

Departamento de Europa

Committee of Minister

1121st meeting, 21 September 2011

Decisions adopted

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The 1121st meeting of the Ministers' Deputies opened on 21 September 2011 at 10.00 a.m. under the chairmanship of Mr M. Tochytskyi, Deputy for the Minister for Foreign Affairs of Ukraine.

PRESENT

ALBANIA

Ms M. Gega

Mr F. Peni

ANDORRA

Mr R. Tena

ARMENIA

Mr S. Kartashyan

Ms V. Melikyan

Mr A. Hovhannisyan

AUSTRIA

Mr T. Hajnoczi

Mr W.-L. Strohmayer

AZERBAIJAN

Mr A. Mammadov

Mr J. Mirzayev

Mr H. Nasibov

Mr A. Gunashov

BELGIUM

Ms M. Janssens

BOSNIA AND HERZEGOVINA

Ms M. Muharemagić

BULGARIA

Mr A. Ananiev

Mr M. Bozhkov

CROATIA

Ms A. Djamić

Ms L. Glavaš Kovačić

Mr I. Mintas

CYPRUS

Mr E. Evriviades

Mr S. Hatziyiannis

Mr T. Pittakis

CZECH REPUBLIC

Mr T. Boček

Mr M. Bouček

Ms Z. Stiborová

DENMARK

Mr C. von Barnekow

ESTONIA

Ms G. Rennel

Ms K. Tikenberg

Mr P. Pedak

FINLAND

Ms T. Leikas-Botta

FRANCE

Mr L. Dominati

Mr P. Ray

Mr F. Liétout

GEORGIA

Mr M. Jgenti

Mr I. Giviashvili

GERMANY

Mr J.G. Luy

Mr H. Haupt

Mr M. Klinger

GREECE

Mr A. Dendoulis

Ms M. Solomou

Mr T. Zafeirakos

HUNGARY

Ms J. József

Mr V. Garai

Ms A. Tóth-Ferencsi

ICELAND

Mr J.L. Logason

IRELAND

Mr R. Scannell

Mr S. Lawlor

ITALY

Mr S. Busetto

Mr G. Cavagna

LATVIA

Ms A. Liepina

LIECHTENSTEIN

Mr D. Ospelt

LITHUANIA

Mr G. Šerkšnys

Ms U. Matulevičienė

LUXEMBOURG

Mr R. Mayer

Ms A. Kayser-Attuil

MALTA

Mr J. Licari

MOLDOVA

Ms V. Agrici

Mr A. Paladuta

MONACO

Mrs C. Gastaud

MONTENEGRO

Ms A. Vukadinović

NETHERLANDS

Ms K. Adhin

NORWAY

Mr P. Wille

Ms K. Hefre

POLAND

Mr J. Grabowski

Mr A. Krawczyk

Ms E. Suchożebrska

PORTUGAL

Mr P. Neves Pocinho

Mr L. Sequeira

ROMANIA

Mr S. Stoian

Mr C. Urse

Ms M.-I. Musteata

Ms M. Marin

Mr D. Dumitrache

Mr G. Buliga

RUSSIAN FEDERATION

Mr A. Alekseev

Mr I. Kapyrin

Mr I. Podolskiy

Mr V. Nevzorov

Mr I. Maltsev

Mr E. Ryzhkin

Mr I. Subbotin

Mr D. Rykovskov

Mr A. Muratov

SAN MARINO

Ms B. Para

Ms M. Bovi

SERBIA

Mr V. Lazovic

Mr A. Tomic

SLOVAK REPUBLIC

Mr E. Kuchár

Ms L. Erdelská

Ms S. Danová

SLOVENIA

Mr D. Bergant

Ms B. Sušnic

SPAIN

Mr F. Alvargonzález

Mr P. Jiménez Nacher

Mr P. Desportes

SWEDEN

Ms A. Lundkvist

SWITZERLAND

Mr C.-E. Held

Mr B. Gubler

Ms B. Schaer

“THE FORMER

YUGOSLAV REPUBLIC

OF MACEDONIA”

Ms D. Zafirovska

Ms E. Ilieva

Ms R. Safitli

TURKEY

Mr H. Ulusoy

Mr C. Kahyaoğlu

Ms S. Özaydin

Mr T. Ok

Mr Y. Yeşilada

UKRAINE

Mr M. Tochytskyi, Chairperson

Ms N. Shakuro

Mr A. Nadzhos

Mr D. Podolskyi

Mr S. Shevchuk

Ms O. Petrenko

Ms S. Pereverten

UNITED KINGDOM

Ms E. Fuller, Vice-Chairman

Mr S. Kelly

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* *

EUROPEAN UNION

Ms L. Pavan-Woolfe

Ms K. Markovová

Mr L.P. Tarin Martin

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CANADA

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HOLY SEE

Mgr S. Ćosić

JAPAN

Mr H. Karube

MEXICO

Ms L. Madero

UNITED STATES OF AMERICA

Mr H. Haggard

Introduction

At the start of the meeting, the Chair welcomed Mr George Buliga, Deputy to the Permanent Representative of Romania. He wished him a pleasant stay in Strasbourg and a successful mission within the Committee.

Item 1.1

Adoption of the agenda

Decision

The Deputies adopted the agenda of their 1121st meeting, as it appears at Appendix 1 to the present volume of Decisions.

Item 1.2

Preparation of forthcoming meetings

Decisions

The Deputies

1. approved the draft agenda for their 1123rd meeting (12 (10 a.m.) October 2011), as it appears at Appendix 2 to the present volume of Decisions;
2. approved the draft agenda for their 1124th meeting (26 (10 a.m.) October 2011), as it appears at Appendix 3 to the present volume of Decisions.

Item 1.3

Dialogue with the Secretary General and the Deputy Secretary General
(SG/Com(2011)1121)

Decisions

The Deputies

1. adopted the following statement by the Committee of Ministers:

“The Committee of Ministers of the Council of Europe, meeting on 21 September 2011, was informed that the Board of Pardons and Paroles in the US state of Georgia has rejected the appeal for clemency lodged by Troy Davis against his death sentence, while there are serious doubts as to his guilt. The execution of Mr Davis is due to take place today.

Recalling its unwavering opposition to the death penalty, the Committee of Ministers joins the Secretary General’s call for Mr Davis’ death sentence to be urgently commuted.”

as it also appears at Appendix 4 to the present volume of Decisions;

2. took note of the communication of the Deputy Secretary General (SG/Com(2011)1121) and the exchange of views under this item.

Item 1.4

Report of the Bureau
(CM/Bur/Del(2011)17)

Decisions

The Deputies

1. approved the Bureau's recommendations with regard to the agendas of their 1121st (21 September 2011) and 1122nd (28 September 2011) meetings, as they appear in Appendix 1 to the Bureau report;
2. took note of the Bureau's invitation to delegations to provide any comments on the draft meeting schedule for 2012, as it appears in Appendix 2 to the Bureau report, to the Chairperson before Wednesday, 5 October 2011;
3. approved the Bureau's recommendation that Ambassador Djamić, Thematic Co-ordinator on Children (TC-ENF), represents the Committee of Ministers at the Regional Conference on "Stopping sexual violence against children" (Zagreb, 27-28 October 2011) and at the Conference on "Building a child-friendly Europe: Turning a vision into reality" (Monaco, 20-21 November 2011);
4. approved the Bureau's recommendations as regards use of the Committee of Ministers' Foyer, as set out in paragraph 4 of the Bureau report;
5. agreed that the Enlarged Partial Agreement on Sport (EPAS) could use the Committee of Ministers' meeting room for its Statutory Committee's meeting on 21 October 2011;

6. took note of the report of the meeting of the Bureau of 20 September 2011 (document CM/Bur/Del(2011)17) as a whole.

Item 1.5

Dialogue on thematic issues: "Living together – Combining diversity and freedom in 21st century Europe"

This item was postponed.

Item 2.1bis a

Current political questions

a. Activities for the development and consolidation of democratic stability

- Albania

(GR-DEM(2011)CB9 and DPA/Inf(2011)21)

Decisions

The Deputies

1. took note of the synopsis of the GR-DEM meeting held on 6 September 2011 (document GR-DEM(2011)CB9) and of the letter which the Chairman of the Committee of Ministers will send to the Finnish Minister of Public Administration and Local Government regarding the proposal for a partnership between the Committee of Ministers and the Conference of Ministers responsible for Local and Regional Government (cf. Appendix to document GR-DEM(2011)CB9);

Concerning Albania

2. took note of the report on the implementation of the Action Plan to support the local elections, as it appears in document DPA/Inf(2011)21;

3. invited the Secretariat to prepare, in due course, proposals for electoral assistance activities in Albania to be examined by their Rapporteur Group on Democracy (GR-DEM), in the light in particular of the forthcoming opinion to be adopted by the Venice Commission on Albania's electoral legislation and practice and the documents to be adopted by the Congress of Local and Regional Authorities of the Council of Europe at its 21st Plenary Session following the observation of local elections held in Albania on 8 May 2011.

Item 2.3

Centre of Expertise for Local Government Reform –

5th annual activity report

(GR-DEM(2011)CB9, CM(2011)106)

Decisions

The Deputies

1. took note of the 5th annual activity report of the Centre of Expertise for Local Government Reform, as it appears in document CM(2011)106;

2. agreed to forward it to the Parliamentary Assembly and the Congress of Local and Regional Authorities of the Council of Europe in order for them to take note of the results of the Centre, and to communicate it to the European Committee on Local and Regional Democracy (CDLR) for information.

Item 3.1a

Written Questions by members of the Parliamentary Assembly to the Committee of Ministers

a. Written Question No. 602 by Mr Omtzigt: "No prosecution of the Dutch association Martijn"

(CM/AS(2011)Quest602)

Decisions

The Deputies

1. instructed the Secretariat to prepare a draft reply to Written Question No. 602 in light of the views expressed at the present meeting;
2. agreed to resume consideration of this question at one of their forthcoming meetings.

Item 3.1b

Written Questions by members of the Parliamentary Assembly to the Committee of Ministers

b. Written Question No. 599 by Lord Boswell: "The European school in Strasbourg"

(CM/Del/Dec(2011)1118/3.2a and CM/AS(2011)Quest599 prov)

Decision

The Deputies adopted the reply to Written Question No. 599 by Lord Boswell on "The European school in Strasbourg", as it appears at Appendix 5 to the present volume of Decisions.2

Item 4.2

European Commission against Racism and Intolerance (ECRI) –
Nomination of a member in respect of Andorra

(Resolution Res(2002)8, DG-HL(2011)07)

Decision

The Deputies took note of the name and curriculum vitae of the person appointed by Andorra to serve as member of ECRI for a term of office of five years, starting on 27 September 2011, as contained in document DG-HL(2011)07.

Item 4.3

European Social Charter –

Collective Complaint No. 32/2005 by the Confederation of Independent Trade Unions in Bulgaria (CITUB), the Confederation of Labour “Podkrepa” (CL “Podkrepa”) and the European Trade Union Confederation (ETUC) against Bulgaria

This item was postponed.

Item 4.4

“Promoting the most favourable gender equality laws in Europe” –

Parliamentary Assembly Recommendation 1949 (2010)

This item was postponed.

Item 4.5

Framework Convention for the Protection of National Minorities –

Draft Resolution CM/ResCMN(2011)... on the implementation of the Framework Convention by Cyprus
(CM(2011)117 rev)

Decision

The Deputies adopted Resolution CM/ResCMN(2011)16 on the implementation of the Framework Convention for the Protection of National Minorities by Cyprus, as it appears at Appendix 6 to the present volume of Decisions.

Item 5.1

Steering Committee on the Media and New Communication Services (CDMC)

- a. Abridged report of the 14th meeting (14-17 June 2011)
- b. Draft Recommendation CM/Rec(2011)... of the Committee of Ministers to member states on a new notion of media
- c. Draft Declaration by the Committee of Ministers on Internet governance principles
- d. Draft Recommendation CM/Rec(2011)... of the Committee of Ministers to member states on the protection and promotion of the universality, integrity and openness of the Internet and its Explanatory Memorandum
- e. Draft Declaration on the protection of freedom of expression and information and freedom of assembly and association with regard to Internet domain names and name strings

(CM(2011)115, CM(2011)115 add1 and CM(2011)115 add2)

Decisions

The Deputies

1. adopted Recommendation CM/Rec(2011)7 of the Committee of Ministers to member states on a new notion of media, as it appears at Appendix 7 to the present volume of Decisions;
2. adopted the Declaration by the Committee of Ministers on Internet governance principles, as it appears at Appendix 8 to the present volume of Decisions;
3. adopted Recommendation CM/Rec(2011)8 of the Committee of Ministers to member states on the protection and promotion of the universality, integrity and openness of the Internet, as it appears at Appendix 9 to the present volume of Decisions, and took note of its Explanatory Memorandum, as it appears in document CM(2011)115 add1;
4. adopted the Declaration by the Committee of Ministers on the protection of freedom of expression and information and freedom of assembly and association with regard to Internet domain names and name strings, as it appears at Appendix 10 to the present volume of Decisions;
5. in the light of decisions 1 to 4 above, took note of the abridged report of the 14th meeting of the CDMC, as it appears in document CM(2011)115, as a whole.

