholders from the private sector, civil society, academia and the technical community, in their respective roles, in the evaluation of the state of Internet freedom and preparation of national reports



Recommendation CM/Rec(2016)5 of the Committee of Ministers to member States on [Internet freedom](#)



INTERNET FREEDOM INDICATORS

- An enabling environment for Internet freedom
- The right to freedom of expression
 - Freedom to access the Internet
 - Freedom of opinion and the right to receive and impart information
 - Freedom of the media
- The right to freedom of peaceful assembly and association
- The right to private life
 - Personal data protection
 - Freedom from surveillance



Protection of journalism and safety of journalists and other media actors



Prevention

- independence of the media, media pluralism
- legislative framework subject to independent review
- clarification of legal bases of State surveillance and interception of communications data



Protection

- effective legislation criminalising violence (enforcement machinery and redress mechanisms for victims and their families)
- preventive operational measures: police protection, voluntary evacuation to a safe place
- hotlines, online platforms or 24-hour emergency contact points,
- all cases of deprivation of liberty - adequate procedural guarantees



Protection of journalism and safety of journalists and other media actors



Prosecution

- everyone involved in killings of, attacks on and ill-treatment of journalists and other media actors must be brought to justice, whether they are State actors or not
- investigations: essential requirements of adequacy, thoroughness, impartiality and independence, promptness and public scrutiny
- combating impunity



Promotion of information, education and awareness-raising

- World Press Freedom Day (3 May), International Day to End Impunity for Crimes against Journalists (2 November) and International Right to Know Day (28 September)
- co-operation in information-gathering, awareness-raising
- a partnership with civil society and the media for the promotion of best practices



Recommendation CM/Rec(2016)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors



Establishment of early-warning and rapid response mechanisms (hotlines, online platforms, 24-hour emergency contact points) - immediate access to protective measures



Training in all matters of safety, digital security and privacy



Practices of surveillance of journalists and other media actors and tracking of their online activities, can endanger the legitimate exercise of freedom of expression (without the necessary safeguards)



[Recommendation CM/Rec\(2016\)1](#) of the Committee of Ministers to member States on protecting and promoting the right to freedom of expression and the right to private life with regard to network neutrality

Safeguard the principle of network neutrality with the help of guidelines



Equal treatment of Internet traffic



Pluralism and diversity of information



Privacy



Transparency





Accountability



[Recommendation CM/Rec\(2016\)1](#) of the Committee of Ministers to member States on protecting and promoting the right to freedom of expression and the right to private life with regard to network neutrality

Internet traffic management

-  Providers of Internet access services have the technical ability to manage information and data flows (Internet traffic) transiting through the networks that they operate
 - Engagement in Internet traffic management for specific legitimate purposes
 - Actions to prevent access to or dissemination of unlawful or harmful content
 - Possibility of other interferences with Internet traffic

-  The principle of network neutrality underpins non-discriminatory treatment of Internet traffic and users' right to receive and impart information and to use services of their choice



Report on freedom of assembly and association on the Internet

- The Internet as a space for assembly and association
- Need to protect freedom of assembly and association online
- Need to distinguish between freedom of expression and freedom of association and peaceful assembly online
- Need to define more precisely the legal conditions for blocking and filtering by States, but also by Internet Service Providers
- Need of national authorities (law enforcement, judiciary) to be aware that civil disobedience, which is a form of the exercise of freedom of assembly and association can take place on the Internet



Internet Governance Strategy 2016-2019


- A multi-disciplinary tool
- Covers issues concerning: content, services and connected devices running over the Internet
- Provides governments in cooperation with other stakeholders with a means to address the challenges of the Internet
- Objectives: **building democracy online, prioritising online safety and security for all, respecting and protecting the human rights of everyone in the digital world**

<http://www.coe.int/en/web/freedom-expression/igstrategy>



Thank you for your attention

Useful links:



Please visit our
new website

Freedom of Expression website:

<http://www.coe.int/en/web/FREEDOM-EXPRESSION>

Platform for protection of journalism and safety of journalists:

<http://www.coe.int/en/web/MEDIA-FREEDOM>