Council of Europe: Ministerial Conference on Freedom of Expression and Democracy in the Digital Age

IRIS 2014-2:1/3

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The Council of Europe Conference of Ministers responsible for Media and Information Society, entitled, 'Freedom of Expression and Democracy in the Digital Age: Opportunities, Rights, Responsibilities', was held on 7-8 November 2013 in Belgrade, Serbia. The previous ministerial conference on similar issues ('A new notion of media?') was held in Reykjavik in 2009 (see IRIS 2009-8/2).

Participating ministers in the Conference adopted a Political Declaration and three Resolutions, entitled:

1. Internet Freedom

2. Preserving the essential role of media in the digital age

3. Safety of journalists

The Political Declaration recalls the importance of freedom of expression ("and its corollary media freedom") and privacy (including data protection) and recognises that these rights and freedoms face new threats and challenges in an online environment. Several threats are specifically mentioned, e.g.: the abuse of growing technological capabilities for electronic mass surveillance; online hate speech and intolerant discourse, and killings of, physical attacks on, and other forms of harassment of, "journalists and other media actors who carry out journalistic activity or perform public watchdog functions". The Declaration also recalls the need for a differentiated regulatory approach to an increasingly diverse range of media - a central premise of the Reykjavik Conference, as subsequently developed in the Council of Europe's Committee of Ministers' (CM) Recommendation CM/Rec(2011)7 to member states on a new notion of media (IRIS 2011-10/4).

The Political Declaration invites the CM, "to take appropriate steps to implement the actions proposed" in the three Resolutions.

Resolution No. 1 explains the importance of the Internet for human rights and society and the relevance of (in particular) the Council of Europe's human rights standards governing, e.g. "Internet governance principles, network neutrality and the universality, integrity and openness of the Internet". It invites the Council of

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Europe to pursue a number of action lines: the continued development of a multi-stakeholder approach to “Internet freedom”; the promotion of media diversity and pluralism online; the speedy completion of a compendium of existing human rights for Internet users; increased efforts to protect the right to privacy and personal data, especially of young people; the continued combating of online hate speech and incitement to violence and terrorism; the promotion of media and digital literacy programmes, taking gender and diversity dimensions into account; the exploration of ways of fostering online participation of vulnerable and disadvantaged persons or groups; engagement with private actors in respect of their human rights duties and responsibilities on the Internet, etc.

Paragraph 13(v) of the Resolution drew particular attention and debate during the final plenary session of the Conference. It invites the Council of Europe to: “examine closely, in the light of the requirements of the European Convention on Human Rights, the question of gathering vast amounts of electronic communications data on individuals by security agencies, the deliberate building of flaws and ‘backdoors’ in the security system of the Internet or otherwise deliberately weakening encryption systems”. The United Kingdom delegation made a statement dissociating the UK from the paragraph because it “may have the effect of unduly constraining the scope of the work that the Council of Europe is invited to carry out”.

Resolution No. 2 centrally concerns the need to safeguard the democratic - and in particular, public watchdog - tasks ascribed to journalists and the media, as performed by a growing range of actors. It sees media self-regulation, independence, ethics, diversity and pluralism as key features of the enabling environment for media in the digital age. As such, it also invites the Council of Europe to take specific forms of action to strengthen those features, including the close examination of “the state of media concentration, transparency of media ownership and regulation and their impact on media pluralism and diversity, and [to] consider the need for updating European standards in this respect in the digital age”.

Resolution No. 3 articulates the urgent need to prioritize countering the “alarming” patterns of threats to freedom of expression and the safety of journalists throughout Europe. Participating Ministers therefore “resolve to take all appropriate steps” to ensure the protection of journalists, including in terms of preventive measures and effective investigations. The Resolution is cognizant of, and seeks to engage with, existing Council of Europe and other international initiatives sharing the same objectives, e.g. the UN Plan of Action on the Safety of Journalists and the Issue of Impunity and the UN Human Rights Council’s Resolution 21/12 on the safety of journalists. The existence of relevant positive State obligations is recalled. Envisaged action lines seek cooperation between various Council of Europe bodies and stress the importance of: elaborating

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guidelines to protect the broad range of actors carrying out journalistic or public watchdog functions; implementing standards and best practices effectively; addressing specific gender-related challenges and threats faced by female journalists.

The delegation of the Russian Federation entered an interpretive statement on the adoption of the Conference's final documents in which it, amongst other things, set out its objections to the granting of "any legal status" to specific groups such as "bloggers, human rights defenders, whistle-blowers or other 'persons performing journalistic activities or public watchdog functions', as well as to the so-called 'new media'". The statement also insists on the closeness of the relationship between the rights of Internet users and their obligations.

Political Declaration and Resolutions, Council of Europe Conference of Ministers responsible for Media and Information Society, 'Freedom of Expression and Democracy in the Digital Age: Opportunities, Rights, Responsibilities', 8 November 2013, Belgrade, Serbia

http://www.coe.int/t/dghl/standardsetting/media/Belgrade2013/default_en.asp

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