Item 6.1a,b

European Committee for Social Cohesion (CDCS)

- a. Abridged report of the 24th meeting (Strasbourg, 19-20 May 2011)
- b. Draft Recommendation CM/Rec(2011)... of the Committee of Ministers to member states on fostering social mobility as a contribution to social cohesion (CM(2011)109)

Decisions

The Deputies

1. adopted Recommendation CM/Rec(2011)9 of the Committee of Ministers to member states on fostering social mobility as a contribution to social cohesion, as it appears at Appendix 11 to the present volume of Decisions;
2. in the light of the above decision, took note of the abridged report of the 24th meeting of the CDCS, as it appears in document CM(2011)109, as a whole.

Item 6.1c

European Committee for Social Cohesion (CDCS)

- c. Draft Recommendation CM/Rec(2011)... of the Committee of Ministers to member states on intercultural competences in services to the public in order to ensure social cohesion in Europe

This item was postponed.

Item 6.2a,b,c

European Health Committee (CDSP)

- a. Abridged report of the 64th meeting (Strasbourg, 28-30 June 2011)
- b. Draft Declaration of the 9th Council of Europe Conference of Health Ministers (Lisbon, Portugal, 29-30 September 2011)
- c. Draft Guidelines on child-friendly health care and Explanatory Memorandum (CM(2011)112, CM(2011)113, CM(2011)113 corr, CM(2011)113 add and GR-SOC(2011)CB4)

Decisions

The Deputies

1. adopted the Guidelines on child-friendly health care, as they appear at Appendix 12 to the present volume of Decisions, and took note of the Explanatory Memorandum thereto, as it appears in document CM(2011)113 add;

2. in the light of the decision above, took note of the abridged report of the 64th meeting of the CDSP, as it appears in document CM(2011)112, as a whole and noted that the comments of delegations on the draft declaration to be submitted to the 9th Council of Europe Conference of Health Ministers would be transmitted to the Committee of Senior Officials responsible for the organisation of the conference for consideration when finalising the draft declaration.

Item 6.3

“Over-indebtedness of states: a danger for democracy and human rights” –

Parliamentary Assembly Recommendation 1961 (2011)

(Parliamentary Assembly REC_1961 (2011) and CM/AS(2011)Rec1961 prov)

Decision

The Deputies adopted the reply to Parliamentary Assembly Recommendation 1961 (2011) on “Over-indebtedness of states: a danger for democracy and human rights”, as it appears at Appendix 13 to the present volume of Decisions.³

Item 6.4

“Meeting the challenge of interfaith and intercultural tensions at local level” –

Recommendation 304 (2011) of the Congress of Local and Regional Authorities of the Council of Europe

This item was postponed.

Item 6.5

“Social time, leisure time: which local time planning policy?” –

Recommendation 295 (2010) of the Congress of Local and Regional Authorities of the Council of Europe

(Congress REC_295 (2010) and CM/Cong(2011)Rec295 prov2)

Decision

The Deputies adopted the reply to Recommendation 295 (2010) of the Congress of Local and Regional Authorities of the Council of Europe on “Social time, leisure time: which local time planning policy?”, as it appears at Appendix 14 to the present volume of Decisions.⁴

Item 6.6

Committee of Experts on Social Security (CS-SS) –

Draft Resolution CM/ResCSS(2011)... on the application of the European Code of Social Security by Greece (period 1 July 2009 to 30 June 2010)

(CM(2011)110)

Decision

The Deputies adopted Resolution CM/ResCSS(2010)20 on the application of the European Code of Social Security by Greece (period 1 July 2009 to 30 June 2010), as it appears at Appendix 15 to the present volume of Decisions.

Item 6.7

European Directorate for the Quality of Medicines and Health Care (EDQM) –
Draft terms of reference for the Consumer Health Protection Committee (Partial
Agreement)
(CD-P-SC) (2012-2013)
(CM(2011)114)

Decision

The Deputies, in their composition restricted to representatives of the States Parties to the Convention on the Elaboration of a European Pharmacopoeia,⁵ approved the terms of reference of the Consumer Health Protection Committee (CD-P-SC), as they appear at Appendix 16 to the present volume of Decisions.

Item 7.1

“Strengthening measures to protect and revive highly endangered languages” –

Parliamentary Assembly Recommendation 1943 (2010)

(Parliamentary Assembly Recommendation 1943 (2010) and CM/AS(2011)Rec1943 prov2)

Decision

The Deputies adopted the reply to Parliamentary Assembly Recommendation 1943 (2010) on “Strengthening measures to protect and revive highly endangered languages”, as it appears at Appendix 17 to the present volume of Decisions.⁶

Item 7.2

“Violence against Christians in the Middle East” –

Parliamentary Assembly Recommendation 1957 (2011)

(Parliamentary Assembly Recommendation 1957 (2011) and CM/AS(2011)Rec1957 prov2)

Decision

The Deputies adopted the reply to Parliamentary Assembly Recommendation 1957 (2011) on "Violence against Christians in the Middle East", as it appears at Appendix 18 to the present volume of Decisions.⁷

Item 8.1

"Promoting volunteering in Europe" –

Parliamentary Assembly Recommendation 1948 (2010)

(Parliamentary Assembly Recommendation 1948 (2010) and CM/AS(2011)Rec1948 prov)

Decision

The Deputies adopted the reply to Parliamentary Assembly Recommendation 1948 (2010) on "Promoting volunteering in Europe", as it appears at Appendix 19 to the present volume of Decisions.⁸

Appendix 1

(Item 1.1)

1121 Meeting of the Ministers' Deputies
(Strasbourg, 21 (10 a.m.) September 2010)

Agenda

1.

General questions

1.1

Adoption of the agenda

(CM/Del/OJ(2011)1121)

1.2

Preparation of forthcoming meetings

(CM/Notes/1121/1.2 of 20.9.2011)

1.3

Dialogue with the Secretary General and the Deputy Secretary General

(SG/Com(2011)1121)

1.4

Report of the Bureau

(CM/Bur/Del(2011)17)

1.5

Dialogue on thematic issues: "Living together – Combining diversity and freedom in 21st century Europe"

(Item postponed)

2.

Democracy and political questions

2.1

The Council of Europe and the conflict in Georgia

(CM(2008)150 rev, CM(2008)162, SG/Inf(2008)19, DD(2008)631, SG/Inf(2009)5, SG/Inf(2009)7, CM(2009)PV prov, CM(2009)PV add1, CM(2009)PV add2, SG/Inf(2009)10, SG/Inf(2009)5 add, SG/Inf(2009)9, CM/AS(2009)Quest572, DD(2009)447, SG/Inf(2009)15 final, SG/Inf(2009)5 add2, Parliamentary Assembly REC_1846 (2008) and CM/AS(2009)Rec1846 final, Parliamentary Assembly REC_1857 (2009) and CM/AS(2009)Rec1857 final, CM(2009)164, Parliamentary Assembly REC_1869 (2009) and CM/AS(2010)Rec1869 final, DD(2010)71, DD(2010)95, SG/Inf(2010)7, SG/Inf(2010)8, DD(2010)238, CM/Del/Dec(2010)1090/2.1, SG/Inf(2010)19, DD(2010)559 and SG/Inf(2011)8)

2.1bis

Current political questions

a. Activities for the development and consolidation of democratic stability

(Item prepared by the GR-DEM on 6.9.2011)

(GR-DEM(2011)CB9 and DPA/Inf(2011)21)

(CM/Notes/1121/2.1bis of 13.9.2011)

b. Other questions

2.2

Situation in Cyprus

2.3

Centre of Expertise for Local Government Reform – 5th annual activity report

(Item prepared by the GR-DEM on 6.9.2011)

(CM(2011)106 and GR-DEM(2011)CB9)

(CM/Notes/1121/2.3 of 12.9.2011)

3.

Parliamentary Assembly

3.1

Written Questions by members of the Parliamentary Assembly to the Committee of Ministers

a. Written Question No. 602 by Mr Omtzigt: "No prosecution of the Dutch association Martijn"

(CM/Notes/1119/3.1d of 18.7.2011)

b. Written Question No. 599 by Lord Boswell: "The European school in Strasbourg"

(CM/Del/Dec(2011)1118/3.2a and CM/AS(2011)Quest599 prov)
(CM/Notes/1121/3.1b of 8.9.2011)

4.

Human rights

4.1

Council of Europe Commissioner for Human Rights –
Presentation of the 2nd quarterly activity report (1 April – 30 June 2011)

(Item examined at the 1119th meeting of the Ministers' Deputies)

4.2

European Commission against Racism and Intolerance (ECRI) –
Nomination of a member in respect of Andorra
(Item prepared by the GR-H on 15.9.2011)

(Resolution Res(2002)8 and DG-HL(2011)7)
(CM/Notes/1121/4.2 of 19.9.2011)

4.3

European Social Charter –
Collective Complaint No. 32/2005 by the Confederation of Independent Trade Unions in Bulgaria (CITUB), the Confederation of Labour “Podkrepa” (CL “Podkrepa”) and the European Trade Union Confederation (ETUC) against Bulgaria

(Item postponed)

4.4

“Promoting the most favourable gender equality laws in Europe” –
Parliamentary Assembly Recommendation 1949 (2010)
(Item to be prepared by the TC-ET)

(Item postponed)

4.5

Framework Convention for the Protection of National Minorities –
Draft Resolution CM/ResCMN(2011)... on the implementation of the Framework Convention by Cyprus
(Item prepared by the GR-H on 15.9.2011)

(CM(2011)117 rev)
(CM/Notes/1121/4.5 of 19.9.2011)

5.

Media

5.1

Steering Committee on the Media and New Communication Services (CDMC)

a. Abridged report of the 14th meeting (14-17 June 2011)

b. Draft Recommendation CM/Rec(2011)... of the Committee of Ministers to member states on a new notion of media

c. Draft Declaration by the Committee of Ministers on Internet governance principle

d. Draft Recommendation CM/Rec(2011)... of the Committee of Ministers to member states on the protection and promotion of the universality, integrity and openness of the Internet and its Explanatory Memorandum

e. Draft Declaration by the Committee of Ministers on the protection of freedom of expression and information and freedom of assembly and association with regard to Internet domain names and name strings

(Item prepared by the GR-H on 15.9.2011)

(CM(2011)115, CM(2011)115 add1 and CM(2011)115 add2)

(CM/Notes/1121/5.1 of 20.9.2011)

6.

Social cohesion

6.1

European Committee for Social Cohesion (CDCS)

a. Abridged report of the 24th meeting (Strasbourg, 19-20 May 2011)

b. Draft Recommendation CM/Rec(2011)... of the Committee of Ministers to member states on fostering social mobility as a contribution to social cohesion

(Item prepared by the GR-SOC on 8.9.2011)

c. Draft Recommendation CM/Rec(2011)... of the Committee of Ministers to member states on intercultural competences in services to the public in order to ensure social cohesion in Europe

(Sub-item postponed)

(CM(2011)109)

(CM/Notes/1121/6.1 of 9.9.2011)

6.2

European Health Committee (CDSP)

a. Abridged report of the 64th meeting (Strasbourg, 28-30 June 2011)

b. Draft Declaration of the 9th Council of Europe Conference of Health Ministers
(Lisbon, Portugal, 29-30 September 2011)

(CM(2011)112)

c. Draft Guidelines on child-friendly health care and Explanatory Memorandum

(CM(2011)113, CM(2011)113 corr (Bilingual) and CM(2011)113 add)

(Item prepared by the GR-SOC on 8.9.2011)

(CM/Notes/1121/6.2 of 13.9.2011)

6.3

“Over-indebtedness of states: a danger for democracy and human rights” –

Parliamentary Assembly Recommendation 1961 (2011)

(Item prepared by the GR-SOC on 8.9.2011)

(Parliamentary Assembly REC_1961 (2011) and CM/AS(2011)Rec1961 prov)

(CM/Notes/1121/6.3 of 9.9.2011)

6.4

“Meeting the challenge of interfaith and intercultural tensions at local level” –
Recommendation 304 (2011) of the Congress of Local and Regional Authorities of the
Council of Europe

(Item to be prepared by the GR-SOC on 8.11.2011)

(Item postponed)

6.5

“Social time, leisure time: which local time planning policy?” –
Recommendation 295 (2010) of the Congress of Local and Regional Authorities of the
Council of Europe

(Item prepared by the TC-ET and by the GR-SOC on 28.6.2011 and on 8.9.2011)

(Congress REC_295 (2010) and CM/Cong(2011)Rec295 prov2)
(CM/Notes/1121/6.5 of 9.9.2011)

6.6

Committee of Experts on Social Security (CS-SS) –
Draft Resolution CM/ResCSS(2011)... on the application of the European Code of Social
Security by Greece (period from 1 July 2009 to 30 June 2010)

(Item prepared by the GR-SOC on 8.9.2011)

(CM(2011)110)
(CM/Notes/1121/6.6 of 9.9.2011)

6.7

European Directorate for the Quality of Medicines and Health Care (EDQM) –
Draft terms of reference for the Consumer Health Protection Committee (Partial
Agreement)

(CD-P-SC) (2012-2013)

(Item prepared by the GR-SOC on 8.9.2011)

(CM(2011)114)

(CM/Notes/1121/6.7 of 9.9.2011)

7.

Education and culture

7.1

« Strengthening measures to protect and revive highly endangered languages » –
Parliamentary Assembly Recommendation 1943 (2010)

(Item prepared by the GR-C on 15.9.2011)

(Parliamentary Assembly REC_1943 (2010) and CM/AS(2011)Rec1943 prov2)

(CM/Notes/1121/7.1 of 16.9.2011)

7.2

« Violence against Christians in the Middle East » –
Parliamentary Assembly Recommendation 1957 (2011)

(Item prepared by the GR-C on 15.9.2011)

(Parliamentary Assembly REC_1957 (2011) and CM/AS(2011)Rec1957 prov2)
(CM/Notes/1121/7.2 of 16.9.2011)

8.

Youth and sport

8.1

“Promoting volunteering in Europe” – Parliamentary Assembly Recommendation 1948
(2010)
(Item prepared by the GR-C on 15.9.2011)

(Parliamentary Assembly REC_1948 (2010) and CM/AS(2011)Rec1948 prov)
(CM/Notes/1121/8.1 of 16.9.2011)

13.

Any other business

Appendix 2

(Item 1.2)

1123 Meeting of the Ministers' Deputies
(Strasbourg, 12 (10 a.m.) October 2011)

Draft Agenda

In application of the rules for the dispatch of reference documents and Notes on the Agenda, the deadlines are:

CM: 14 September 2011

Notes: 30 September 2011

1.

General questions

1.1

Adoption of the agenda

(CM/Del/OJ(2011)1123)

1.2

Preparation of forthcoming meetings

(CM/Notes/1123/1.2 of ...)

1.3

Dialogue with the Secretary General and the Deputy Secretary General

(SG/Com(2011)1123)

1.4

Report of the Bureau

(CM/Bur/Del(2011)...)

1.5

Conferences of specialised ministers – State of preparation

(CM/Inf(2011)35)

CM/Notes/1123/1.5 of ...)

2.

Democracy and political questions

2.1

The Council of Europe and the conflict in Georgia

(CM(2008)150 rev, CM(2008)162, SG/Inf(2008)19, DD(2008)631, SG/Inf(2009)5, SG/Inf(2009)7, CM(2009)PV prov, CM(2009)PV add1, CM(2009)PV add2, SG/Inf(2009)10, SG/Inf(2009)5 add, SG/Inf(2009)9, CM/AS(2009)Quest572, DD(2009)447, SG/Inf(2009)15 final, SG/Inf(2009)5 add2, Parliamentary Assembly REC_1846 (2008) and CM/AS(2009)Rec1846 final, Parliamentary Assembly REC_1857 (2009) and CM/AS(2009)Rec1857 final, CM(2009)164, Parliamentary Assembly REC_1869 (2009) and CM/AS(2010)Rec1869 final, DD(2010)71, DD(2010)95, SG/Inf(2010)7, SG/Inf(2010)8, DD(2010)238, CM/Del/Dec(2010)1090/2.1, SG/Inf(2010)19, DD(2010)559 and SG/Inf(2011)8)

2.1bis

Current political questions

- a. Activities for the development and consolidation of democratic stability

(Item to be prepared by the GR-DEM on 27.9.2011)

(CM/Notes/1123/2.1bis of ...)

- b. Other questions

2.2

Situation in Cyprus

3.

Parliamentary Assembly

3.1

4th Part of the 2011 Session (Strasbourg, 3-7 October 2011)

- a. Communication by the Secretary General of the Parliamentary Assembly on the 4th Part of the 2011 Session and other Assembly activities

b. Communication by the Chairman of the Committee of Ministers and replies to parliamentary questions (3 October 2011)

(CM/AS(2011).., CM/AS(2011).., SG/AS(2011).. and AS(2011)CR..)

(CM/Notes/1123/3.1 of ...)

4.

Human rights

4.1

Group of Experts on Action against Trafficking in Human Beings (GRETA)

a. Exchange of views with the President of the GRETA

b. First general report on GRETA's activities covering the period from February 2009 to July 2011

(GRETA(2011)11)

(CM/Notes/1123/4.1 of ...)

4.2.

European Social Charter –

Draft Declaration of the Committee of Ministers on the 50th anniversary of the Charter

(Item to be prepared by the GR-H on 11.10.2011)

(CM(2011)135 of 20.9.2011)

(CM/Notes/1123/4.2 of ...)

9.

Sustainable development

9.1

“Landscape: a new dimension of public territorial action” –
Recommendation 292 (2010) of the Congress of Local and Regional Authorities of the
Council of Europe
(Item to be prepared by the GR-C on 11.10.2011)

(Congress REC_292 (2010) and CM/Cong(2011)Rec292 prov)
(CM/Notes/1123/9.1 of ...)

9.2

“Sustainable development of mountain regions and the experience of the Carpathian
Mountains” –
Recommendation 296 (2010) of the Congress of Local and Regional Authorities of the
Council of Europe
(Item to be prepared by the GR-C on 11.10.2011)

(Congress REC_296 (2010) and CM/Cong(2011)Rec296 prov)
(CM/Notes/1123/9.2 of ...)

10.

Legal questions

10.1

Committee of Experts on Terrorism (CODEXTER) –
Abridged report of the 20th meeting (San Sebastian (Spain), 14-15 June 2011)
(Item to be prepared by the GR-J on 27.9.2011)

(CM(2011)124)

(CM/Notes/1123/10.1 of ...)

10.2

European Committee on Crime Problems (CDPC)

a. Abridged report of the 60th plenary session (Strasbourg, 14-17 June 2011)

b. Draft Fourth Additional Protocol to the European Convention on Extradition and its
Explanatory Report

(Item to be prepared by the GR-J on 27.9.2011)

(CM(2011)118 and CM(2011)118 add)

(CM/Notes/1123/10.2 of ...)

10.3

European Charter for Regional or Minority Languages

a. Second report of the Committee of Experts in respect of Serbia
(Item to be prepared by the GR-J on 27.9.2011)

(CM(2011)121)

(CM/Notes/1123/10.3a of ...)

b. Fourth report of the Committee of Experts in respect of Sweden
(Item to be prepared by the GR-J on 27.9.2011)

(CM(2011)127)

(CM/Notes/1123/10.3b of ...)

10.4

Steering Committee on Bioethics (CDBI) –
Abridged report of the 40th meeting (Strasbourg, 21-23 June 2011)
(Item to be prepared by the GR-J on 27.9.2011)

(CM(2011)125)

(CM/Notes/1123/10.4 of ...)

11.

Administration and logistics

11.1

Staff Regulations –

Amendments with regard to delegation of staff management powers to the Registrar of the European Court of Human Rights – Draft resolution
(Item to be prepared by the GR-PBA on 22.9.2011)

(CM(2011)104)

(CM/Notes/1123/11.1 of ...)

11.2

Budget Committee – Replacement of a substitute member in respect of Germany for the term ending 31 December 2013

(CM/Del/Dec(2011)1120/11.1)

(CM/Notes/1123/11.2 of 22.9.2011)

13.

Any other business

Appendix 3

(Item 1.2)

1124 Meeting of the Ministers' Deputies
(Strasbourg, 26 (10 a.m.) October 2011)

Draft Agenda

In application of the rules for the dispatch of reference documents and Notes on the Agenda, the deadlines are:

CM: 28 September 2011

Notes: 14 October 2011

1.

General questions

1.1

Adoption of the agenda

(CM/Del/OJ(2011)1124)

1.2

Preparation of forthcoming meetings

1.3

Dialogue with the Secretary General and the Deputy Secretary General

(SG/Com(2011)1124)

1.4

Report of the Bureau

(CM/Bur/Del(2011)...))

1.5

Transfer of the chairmanship between Ukraine and the United Kingdom (Strasbourg,

7 November 2011) – Preparation

(CM/Inf(2011).. and CM/Inf(2011)..)

(CM/Notes/1124/1.5 of ...)

1.6

Dialogue on thematic issues: "Living together – Combining diversity and freedom in 21st century Europe"

(SG/Inf(2011)..)

2.

Democracy and political questions

2.1

The Council of Europe and the conflict in Georgia

(CM(2008)150 rev, CM(2008)162, SG/Inf(2008)19, DD(2008)631, SG/Inf(2009)5, SG/Inf(2009)7, CM(2009)PV prov, CM(2009)PV add1, CM(2009)PV add2, SG/Inf(2009)10, SG/Inf(2009)5 add, SG/Inf(2009)9, CM/AS(2009)Quest572, DD(2009)447, SG/Inf(2009)15 final, SG/Inf(2009)5 add2, Parliamentary Assembly REC_1846 (2008) and CM/AS(2009)Rec1846 final, Parliamentary Assembly REC_1857 (2009) and

CM/AS(2009)Rec1857 final, CM(2009)164, Parliamentary Assembly REC_1869 (2009) and CM/AS(2010)Rec1869 final, DD(2010)71, DD(2010)95, SG/Inf(2010)7, SG/Inf(2010)8, DD(2010)238, CM/Del/Dec(2010)1090/2.1, SG/Inf(2010)19, DD(2010)559 and SG/Inf(2011)8)

2.1bis

Current political questions

2.2

Situation in Cyprus

3.

Parliamentary Assembly

3.1

4th Part of the 2011 Session (Strasbourg, 3-7 October 2011) – Adopted texts

(2011 Session (Provisional Compendium of texts adopted))

(CM/Notes/1124/3.1 of ...)

4.

Human rights

4.1

Abolition of the death penalty in all member states of the Council of Europe

(CM/Del/Dec(2001)769/4.4 and CM/Del/Dec(2011)1111/4.2)

(CM/Notes/1124/4.1 of ...)

7.

Education and culture

7.1

Steering Committee for Cultural Heritage and Landscape (CDPATEP) –

Abridged report of the 4th plenary session (Strasbourg, 5-6 May 2011) and meeting of its Bureau (Strasbourg, 22-23 June 2011)

(Item to be prepared by the GR-C on 11.10.2011)

(CM(2011)132)

(CM/Notes/1124/7.1 of ...)

7.2

Steering Committee for Culture (CDCULT) –

Abridged report of the 10th plenary session (Strasbourg, 3-4 May 2011) and meeting of its Bureau (Paris, 8 July 2011)

(Item to be prepared by the GR-C on 11.10.2011)

(CM(2011)134)

(CM/Notes/1124/7.2 of ...)

8.

Youth and sport

8.1

World Anti-Doping Agency (WADA) –
Foundation Board – Renewal of the terms of office of the Deputy Secretary General of the
Council of Europe

(CM/Del/Dec(2006)957/8.1, CM/Del/Dec(2008)1039/8.1 and
CM/Del/Dec(2009)1073/8.2)
(CM/Notes/1124/8.1 of ...)

11.

Administration and logistics

11.1

Consolidated Financial Statements and Budgetary Management Accounts of the Council of
Europe for the year ended 31 December 2010

a. External Auditor's report 2010 and comments by the Secretary General

b. Exchange of views with the External Auditor, Mr Didier Migaud (President of the Cour
des Comptes, France)

(Item to be prepared by the GR-PBA on 22.9.2011)

(CM(2011)100, CM(2011)100 add and CM(2011)103)
(CM/Notes/1124/11.1 of ...)

11.2

Financial Statements and Budgetary Management Accounts of the Partial Agreement establishing the European Centre for Global Interdependence and Solidarity for the year ended

31 December 2010

(Item to be prepared by the GR-PBA on 22.9.2011)

(CM(2011)101)
(CM/Notes/1124/11.2 of ...)

11.3

Financial Statements and Budgetary Management Accounts of the Partial Agreement of the European Support Fund for the co-production and distribution of creative cinematographic and audiovisual works "Eurimages" for the year ended 31 December 2010

(Item to be prepared by the GR-PBA on 22.9.2011)

(CM(2011)102 and CM(2011)103 add)
(CM/Notes/1124/11.3 of ...)

11.4

Audit Committee – Annual report 2010 including first four months of 2011
(Item to be prepared by the GR-PBA on 22.9.2011)

(CM(2011)119)

(CM/Notes/1124/11.4 of ...)

11.5

Unpaid contributions at 16 September 2011
(Item to be prepared by the GR-PBA on 22.9.2011)

(CM(2011)107)

(CM/Notes/1124/11.5 of ...)

11.6

Pension Reserve Fund – Actuarial study
(Item to be prepared by the GR-PBA on 13.10.2011)

(CM(2011)108)

(CM/Notes/1124/11.6 of ...)

11.7

Regulations for secondments to the Council of Europe – Draft resolution
(Item to be prepared by the GR-PBA on 22.9.2011)

(CM(2011)120)

(CM/Notes/1124/11.7 of ...)

11.8

Enlarged Partial Agreement on the Co-operation Group to combat drug abuse and illicit trafficking in drugs (Pompidou Group) – Revision of the 2011 budget

(Item to be prepared by the GR-PBA on 13.10.2011)

(CM(2011)136)

(CM/Notes/1124/11.8 of ...)

13.

Any other business

Appendix 4

(Item 1.3)

Statement by the Committee of Ministers

(Adopted by the Committee of Ministers on 21 September 2011
at the 1121st meeting of the Ministers' Deputies)

The Committee of Ministers of the Council of Europe, meeting on 21 September 2011, was informed that the Board of Pardons and Paroles in the US state of Georgia has rejected the appeal for clemency lodged by Troy Davis against his death sentence, while there are serious doubts as to his guilt. The execution of Mr Davis is due to take place today.

Recalling its unwavering opposition to the death penalty, the Committee of Ministers calls for Mr Davis' death sentence to be urgently commuted.

Appendix 5

(Item 3.1b)

Reply to Written Question No. 599 by Lord Boswell on

"The European school in Strasbourg"

(Adopted by the Committee of Ministers on 21 September 2011
at the 1121st meeting of the Ministers' Deputies)

In reply to the Honourable Parliamentarian's question, the Committee of Ministers considers that the issues concerning the capacity and administration of the European School in Strasbourg do not fall within its competencies. Such dialogue should be taken up with the relevant authorities, and possibly co-ordinated within the Organisation through the creation of an informal ad hoc working group.

Appendix 6

(Item 4.5)

Resolution CM/ResCMN(2011)16

on the implementation of the Framework Convention for the Protection of National Minorities
by Cyprus

(Adopted by the Committee of Ministers on 21 September 2011
at the 1121st meeting of the Ministers' Deputies)

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as "the Framework Convention");

Having regard to Resolution Res(97)10 of 17 September 1997 setting out rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting rule adopted in the context of adopting Resolution Res(97)10;9

Having regard to the instrument of ratification submitted by Cyprus on 4 June 1996;

Recalling that the Government of Cyprus transmitted its state report in respect of the third monitoring cycle under the Framework Convention on 30 April 2009;

Having examined the Advisory Committee's third opinion on Cyprus, adopted on 19 March 2010, as well as the written comments of the Government of Cyprus, received on 8 October 2010;

Having also taken note of comments by other governments,

1. Adopts the following conclusions in respect of Cyprus:

a) Positive developments

Since the entry into force of the Framework Convention, Cyprus has pursued a constructive approach towards the monitoring process of this Convention and has taken useful steps to publicise, discuss and implement the results of the two first cycles of monitoring.

While there is scope for improvement in different sectors, it appears, as stated by the representatives of the "religious groups" protected under the Framework Convention – the Armenians, the Latins and the Maronites – that the entry into force of the Convention in respect of Cyprus and its monitoring have had an overall positive impact on the situation of these groups.

The fact that the Roma living on the territory under the effective control of the government now have access to the protection of the Framework Convention is a positive development. A number of practical measures have been taken in recent years to protect and support them.

In view of the growing diversity of Cypriot society, efforts have been made to improve and complete the anti-discrimination legislative and institutional framework and to increase awareness about human rights, tolerance, and the principles of equality and non-discrimination. Additional measures have been taken to enable Turkish Cypriots to more effectively participate in public affairs and social, economic, and cultural life.

The authorities have continued to support the preservation and promotion of the culture of the Armenians, the Latins and the Maronites, including by providing subsidies to their respective websites and written publications. Increased attention has been paid to the particularly vulnerable situation of the Maronites and their cultural heritage, mainly situated in the territory not under government control.

Public radio has increased its broadcasting time devoted to the "religious groups" and these groups' main community events have benefitted from good media coverage.

Efforts are being made to increase the multicultural dimension of education and to raise awareness of the history and culture of the "religious groups". Public support continues to be provided to children belonging to "religious groups" for access to private schools catering to their specific needs.

Armenians, Maronites and Latins are reportedly well integrated and, in general, take an active part in the Cypriot society's life. Positive and constructive relations have been maintained between them and the public authorities involved in minority protection.

b) Issues of concern

The follow-up of a number of previous recommendations was apparently hindered by complex constitutional provisions or by political and other developments.

The constitutional obligation of persons belonging to the three "religious groups" to affiliate themselves either with the Greek Cypriot Community or the Turkish Cypriot Community, as well as their members' statutory obligation to vote to elect their representative to parliament, are still in force. The implementation of the principle of self-identification thus remains problematic. The 2011 population census will provide a key opportunity for the authorities to ensure proper implementation of this principle in respect of all and to obtain up-to-date information on the ethnic, linguistic and religious composition of the population.

More adequate conditions are needed for the effective participation of the Armenians, the Latins and the Maronites in decision making on issues of interest to them, notably in parliament.

The demand by the Armenians and the Maronites for government support for the establishment of cultural centres is still pending but the Government of Cyprus is working towards the realisation of this project. Increased transparency is needed as regards the funding available for minority cultural projects and related procedures. The Maronites continue to be in a vulnerable situation in terms of preservation of their cultural heritage, notably the language, and still face practical difficulties in maintaining links with members of their group and their place of origin, in the territory out of the government effective control.

Difficulties persist concerning the availability of schoolbooks and training and recruitment of teachers for minority education. While the Armenians continue to face difficulties in their efforts to maintain the teaching of Armenian, the necessary conditions for the teaching of Cypriot Maronite Arabic are yet to be put in place.

The Roma are still facing prejudice and serious difficulties in various sectors and the establishment of a dialogue with them remains problematic.

The growing diversity of the Cypriot society is a particular challenge for the authorities. A government integration strategy remains to be adopted. In addition, increased efforts are needed to strengthen the institutional capacity of the Ombudsman Office and to ensure the operational independence and effectiveness of the National Human Rights Institution.

2. Adopts the following recommendations in respect of Cyprus:

In addition to the measures to be taken to implement the detailed recommendations contained in Sections I and II of the Advisory Committee's opinion, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

Issues for immediate action:10

- take adequate measures to ensure, during the population census in 2011 and other forthcoming processes, effective implementation of the principle of self-identification, especially in respect of the Armenians, the Latins and the Maronites, as well as the Roma;
- take urgent action to combat and sanction effectively all forms of discrimination and intolerance, including misconduct by members of the police force;
- take additional measures to provide a more adequate response to the educational needs of the Armenians, the Latins and the Maronites, in particular as regards the availability of teaching materials and qualified teachers; provide the support needed to enable adequate minority language teaching for the Armenians and the Maronites.

Further recommendations:1

- re-examine, in the light of the principle of free self-identification and in view of any subsequent revision of the Constitution, the obligation of the Armenians, the Latins and the Maronites to affiliate themselves with either the Greek Cypriot Community or the Turkish Cypriot Community, as well as their statutory obligation to vote to elect their representative in parliament;

- pursue the dialogue with the Armenians and the Maronites concerning their possible recognition as a national minority rather than “religious group”, and with the Latins to find a designation more acceptable to them;
- while stepping up measures to protect and support the Roma under the Framework Convention, identify ways to establish a structured dialogue with them and to obtain up-to-date information regarding their ethnic, linguistic and religious affiliations;
- take more resolute measures to increase awareness on the equality and non-discrimination principles, focusing in particular on journalists, law enforcement forces and members of the judiciary; ensure the operational independence and effectiveness of the National Human Rights Institution and strengthen the institutional capacity of the Ombudsman Office;
- make efforts to adjust public support to the preservation and development of the culture of the Armenians, the Latins and the Maronites to their actual needs, and effectively assist these groups in the establishment of cultural centres;
- take effective measures, including of a financial nature, to support the revitalisation and promotion of the language of the Maronites as well as their culture, religion and traditions and increase efforts to facilitate their contacts with persons who share their identity and their place of origin;
- take further steps to promote mutual respect and understanding within Cypriot society;
- identify ways to enable a more effective participation of the Armenians, the Latins and the Maronites in public affairs in parliament and through improved consultation mechanisms.

3. Invites the Government of Cyprus, in accordance with Resolution Res(97)10:

- a. to continue the dialogue in progress with the Advisory Committee;

b. to keep the Advisory Committee regularly informed of the measures it has taken in response to the conclusions and recommendations set out in sections 1 and 2 above.

Appendix 7

(Item 5.1)

Recommendation CM/Rec(2011)7

of the Committee of Ministers to member states

on a new notion of media

(Adopted by the Committee of Ministers on 21 September 2011

at the 1121st meeting of the Ministers' Deputies)

Introduction

The purpose of media

1. Since their emergence as a means of mass communication, media have been the most important tool for freedom of expression in the public sphere, enabling people to exercise their right to seek and receive information. Media animate and provide a space for public debate. Media offer comment and opinion as part of political dialogue, contribute to setting the political agenda and the shaping of public opinion, and they often seek to promote certain values. Media facilitate the scrutiny of public and political affairs and private or business-related matters, thereby increasing transparency and accountability. Moreover, media provide education, entertainment, cultural and artistic expression. Media also play an important part in the economy, create jobs and generate income.

Media and democracy

2. Freedom of expression, in particular the right to seek, impart and receive information, and its corollary freedom of the media, are indispensable for genuine democracy and democratic processes. In a democratic society, people must be able to contribute to and participate in the decision-making processes which concern them. This applies to local, national or international governance models as well as to other specific communities. In this context, democratic governance should be understood in broad terms to include processes concerning private or business-related matters with public policy relevance or collective interest. All content provided by the media has potential impact on society regardless of the value attributed to it. The power of the media can be misused, especially in a context of strong media concentration, to the detriment of pluralism and democracy.

Media standards and regulation

3. All Council of Europe member states have undertaken to secure to everyone within their jurisdiction the fundamental right to freedom of expression and information, in accordance with Article 10 of the European Convention on Human Rights ("the Convention", ETS No. 5). This right is not absolute; it carries with it duties and responsibilities and can be subject to limitations in accordance with Article 10, paragraph 2, of the Convention.

4. Historically, media regulation has been justified by and graduated having regard to its potential high impact on society and on individual rights; regulation has also been a means of managing scarce resources in the public interest. Given their importance for democracy, media have been the subject of extensive Council of Europe standard-setting activity. The purpose has been to ensure the highest protection of media freedom and to provide guidance on duties and responsibilities. As a form of interference, any regulation should itself comply with the requirements set out in Article 10 of the European Convention on Human Rights and the standards that stem from the relevant case law of the European Court of Human Rights.

Developments in the media ecosystem

5. Developments in information and communication technologies and their application to mass communication have led to significant changes in the media ecosystem, understood

in broad terms to encompass all actors and factors whose interaction allows the media to function and to fulfil their role in society. It has allowed for new ways of disseminating content on a large scale and often at considerably lower cost and with fewer technical and professional requirements. New features include unprecedented levels of interaction and engagement by users, offering new opportunities for democratic citizenship. New applications also facilitate users' participation in the creation process and in the dissemination of information and content, blurring the boundaries between public and private communication. The media's intrinsic editorial practices have diversified, adopting new modalities, procedures and outcomes.

6. With these changes in the media ecosystem, the functioning and existence of traditional media actors, as well as their economic models and professional standards, are being complemented or replaced by other actors. New actors have assumed functions in the production and distribution process of media services which, until recently, had been performed only (or mostly) by traditional media organisations; these include content aggregators, application designers and users who are also producers of content. A number of "intermediaries" or "auxiliaries", often stemming from the information and communication (ICT) sector, including those serving at the outset as mere hosts or conduits (for example infrastructure, network or platform operators), are essential for digital media's outreach and people's access to them. Services provided by these new actors have become essential pathfinders to information, at times turning the intermediaries or auxiliaries into gatekeepers or into players who assume an active role in mass communication editorial processes. Such services have complemented or, on occasion, partly replaced traditional media actors in respect of those functions. The roles of each actor can easily change or evolve fluidly and seamlessly. Furthermore, some have developed services or applications which have put them in a dominant position on a national or even at a global level.

A new notion of media which requires a graduated and differentiated approach

7. Despite the changes in its ecosystem, the role of the media in a democratic society, albeit with additional tools (namely interaction and engagement), has not changed. Media-related policy must therefore take full account of these and future developments,

embracing a notion of media which is appropriate for such a fluid and multi-dimensional reality. All actors – whether new or traditional – who operate within the media ecosystem should be offered a policy framework which guarantees an appropriate level of protection and provides a clear indication of their duties and responsibilities in line with Council of Europe standards. The response should be graduated and differentiated according to the part that media services play in content production and dissemination processes. Attention should also be paid to potential forms of interference in the proper functioning of media or its ecosystem, including through indirect action against the media's economic or operational infrastructure.

The Committee of Ministers, under the terms of Article 15. b of the Statute of the Council of Europe recommends that member states:

- adopt a new, broad notion of media which encompasses all actors involved in the production and dissemination, to potentially large numbers of people, of content (for example information, analysis, comment, opinion, education, culture, art and entertainment in text, audio, visual, audiovisual or other form) and applications which are designed to facilitate interactive mass communication (for example social networks) or other content-based large-scale interactive experiences (for example online games), while retaining (in all these cases) editorial control or oversight of the contents;
- review regulatory needs in respect of all actors delivering services or products in the media ecosystem so as to guarantee people's right to seek, receive and impart information in accordance with Article 10 of the European Convention on Human Rights, and to extend to those actors relevant safeguards against interference that might otherwise have an adverse effect on Article 10 rights, including as regards situations which risk leading to undue self-restraint or self-censorship;
- apply the criteria set out in the appendix hereto when considering a graduated and differentiated response for actors falling within the new notion of media based on relevant Council of Europe media-related standards, having regard to their specific functions in the media process and their potential impact and significance in ensuring or enhancing good governance in a democratic society;

- engage in dialogue with all actors in the media ecosystem in order for them to be properly apprised of the applicable legal framework; invite traditional and new media to exchange good practice and, if appropriate, consult each other in order to develop self-regulatory tools, including codes of conduct, which take account of, or incorporate in a suitable form, generally accepted media and journalistic standards;
- adopt strategies to promote, develop or ensure suitable levels of public service delivery so as to guarantee a satisfactory level of pluralism, diversity of content and consumer choice and ensure close scrutiny or monitoring of developments;
- remain attentive to addressing situations of strong concentration in the media ecosystem which might result in the misuse of an actor’s ability to shape or influence public opinion or people’s choices with potentially adverse consequences in respect of governance and, more particularly, political pluralism and democratic processes, especially as new types of services, applications or platforms gain relevance in these respects;
- undertake action, individually or collectively, to promote these approaches in appropriate international fora.

Appendix to Recommendation CM/Rec(2011)7

Criteria for identifying media and guidance for a graduated and differentiated response

Introduction

1. Democracy and freedom of expression require member states to refrain from undue interference with the media. Member states should also take proactive measures to promote media freedom, independence, pluralism and diversity and to protect the activities that ensure the adequate functioning of the media ecosystem, understood in broad terms to encompass all actors and factors whose interaction allow the media to function and to fulfil their role in society.

2. The policy framework in place should be clear and the consequences of its application should be foreseeable. It should be articulated towards protecting and promoting freedom of expression, diversity and pluralism, and should identify the duties and responsibilities of all actors in the media ecosystem, subject to the strict limits stipulated in Article 10 of the European Convention on Human Rights, as interpreted in the relevant case law of the European Court of Human Rights.

3. Policy-making and, more particularly, regulatory processes should ensure that due attention is paid to the principle that, as a form of interference, any regulation should itself comply with the requirements set out in Article 10 of the European Convention on Human Rights and the standards that stem from the relevant case law of the European Court of Human Rights. Regulatory responses should therefore respond to a pressing social need and, having regard to their tangible impact, they should be proportional to the aim pursued.

4. The Council of Europe has developed over the years a significant body of standards with regard to the media in order to assist media policy makers in their necessary endeavour to offer media the protection they need for their proper functioning and in their related policy-making and regulatory activities. In order to assist member states in the implementation of the Recommendation on a New Notion of Media, guidance is proposed in the present Appendix, on the one hand, to facilitate discerning whether particular activities, services or actors might be categorised as media (Part I) and, on the other hand, to inspire a graduated and differentiated policy approach in respect of the various activities, services or actors that are part of the media ecosystem (Part II).

5. The result of examining activities, services or actors in the light of the criteria (and indicators) should assist in gauging the necessity and the extent of policy-making or regulatory needs and also the degree of application of relevant legal frameworks (both as concerns freedoms and responsibilities). For example, policy responses for media focussing on news services may differ from those offering a platform for political debate or entertainment, in turn different from the mere association of revenue-generating activities to the dissemination of content through means of mass communication.

6. To this end, based on existing Council of Europe standards, Part II provides guidance to policy makers on how to apply media standards to new media activities, services or actors. It also offers the opportunity to address, or reinforce, the gender equality perspective in response to the call made by the Committee of Ministers of the Council of Europe in its Madrid Declaration "Making gender equality a reality" (12 May 2009) and the call made in the report of the Group of Eminent Persons' entitled "Living together. Combining diversity and freedom in 21st century Europe", presented to the Committee of Ministers in Istanbul on 10 May 2011.

7. A differentiated and graduated approach requires that each actor whose services are identified as media or as an intermediary or auxiliary activity benefit from both the appropriate form (differentiated) and the appropriate level (graduated) of protection and that responsibility also be delimited in conformity with Article 10 of the European Convention on Human Rights and other relevant standards developed by the Council of Europe.

8. It should also be recalled that newer or emerging modes of mass dissemination of and access to content, and the associated retention, processing and exploitation of data, may well affect the rights protected under Article 10 of the European Convention on Human Rights.

Part I

Media criteria and indicators

Preliminary remarks

9. Media policy makers are invited to take account of the following criteria when considering if particular activities, services or actors ought to be regarded as media.

10. Six criteria are set out below, each supplemented by a set of indicators, which should allow policy makers to identify media and media activities in the new ecosystem. The extent to which criteria are met will permit to recognise whether a new communication

service amounts to media or will provide an indication of the bearing of intermediary or auxiliary activity on media services. Indicators should allow for establishing whether and to what extent a particular criterion is met. Not all indicators need to be met to fulfil a particular criterion. Some indicators, such as those relating to professional standards and media ethics, relate to more than one criterion.

11. Similarly, not all criteria carry equal weight. The absence of certain criteria such as purpose (criterion 2), editorial control (criterion 3) or outreach and dissemination (criterion 5) would tend to disqualify a service from being regarded as media. Certain criteria may not be met, such as intent (criterion 1) or public expectation (criterion 6) or not be immediately apparent, which should not automatically disqualify a service from being considered media, but may carry considerable weight if they are present.

12. When considering criteria, account should be taken of the service provider's own characteristics and idiosyncrasy, as well as the service provider's maturing process as media, which may have a bearing on the manner of displaying editorial control (criterion 3) or on self-perceived professionalism (criterion 4). Consequently, all criteria (and indicators) should be applied in a flexible manner, interpreting them in the context of specific situations or realities. In the new communication environments, continuous attention is called for, as an actor's role and operation can easily change and evolve fluidly and seamlessly, which might affect the extent to which one or more criteria are met and thus its potential classification as media.

13. A commonly accepted feature of media is its role in society and its impact on society or bearing on democratic processes. Impact can be seen as part of several of the criteria below. However, given that assessing impact is highly subjective, it should not be considered as a determining factor. All content provided by media has a potential impact on society, whatever the size of the segment of population concerned, and regardless of the value attributed to it by society as a whole.

14. The result of this analysis should be taken into account when shaping media-related policy and when graduating its application, always subject to the caveats of strict necessity and minimum intervention. It will also have a bearing on the extent to which

Council of Europe media-related standards apply and the modalities of its application. This entails a need for a flexible response, tailored to a concrete case (namely differentiated) and graduated for the purpose. The response should also take account of the service provider's own characteristics and idiosyncrasy, as well as that service provider's maturing process as media.

15. Intermediaries and auxiliaries in the media ecosystem can be distinguished from media as they may meet certain of the criteria or indicators below, but they usually do not meet some of the core criteria such as editorial control (criterion 3) or purpose (criterion 2). However, they often play an essential role, which can give them considerable power as regards outreach and control or oversight over content. As a result, intermediaries and auxiliaries can easily assume an active role in mass communication editorial processes. Member states should therefore consider them carefully in media-related policy making and should be particularly attentive to their own positive and negative obligations stemming from Article 10 of the European Convention on Human Rights. This may call for a differentiated policy response in their respect (adapted to particular intermediaries or auxiliaries) having regard to the specificities of the situation (for example when their action can have a bearing on pluralism or on the ability of media served by the intermediaries or auxiliaries in question to fulfil their purpose, to function normally or to continue delivering their services).

Criterion 1 – Intent to act as media

Indicators

Self-labelling as media

Working methods which are typical for media

Commitment to professional media standards

Practical arrangements for mass communication

16. The volition of an actor is an important factor in assessing whether the actor itself or some or all of its services and products should be regarded as media. It also allows for a first instance in policy differentiation on the basis of different actors' own perceptions as regards their activities and services.

17. Intent to act as media can be expressed by subjective means (for example by self-declaration as media, self-labelling, brand, declaring a purpose, mission statement or business plan that avow media or journalistic goals) and may be explicit or even formally recorded (as in the case of business registration, purpose stated in a company's articles of association). These subjective indicators can refer to other criteria, such as purpose (for example resolve to provide regularly updated news), editorial control or professional standards.

18. More particularly, intent can be revealed by the adoption of an editorial policy or commitment to professional and ethical standards which are typical for media. An editorial policy or commitment can also be expressed in the terms and conditions of use which provide explanations to users of a service about the types of content or behaviour that are, or are not, accepted by the operator.

19. Membership in professional media organisations or professional organisations which promote or enforce codes of ethics or good practice or engage in other forms of self-regulation which are typical for media may also be relevant, together with the choice of staff (for example journalists) for certain functions, job descriptions of staff, the training or even the choice of professional insurance (for example against defamation) offered to them.

20. Intent can also be inferred from action taken (for example setting up a business or platform and hiring staff, etc.) to produce or disseminate to a wide audience typical media content (for example information, analysis, comment, opinion, education, culture, art and entertainment in text, audio, visual, audiovisual form).

21. In a new communications environment, this extends to action taken to arrange, aggregate or select (for example by means of algorithms) and to disseminate the above-

mentioned content to potentially large numbers of people through means of mass communication. It also extends to operating applications for collective online shared spaces which are designed to facilitate interactive mass communication (or mass communication in aggregate) or other content-based large-scale interactive experiences. It can, in particular, be evidenced by the means, arrangements or structures put in place for mass communication (for example platform or bandwidth enabling mass outreach).

22. While intent is in itself an important criterion, by itself it is not sufficient for considering or treating an actor or any of its services or products as media.

Criterion 2 – Purpose and underlying objectives of media

Indicators

Produce, aggregate or disseminate media content

Operate applications or platforms designed to facilitate interactive mass communication or mass communication in aggregate (for example social networks) and/or to provide content-based large-scale interactive experiences (for example online games)

With underlying media objective(s) (animate and provide a space for public debate and political dialogue, shape and influence public opinion, promote values, facilitate scrutiny and increase transparency and accountability, provide education, entertainment, cultural and artistic expression, create jobs, generate income – or most frequently, a combination of the above)

Periodic renewal and update of content

23. In spite of the changes in the media ecosystem, the purpose and underlying objective(s) of the media remains on the whole unchanged, namely the provision or dissemination of content to a broad public and the provision of a space for different interactive experiences. Media are the most important tool for freedom of expression.

24. Media's purpose and underlying objectives remain a determining factor, especially as regards its role in and impact on society. They have been features of choice for identifying media and are highly relevant for media-related policy-making and regulatory processes. They will therefore be an important tool when considering a differentiated and graduated response.

25. A desire to influence public opinion, which has traditionally been one of the key indicators for identifying media or media-related activities, manifests itself in devoting content to matters of public debate and interest and in efforts to reach a large public. Evidence of such influence and impact on society can be derived from research on media's credibility and trustworthiness and on their ability to achieve those underlying objectives which are relevant for democratic processes (see in this context criteria 5 and 6, relating to outreach and dissemination and to public expectation).

26. However, value judgements in respect of content should not be a determining factor to disqualify services, activities or actors as media. Attention should in particular be paid to the risk of excluding certain activities from consideration as media because of their innovative modalities rather than their essential features. Arranging, aggregating, selecting or, on occasion, even promoting content for its broad dissemination are relevant. Depending on the degree to which criteria are met, the notion of producer may need to be distinguished from media (for example in respect of content-sharing platforms subject to light touch editorial control or ex post moderation). In this respect, reference to traditional media's interactive or user generated content (for example collaborative, audience participation, call-in, quiz or talk show formats) may be useful. This may bear on the extent and modalities of application of media-related policies to them.

27. New business models have been, and will no doubt continue to be, developed for associating revenue-generating activities to the dissemination of content. This is sometimes at the centre of media activities and can therefore be useful to identify and categorise the underlying media services and activities and to consider the policy and regulatory consequences.

28. The periodic or regular renewal or updating of content should also be given due consideration. This indicator of media has to be applied with precaution given the importance of constant or occasional renewal. Moreover, in a new communications environment where users exercise considerable control over the shaping and the timing of access to content, updating or renewal may well relate more closely to user experience than to timing or to the content itself. This is particularly the case for services involving collective online shared spaces designed to facilitate content-based interactive mass communication in aggregate or other large-scale interactive experiences.

Criterion 3 – Editorial control

Indicators

Editorial policy

Editorial process

Moderation

Editorial staff

29. Editorial freedom or independence is an essential requirement for media and a direct corollary of freedom of expression and the right to hold opinions and to receive and impart information, guaranteed under Article 10 of the European Convention on Human Rights. A number of existing Council of Europe standards provide guidance designed to preserve and promote editorial freedom or independence. The reverse of the medal is media's own editorial control or oversight over content and responsibility for editorial decisions.

30. Editorial control can be evidenced by the actors' own policy decisions on the content to make available or to promote, and on the manner in which to present or arrange it. Legacy media sometimes publicise explicitly written editorial policies, but they can also be found in internal instructions or criteria for selecting or processing (for example verifying or validating) content. In the new communications environments, editorial policies can be

embedded in mission statements or in terms and conditions of use (which may contain very detailed provisions on content), or may be expressed informally as a commitment to certain principles (for example netiquette, motto).

31. The absence of an outward assertion of editorial control by the media should not, by itself, be considered as an indication of its absence. Editorial process involves a set of routines and conventions that inform decision making as regards content. In an evolving media environment, there are many examples of the gradual development and consolidation of editorial process as media mature. As has been the case for legacy media, there may be varying degrees or intensity of control over content, which may be perceived only as regards a small part of it.

32. Editorial process can involve users (for example peer review and take down requests) with ultimate decisions taken according to an internally defined process and having regard to specified criteria (reactive moderation). New media often resort to ex post moderation (often referred to as post-moderation) in respect of user generated content, which may at first sight be imperceptible. Editorial processes may also be automated (for example in the case of algorithms ex ante selecting content or comparing content with copyrighted material).

33. In certain cases, editorial control can be more apparent in respect of selected or promoted content or content associated to revenue-generating activities (for example advertising) than as regards other content (for example user generated material). In turn, part of the content (for example advertising) can be under direct control of a third party by virtue of an agency agreement. Legacy media tend to resort to ex ante editorial control (or pre-moderation) in respect of certain services or activities (for example print media or some broadcasts) but not others (for example collaborative, audience participation, call-in or talk show formats).

34. Staff entrusted with producing, commissioning, collecting, examining, processing or validating content will serve as a reliable indicator of editorial control or oversight. The existence of editorial boards, designated controllers or supervisors with editorial powers,

or arrangements for responding to or dealing with users requests or complaints as regards content, will be particularly helpful in this respect.

35 Again, it should be noted that different levels of editorial control go along with different levels of editorial responsibility. Different levels of editorial control or editorial modalities (for example ex ante as compared with ex post moderation) call for differentiated responses and will almost certainly permit best to graduate the response.

36. Consequently, a provider of an intermediary or auxiliary service which contributes to the functioning or accessing of a media but does not – or should not – itself exercise editorial control, and therefore has limited or no editorial responsibility, should not be considered to be media. However, their action may be relevant in a media context. Nonetheless, action taken by providers of intermediary or auxiliary services as a result of legal obligations (for example take down of content in response to a judicial order) should not be considered as editorial control in the sense of the above.

Criterion 4 – Professional standards

Indicators

Commitment

Compliance procedures

Complaints procedures

Asserting prerogatives, rights or privileges

37. Media have built trust over time through competence and professionalism of their staff, in particular journalists. Collectively, they have expressed their commitment to preserve their values in a wide range of declarations, charters and codes which they seek to promote throughout the sector and transmit to their peers, in particular to newcomers to the profession. Specific media have reinforced this through their own internal codes of

practice, staff regulations or instructions and norms as to procedure and style. Self-regulation also speaks of the importance of media and journalism for our societies, especially for democracy.

38. However it is expressed, adhesion to the profession's own ethics, deontology and standards is a strong media indicator; standards frequently mentioned in this context are truthfulness, responsibility, freedom of expression and of the media, equality, fairness, and journalistic independence. In new media, evidence of this criterion can be less apparent, but may be found in mission statements, in staff regulations or in terms and conditions of use. The selection of staff, the tasks entrusted to them, guidance for their performance, or their professional background or competence could also be relevant.

39. Media (and journalists') ethics, deontology and standards are the basis of media accountability systems. There is a wide range of media accountability systems; they include media or press councils, ombudspersons (including in-house users' advocates), informal peer (media) review, and a range of formal or informal processes that permit to hold media to account for their performance or to conduct ethical audits.

40. Media accountability systems extend to complaint procedures and to the existence of bodies tasked with examining complaints and deciding on compliance with professional standards. In this connection, attention should be paid to the availability of remedies typical of media (for example reply, correction, apology) or other means of providing satisfaction in response to complaints about the content disseminated.

41. As regards in particular new media, codes of conduct or ethical standards for bloggers have already been accepted by at least part of the online journalism community. Nonetheless, bloggers should only be considered media if they fulfil the criteria to a sufficient degree. In the absence of self-regulation, national and international decisions or case law (for example of national judges or data protection authorities and international bodies, including the European Court of Human Rights) are also contributing to the shaping of standards (for example as regards privacy or the protection of personal data, or the protection of children from harmful content).

42. Seeking to benefit from protection or privileges offered to media can be very revealing. Prerogatives, rights and privileges which can be asserted by media or by journalists, subject to relevant legal provisions, include: the protection of sources; privileged communications and protection against seizure of journalistic material; freedom of movement and access to information; the right to accreditation; protection against misuse of libel and defamation laws (for example defences as regards the truthfulness and accuracy of information, good faith public interest).

Criterion 5 – Outreach and dissemination

Indicators

Actual dissemination

Mass-communication in aggregate

Resources for outreach

43. In order to achieve the purposes described above, media seek outreach to a large number of people. Media or mass communication has traditionally been defined as mediated public communication addressed to a large audience and open to all. Outreach or actual dissemination (number of copies, viewers or users) is therefore an important indicator in identifying media and in distinguishing it from private communication, including private communication taking place in a public space (which is not, in itself media, but could be incorporated into media or mass communication in aggregate). However, there is no single or common understanding of what is mass or large audience; it can easily range from a territorial, interest or other community (for example the target of local, professional or community media) to potentially global audiences (in the case of satellite television or certain Internet services).

44. Technologies making possible non-linear or on-demand delivery of content, conditional access, unbundling of electronically delivered content, personalisation of content or unicasting, bring a different dimension to the term and have brought a new dimension to

mass communication. So has the capacity of the Internet to support the full range of public (one-to-many, many-to-many) communication, as well as group (few-to-few) and private communication (one-to-one); the fact that such communication takes place on the internet (a public space) does not necessarily imply that it is media.

45. For an assessment of outreach, attention should be paid to the aggregated audience, namely all those sharing the platform or common features of the service and who can be reached by the content produced, arranged, selected, aggregated or distributed by the operator, including when the delivery of or access to content is not simultaneous. It may be useful to consider separately the question of content sought by the user and that directly or indirectly related to the revenue-generating activity of the operator of the service. The number of registered users is therefore relevant.

46. The above is consistent with emerging case law which suggests a fine line between private and public communication; as a result, publishing content in social networks has attracted consequences proper to public communication. However, this does not entail categorising the users as media (which would have given them access to media or journalists' prerogatives or privileges). To meet this criterion, a content provider has to take concrete steps to power or project content to a mass-communication dimension; this outreach could be evidenced by recourse to sufficient bandwidth or developing suitable distribution platforms. Attention should be paid to the possibility of rapid developments in this respect.

47. The new fluid ecosystem allows for media to operate easily within other media or for different operators to overlap, sometimes blurring the boundaries between them. It is therefore important to distinguish their respective roles, so as to discern their respective responsibilities. This process may be facilitated by exploring the degree to which the guest, separately, meets the media criteria. This is also important in order not to overstretch the notion of media to unduly include users who produce or contribute to generating content.

48. Together with other criteria, the dimension of entirely closed collective online shared spaces designed to facilitate interactive communication should permit to determine

whether they are media. However, the mere fact of restricted access should not automatically disqualify them (this is comparable to media services only available by subscription).

49. The level of outreach and dissemination is an important criterion which, clearly, has an impact on a differentiated and graduated approach. If outreach and dissemination are low, a service should not be considered media. However, this should be considered having regard to the size of the market or potential audience or user base and also potential impact. The absence of sufficiently large outreach and dissemination does not preclude something from being considered to be media but, in all such cases, those circumstances will have a bearing on differentiation and graduation.

Criterion 6 – Public expectation

Indicators

Availability

Pluralism and diversity

Reliability

Respect of professional and ethical standards

Accountability and transparency

50. People's expectations follow largely the preceding criteria (and the related indicators). They expect that media be available and will be there for them when they wish to turn their attention to it. Without prejudice to discontinuation or temporary suspension, media services are therefore presumed ongoing and broadly accessible (this does not rule out services for consideration, by subscription or subject to membership arrangements).

51. In general, people recognise media and rely to a large extent on media for information and other content. They expect that content will be produced according to relevant professional standards. In a democratic society, they count on the availability of a range of sources of information and expect their content to be diverse, responding to the interests of different segments in society.

52. Depending on the purpose and nature of specific media, public expectation may vary. Expectations in respect of public service media are higher than in respect of certain other media. News media will naturally be expected to be regularly updated and disseminated periodically. People even have expectations as regards content of a commercial nature, which are higher in respect of media or media content designed for minors.

53. In order to be able to fulfil their role and achieve their purpose, media have to earn the trust of the public. Depending on the expressed or perceived purpose, editorial policy, financing model and impact, the trust accorded by the public to media varies. The development of professional and ethical standards to a large extent reflects people's expectations. However, self-regulation may not always be regarded as sufficient and people look to public authorities to ensure that minima are guaranteed. There are also expectations as to transparency and accountability. Higher levels of expected trustworthiness, standards, transparency and accountability does not necessarily bring about higher outreach, dissemination or impact.

54. Public expectation in a given society may, to some extent, be revealed by law makers' interest on and attention to the subject, and by existing regulation (including co-regulation). In a global society where media know no borders, there is an expectation of some degree of harmonisation also in the understanding of what media is. Comparative solutions may therefore be relevant.

55. The level and nature of public expectation can change rapidly both as regards the media themselves and the part to be played by policy makers, depending on whether and the extent to which other criteria and indicators are met.

Standards applied to media in the new ecosystem

Preliminary remarks

56. The objective of this part is to offer guidance to policy makers on how to apply media standards to new media activities, services or actors in a graduated and differentiated manner. Further, it provides a substantive basis for implementing the recommendation that member states engage in dialogue with all actors in the media ecosystem in order for them to be properly apprised of the applicable legal framework. It should also assist media actors in any self-regulatory exercise in which they may engage.

57. While the Recommendation on a new notion of media and Part I of this appendix are expected to stand the test of time because of their broad nature, this part, which is of a more pragmatic nature, may need to be further developed, adapted or revised periodically in light of changes in the media ecosystem.

58. Media and journalists are subject to general legal provisions (namely those that are not specific to the media, whether civil, commercial, corporate, tax or penal law). However, given media's needs and role in society, certain general provisions may need to be interpreted specifically for the media (for example in respect of defamation, surveillance, stop and search, state secrets or corporate confidentiality) or their application be scrutinised to avoid their misuse to covertly impinge on media freedom.

59. Subject to the principle that, as a form of interference, media regulation should comply with the requirements of strict necessity and minimum intervention, specific regulatory frameworks should respond to the need to protect media from interference (recognising prerogatives, rights and privileges beyond general law, or providing a framework for their exercise), to manage scarce resources (to ensure media pluralism and diversity of content – cf. Article 10, paragraph 1 in fine, of the European Convention on Human Rights) or to address media responsibilities (within the strict boundaries set out in Article 10, paragraph 2, of the Convention and the related case law of the European Court of Human Rights). These considerations inspired the structure of this part of the appendix.

60. In each case, an indication is given of existing Council of Europe standards, and their application in a new media environment is briefly explained. There is no attempt to set out standards in an exhaustive manner. Those selected should be seen as examples which can provide some inspiration for the application of other relevant Council of Europe standards. Given the nature and scope of this instrument, guidance is presented in very broad terms; more precise guidance will have to be deduced from related Committee of Ministers standard-setting instruments (a proposed list is set out at the end of the section). The application of standards will be subject to and evolve in line with developments as regards media actors, services and activities.

A. Rights, privileges and prerogatives

Indicators

Media freedom and editorial independence

Freedom from censorship

Protection against misuse of defamation laws and risk of chilling effect

61. There is no genuine democracy without independent media. Media freedom should be understood in broad terms. It comprises freedom of expression and the right to disseminate content. As stipulated in Article 10 of the European Convention on Human Rights, this right has to be guaranteed regardless of frontiers. Actors should be able to initiate media activities or to evolve without undue difficulty from private or semi-private communication in a public space into mass communication. In particular, there should be no prior authorisation processes; if required, declaration of media activities should pursue the objective of enhancing their protection against interference, without creating unwarranted obstacles to their operation.

62. There are many examples of interference or attempts to interfere with the independence of media in the new ecosystem. There have been reports of direct pressure

by politicians on media to withhold or withdraw content and also calls on intermediaries to exclude media actors from their hosting services. Respect of editorial independence requires absence of censorship or ex ante control of content. Media should be free from blocking and filtering measures. Public disclosure of all such incidents should be welcome.

63. The importance of the role of intermediaries should be underlined. They offer alternative and complementary means or channels for the dissemination of media content, thus broadening outreach and enhancing effectiveness in media's achievements of its purposes and objectives. In a competitive intermediaries and auxiliaries market, they may significantly reduce the risk of interference by authorities. However, given the degree to which media have to rely on them in the new ecosystem, there is also a risk of censorship operated through intermediaries and auxiliaries. Certain situations may also pose a risk of private censorship (by intermediaries and auxiliaries in respect of media to which they provide services or content they carry).

64. There is growing concern about denial of service attacks against media in the digital environment. Smaller media operators, which are a key component of a plural and diverse media landscape, are most vulnerable. As a result, they may also be refused hosting services. Claims have also been made of indirect action against media by obstructing their funding arrangements; tax or competition procedures could be misused in a similar way.

65. In the new ecosystem, all media should be preserved from pressure, including that which is politically motivated or stemming from economic interests. Media should be free from censorship and preserved from self-censorship. Editorial independence requires effective and manifest separation between ownership or control over media and decision making as regards content. This is an important factor in the maturing process of media. Persons who exercise political authority or influence should refrain from participating in media's editorial decisions. This is particularly relevant as regards media in the new ecosystem which carry content capable of shaping opinion or informing the electorate's political decisions. These considerations apply equally to content creators and distributors.

66. Libel and defamation laws can be misused to interfere with, or by way of reprisal against, media. They can have a strong chilling effect. According to the case law of the

European Court of Human Rights, expressions (or content) which disturb, shock or offend must be tolerated. Subject to the respect or clearing of pertinent intellectual property rights, media should be able to rely on prior media reports or published material without risk. However, in the new ecosystem, consideration needs to be given to the accumulated or multiplied impact and the possible need to apportion responsibility in case of damage (for example resulting from dissemination by a first outlet as compared to the enhanced or multiplied impact when the same content is disseminated by other, including mainstream, media).

67. All media in the new ecosystem should be entitled to use the defences of truthfulness and accuracy of information, good faith or public interest (in particular in the context of scrutiny of the conduct of public or political figures and public officials, and also in respect of matters a priori covered by state secrets or by corporate confidentiality rules). Media should be confident that, when assessing content, fact will be treated differently from opinion (the latter allowing for greater freedom). Media should also be able to rely on freedom of satire and the right to exaggeration.

68. Any action sought against media in respect of content should respect strictly applicable laws; above all international human rights law, in particular the provisions of the European Convention on Human Rights, and comply with procedural safeguards. There should be a presumption in favour of freedom of expression and information and in favour of media freedom. Due account should be taken of the role of users and of the nature of user generated content.

69. Whether in the form of negative obligations (not to interfere) or positive obligations (to facilitate the exercise of freedom of expression and the right to impart and receive information regardless of frontiers, including by ensuring the availability of effective remedies in case of interference by other actors) the duty bearer of these rights, privileges and prerogatives is the state. This should be graduated depending on the circumstances of each case and the realistic possibilities for the state to take necessary preventive or remedial measures. State responsibility should, in no case, be interpreted as allowing for any control, inspection or interference, or indeed any other action, capable of obstructing

the legitimate exercise of the right to freedom of expression and the right to impart and receive information regardless of frontiers.

Indicators

Right to investigate

Protection of journalists and journalistic sources

70. Media's right to investigate is essential for democracy; it should therefore be recognised, preserved and promoted in the new media ecosystem. Journalists' right to investigate may be facilitated by accreditation; where applicable, media professionals in the new ecosystem should be offered accreditation without discrimination and without undue delay or impediment. The rights to freedom of movement (for example access to crisis zones) and access to information are highly relevant for all media professionals. Where appropriate, they should be offered protection without discrimination.

71. The above may extend, in certain cases, to providing protection or some form of support (for example guidance or training so that they do not put their own lives at risk) to actors who, while meeting certain of the criteria and indicators set out in Part I of this appendix, may not fully qualify as media (for example individual bloggers). A graduated response should take account of the extent to which such actors can be considered part of the media ecosystem and contributors to the functions and role of media in a democratic society.

72. Other essential components of the right to investigate are privacy of communications and the protection against seizure of professional material. Any form of surveillance of media professionals, including the tracking of their movements through electronic means, should be considered with great circumspection and be made the subject of reinforced safeguards.

73. The protection of sources is increasingly the subject of formal legal recognition. There is a need for robust protection of whistleblowers. In the new media ecosystem, the

protection of sources should extend to the identity of users who make content of public interest available on collective online shared spaces which are designed to facilitate interactive mass communication (or mass communication in aggregate); this includes content-sharing platforms and social networking services. Arrangements may be needed to authorise the use of pseudonyms (for example in social networks) in cases where disclosure of identity might attract retaliation (for example as a consequence of political or human rights activism).

Indicators

Fair access to distribution channels

Intermediaries and auxiliaries

74. Media should have fair access to electronic communication networks (including hosting services) and should be able to rely on the principle of net neutrality. Interoperability and open standards may be useful tools for eliminating technical barriers to the dissemination of media content. Consideration might be given to reinterpreting "must carry" rules in the new media ecosystem.

75. To the extent that their action or decisions can have an impact on media in the new ecosystem, intermediaries and auxiliaries should be free from pressure or influence intended to bear on media, its independence or its editorial decisions. Policy measures may be required to give effect to this requirement.

76. In case of legitimate action (for example resulting from understandable business decisions) by an intermediary, auxiliary or other actor bearing on essential conditions for the media's operation, arrangements may be desirable to preserve the media's ongoing functioning (for example to preserve pluralism and diversity in the public interest). This may call for additional safeguards (for example in the context of judicial procedures) or consideration by relevant authorities of possible means to prevent or mitigate the undesirable outcome. This may also be relevant, *mutatis mutandis*, as regards action by

authorities (for example applying tax law) if such action can have a negative impact on media freedoms and pluralism and to the extent necessary in a democratic society.

B. Media pluralism and diversity of content

Indicators

Management of scarce resources

Transparency of ownership

Public service media

77. As has already been indicated, actors in the new ecosystem should be able to initiate media activities or to evolve into media activities without undue difficulty. In particular, there should be no prior authorisation processes. In the new media ecosystem there is a plethora of actors, means and platforms for distribution and content; nonetheless, licensing may still be justified in exceptional cases by the need to manage scarce resources (for example the electromagnetic wavelength spectrum).

78. Limited to such exceptional cases, licensing or authorisation should pursue the public interest, namely to guarantee the existence of a wide range of independent and diverse media. Licensing and authorisation measures should respond to necessity, and persistence of the need for such measures should be reconsidered in light of developments.

79. Pluralism will not be automatically guaranteed by the existence of a large number of means of mass communication accessible to people. Moreover, in a situation of strong media concentration, the ability to shape or influence public opinion or people's choices may lie with one or only a few actors. Misuse of this power can have adverse consequences for political pluralism and for democratic processes. In the new media ecosystem, some actors have already developed services or applications which have put them in a dominant position on a national or even at a global level. Even if there is no evidence of misuse, such a dominant position can pose a potential risk.

80. Monitoring trends and concentration in the media ecosystem will permit the competent authorities to keep abreast of developments and to assess risks. Regulatory measures may be required with a view to guaranteeing full transparency of media ownership. This will help identify suitable preventive or remedial action, if appropriate and having regard to the characteristics of each media market, with a view to preventing media concentration levels that could pose risks to democracy or the role of the media in democratic processes.

81. Public service media is essential in the European model, involving the coexistence of public service, commercial and community media. They should adhere to high professional standards and should, ideally, involve the public in its governance structures. Their objective should be to ensure universal delivery, quality, trustworthy and diverse content, and political pluralism in the media. Adequately equipped and funded public service media, enjoying genuine editorial independence and institutional autonomy, should contribute to counterbalancing the risk of misuse of the power of the media in a situation of strong media concentration.

82. Public service media should therefore have a distinct place in the new media ecosystem, and should be equipped to provide high-quality and innovative content and services in the digital environment, and should be able to resort to relevant tools (for example to facilitate interaction and engagement).

83. The new ecosystem offers an unprecedented opportunity to incorporate diversity into media governance, in particular as regards gender balanced participation in the production, editorial and distribution processes. The same is true as regards various ethnic and religious groups. This will be a key factor in ensuring balanced representation and coverage by media and in combating stereotypes in respect of all constituent groups of society.

C. Media responsibilities

Indicators

Editorial responsibility

Respect for dignity and privacy

Respect for the presumption of innocence and fair trial

Respect for the right of property

Remedies for third parties

84. The watchdog function, namely scrutiny of public and political affairs and private or business-related matters of public interest, contributes to justify media's broad freedom; however, it is counterpoised by a requirement of greater diligence in respect of factual information. Scrutiny should involve accurate, in-depth and critical reporting. It should be distinguished from journalistic practices which involve unduly probing into and exposing people's private and family lives in a way that would be incompatible with their fundamental rights. Media should exercise special care not to contribute to stereotypes about members of particular ethnic or religious groups and to sexist stereotypes. Representatives of all groups should be offered the opportunity to contribute to content, express their views and explain their understanding of facts; media should consider adopting a proactive approach in this respect.

85. Subject to accuracy of information, the right to the respect of one's honour and reputation finds its limits in the public interest. Professionalism requires verifying information and assessing credibility, but there is no requirement to inform a person of the intention to disseminate information in their respect prior to its dissemination. The exigency of accuracy is less pertinent for opinion, comment and entertainment, which also permit exaggeration. However, media should distinguish these forms of expression from factual information.

86. The above requirements should be graduated having regard to the editorial policies and processes adopted by the media concerned and their potential outreach and impact, and also public expectation in their respect. Media content creators, editors and distributors should adhere to relevant professional standards, including those designed to

combat discrimination and stereotypes and to promote gender equality. They should exercise special care to ensure ethical coverage of minority and women's issues also by associating minorities and women to creation, editorial and distribution processes.

87. The role of media, whether new or legacy, in informing the public about criminal proceedings is important in a democratic society. In exercising their editorial responsibility, media should be attentive not to perturb the course of justice or undermine the correct functioning of the judiciary, the privacy and safety of all those involved and, in particular, the presumption of innocence of the suspect or accused. Particular attention should be paid to preserving the dignity of vulnerable persons, victims, witnesses and relatives of persons concerned by criminal proceedings. This should not preclude providing information in the public interest.

88. There is a vast amount of personal information and data in the new media ecosystem, including in online shared spaces designed to facilitate interactive mass communication (or mass communication in aggregate). The management, aggregation and use of such information and data should respect people's right to private and family life as protected by Article 8 of the European Convention on Human Rights, having regard also to the provisions of Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108). The persistence of content in digital environments and its potential for broad dissemination and re-use calls for special care and, in case of need, quick action with a view to mitigating damage. Media operating in the new ecosystem should also place high on their agenda the respect of human rights related standards in respect of profiling.

89. In the new ecosystem, considerable amounts of content are re-used or re-transmitted. In this connection, media should respect the intellectual property rights of others. Without prejudice to the private and collective private enjoyment of content, including in online shared spaces, and other forms of authorised use, attention should be paid to the modalities of application and respect of those rights in the context of user-generated or posted content.

90. Effective internal media accountability systems underpinned by appropriate professional standards often justify the absence of, or decrease the need for, external accountability. Actors in the new ecosystem should develop adequate complaints mechanisms and strive to offer remedies to third parties who consider that they have suffered prejudice because of media activities or services (for example right to reply, correction, apology).

Indicators

Hate speech

Rights of children

Rights of women

Rights of minorities

91. Media should refrain from conveying hate speech and other content that incites violence or discrimination for whatever reason. Special attention is needed on the part of actors operating collective online shared spaces which are designed to facilitate interactive mass communication (or mass communication in aggregate). They should be attentive to the use of, and editorial response to, expressions motivated by racist, xenophobic, anti-Semitic, misogynist, sexist (including as regards LGBT people) or other bias. Actors in the new media ecosystem may be required (by law) to report to the competent authorities criminal threats of violence based on racial, ethnic, religious, gender or other grounds that come to their attention.

92. On the other hand, media can provide a balanced (or positive) image of the various groups that make up society and contribute to a culture of tolerance and dialogue. Other than in the cases prescribed by law with due respect to the provisions of the European Convention on Human Rights, no group in society should be discriminated from in the exercise of the right to association which, in the new media ecosystem, includes online association.

93. Particular attention should be paid to preserving the dignity, security and privacy of children. Content concerning them can be a source of present and future prejudice. Consequently, there should be no lasting or permanently accessible record of the content about or created by children, which challenges their dignity, security or privacy, or otherwise renders them vulnerable now or at a later stage in their lives.

94. Risk of harm may arise from a wide range of content and behaviour. Content intended only for adults should be clearly identifiable to facilitate rendering it inaccessible to children. Protection of children should not impinge on their freedom of expression and right to seek and receive information. Media can contribute to the development of safe spaces (walled gardens), as well as other tools facilitating access to websites and content appropriate for children, to the development and voluntary use of labels and trustmarks, to the development of skills among children, parents and educators to understand better and deal with content and behaviour that carries a risk of harm.

95. Harassment, bullying, intimidation and stalking can be facilitated in the new media ecosystem by collective online shared spaces, tracking applications or even search engines and profiling technology. Women are frequent victims of these forms of abuse, which can lead to physical (including sexual) abuse and violence which are unacceptable expressions of inequality. Attention should also be paid to the possible abusive use of technology in respect of members of minorities.

96. In the above-mentioned cases, the response will depend on the circumstances, including the nature and scope of the activity or service in question, as well as the actor's own editorial processes. A graduated approach should consider the possibilities of the actors concerned (for example those operating collective online shared spaces or offering search engine, tracking or profiling applications and technology) to address or mitigate the risks in question. Relevant stakeholders could be encouraged to explore together the feasibility of removing or deleting content in appropriate cases, to the extent that it is not inconsistent with the fundamental right to freedom of expression, including its traces (logs, records and processing), within a reasonably short period of time. Greater technical capabilities bring with them greater responsibility. Self-regulation could usefully be

complemented by capacity building (for example enhancing intercultural competencies) and by sharing best or corrective practices developed within sectors of activity in the new media ecosystem.

Indicators

Advertising

97. Freedom of expression also applies to commercial and political advertising, tele-shopping and sponsorship. Limitations in this respect are only admissible within the conditions set out in Article 10 of the European Convention on Human Rights. Such limitations may be needed for the protection of consumers, minors, public health or democratic processes.

98. The potential for abusive, intrusive or surreptitious advertising is greater in the new media ecosystem than ever before. It calls for enhanced responsibility on the part of media actors. It may call for self- or co-regulation and, in certain cases, regulation.

D. Reference instruments

Convention and treaties of the Council of Europe in the media field

- Convention on Information and Legal Co-operation concerning "Information Society Services" (ETS No. 180, 2001)

- European Convention on the Legal Protection of Services based on, or consisting of, Conditional Access (ETS No. 178, 2000)

- European Convention on Transfrontier Television (ETS No. 132, 1989) and the Protocol amending the European Convention on Transfrontier Television (ETS No. 171, 1998)

- European Convention relating to questions on Copyright Law and Neighbouring Rights in the Framework of Transfrontier Broadcasting by Satellite (ETS No. 153, 1994)

- European Agreement concerning Programme Exchanges by means of Television Films (ETS No. 27, 1958)
- European Agreement on the Protection of Television Broadcasts (ETS No. 34, 1960)
- European Agreement for the Prevention of Broadcasts transmitted from Stations outside National Territories (ETS No. 53, 1965)

Other conventions with provisions relevant for the media

- Convention on Cybercrime (ETS No. 185, 2001) and Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS No. 189, 2003)
- Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108, 1981) and Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, regarding supervisory authorities and transborder data flows (ETS No. 181, 2001)
- Framework Convention for the Protection of National Minorities (ETS No. 157, 1995)
- European Charter for Regional or Minority Languages (ETS No. 148, 1992)

Committee of Ministers

2010

- Recommendation CM/Rec(2010)13 on the protection of individuals with regard to automatic processing of personal data in the context of profiling
- Declaration on the management of the Internet protocol address resources in the public interest (29 September 2010)

- Declaration on network neutrality (29 September 2010)
- Declaration on the Digital Agenda for Europe (29 September 2010)
- Declaration on enhanced participation of member states in Internet governance matters
 - Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN) (26 May 2010)
- Declaration on measures to promote the respect of Article 10 of the European Convention on Human Rights (13 January 2010)

2009

- Recommendation CM/Rec(2009)5 on measures to protect children against harmful content and behaviour and to promote their active participation in the new information and communications environment
- Declaration on the role of community media in promoting social cohesion and intercultural dialogue (11 February 2009)

2008

- Recommendation CM/Rec(2008)6 on measures to promote the respect for freedom of expression and information with regard to Internet filters
- Declaration on the independence and functions of regulatory authorities for the broadcasting sector (26 March 2008)
- Declaration on protecting the dignity, security and privacy of children on the Internet (20 February 2008)

- Declaration on the allocation and management of the digital dividend and the public interest (20 February 2008)

2007

- Recommendation CM/Rec(2007)16 on measures to promote the public service value of the Internet
- Recommendation CM/Rec(2007)15 on measures concerning media coverage of election campaigns
- Recommendation CM/Rec(2007)11 on promoting freedom of expression and information in the new information and communications environment
- Recommendation Rec(2007)3 on the remit of public service media in the information society
- Recommendation Rec(2007)2 on media pluralism and diversity of media content
- Guidelines on protecting freedom of expression and information in times of crisis (26 September 2007)
- Declaration on the protection and promotion of investigative journalism (26 September 2007)
- Declaration on protecting the role of the media in democracy in the context of media concentration (31 January 2007)

2006

- Recommendation Rec(2006)12 on empowering children in the new information and communications environment

- Recommendation Rec(2006)3 on the UNESCO Convention on the protection and promotion of the diversity of cultural expressions

- Declaration on the guarantee of the independence of public service broadcasting in the member states (27 September 2006)

2005

- Declaration on human rights and the rule of law in the Information Society (13 May 2005)

- Declaration on freedom of expression and information in the media in the context of the fight against terrorism (2 March 2005)

2004

- Recommendation Rec(2004)16 of the Committee of Ministers to member states on the right of reply in the new media environment

- Declaration on freedom of political debate in the media (12 February 2004)

2003

- Recommendation Rec(2003)13 on the provision of information through the media in relation to criminal proceedings

- Recommendation Rec(2003)9 on measures to promote the democratic and social contribution of digital broadcasting

- Declaration on the provision of information through the media in relation to criminal proceedings (10 July 2003)

- Declaration on freedom of communication on the Internet (28 May 2003)

- Political message to the World Summit on the Information Society (WSIS) (19 June 2003)

2002

- Recommendation Rec(2002)7 on measures to enhance the protection of the neighbouring rights of broadcasting organisations
- Recommendation Rec(2002)2 on access to official documents

2001

- Recommendation Rec(2001)8 on self-regulation concerning cyber content (self-regulation and user protection against illegal or harmful content on new communications and information services)
- Recommendation Rec(2001)7 on measures to protect copyright and neighbouring rights and combat piracy, especially in the digital environment

2000

- Recommendation Rec(2000)23 on the independence and functions of regulatory authorities for the broadcasting sector
- Recommendation Rec(2000)7 on the right of journalists not to disclose their sources of information
- Declaration on cultural diversity (7 December 2000)

1999

- Recommendation Rec(99)15 on measures concerning media coverage of election campaigns
- Recommendation Rec(99)14 on universal community service concerning new communication and information services
- Recommendation Rec(99)5 for the protection of privacy on the Internet
- Recommendation Rec(99)1 on measures to promote media pluralism
- Declaration on the exploitation of protected radio and television productions held in the archives of broadcasting organisations (9 September 1999)
- Declaration on a European policy for new information technologies (7 May 1999)

1997

- Recommendation Rec(97)21 on the media and the promotion of a culture of tolerance
- Recommendation Rec(97)20 on "hate speech"
- Recommendation Rec (97)19 on the portrayal of violence in the electronic media

1996

- Recommendation Rec(96)10 on the guarantee of the independence of public service broadcasting
- Recommendation Rec(96)4 on the protection of journalists in situations of conflict and tension
- Declaration on the protection of journalists in situations of conflict and tension (3 May 1996)

1995

- Recommendation Rec(95)13 concerning problems of criminal procedural law connected with information technology
- Recommendation Rec(95)1 on measures against sound and audio-visual piracy

1994

- Recommendation Rec(94)13 on measures to promote media transparency
- Recommendation Rec(94)3 on the promotion of education and awareness in the area of copyright and neighbouring rights concerning creativity
- Declaration on neighbouring rights (17 February 1994)

1993

- Recommendation Rec(93)5 containing principles aimed at promoting the distribution and broadcasting of audiovisual works originated in countries or regions with a low audiovisual output or a limited geographic or linguistic coverage on the European television markets

1992

- Resolution Res(92)70 on establishing a European Audiovisual Observatory
- Recommendation Rec(92)19 on video games with a racist content
- Recommendation Rec(92)15 concerning teaching, research and training in the field of law and information technology

1991

- Recommendation Rec(91)14 on the legal protection of encrypted television services
- Recommendation Rec(91)5 on the right to short reporting on major events where exclusive rights for their television broadcast have been acquired in a transfrontier context

1990

- Recommendation Rec(90)11 on principles relating to copyright law questions in the field of reprography
- Recommendation Rec(90)10 on cinema for children and adolescents

1989

- Recommendation Rec(89)7 concerning principles on the distribution of videograms having a violent, brutal or pornographic content

1988

- Resolution Res(88)15 setting up a European support fund for the co-production and distribution of creative cinematographic and audiovisual works ("Eurimages")
- Recommendation Rec(88)2 on measures to combat piracy in the field of copyright and neighbouring rights
- Recommendation Rec(88)1 on sound and audiovisual private copying

1987

- Recommendation Rec(87)7 on film distribution in Europe

1986

- Recommendation Rec(86)14 on the drawing up of strategies to combat smoking, alcohol and drug dependence in co-operation with opinion-makers and the media
- Recommendation Rec(86)9 on copyright and cultural policy
- Recommendation Rec(86)3 on the promotion of audiovisual production in Europe
- Recommendation Rec(86)2 on principles relating to copyright law questions in the field of television by satellite and cable

1985

- Recommendation Rec(85)8 on the conservation of the European film heritage
- Recommendation Rec(85)6 on aid for artistic creation

1984

- Recommendation Rec(84)22 on the use of satellite capacity for television and sound radio
- Recommendation Rec(84)17 on equality between women and men in the media
- Recommendation Rec(84)3 on principles on television advertising

1982

- Declaration on the freedom of expression and information (29 April 1982)

1981

- Recommendation Rec(81)19 on the access to information held by public authorities

1980

- Recommendation Rec(80)1 on sport and television

1979

- Recommendation Rec(79)1 concerning consumer education of adults and consumer information

1974

- Resolution Res(74)43 on press concentrations
- Resolution Res(74)26 on the right of reply – Position of the individual in relation to the press

1970

- Resolution Res(70)19 on educational and cultural uses of radio and television in Europe and the relations in this respect between public authorities and broadcasting organisations

1967

- Resolution Res(67)13 on the press and the protection of youth

1961

- Resolution Res(61)23 on the exchange of television programmes

Parliamentary Assembly of the Council of Europe

- Recommendation 150 (2011) "The protection of journalists' sources"

- Recommendation 1897 (2010) "Respect for media freedom"
- Recommendation 1882 (2009) "The promotion of Internet and online media services appropriate for minors"
- Recommendation 1878 (2009) "The funding of public service broadcasting"
- Recommendation 1855 (2009) "The regulation of audiovisual media services"
- Resolution 1636 and Recommendation 1848 (2008) "Indicators for media in a democracy"
- Recommendation 1836 (2008) "Realising the full potential of e-learning for education and training"
- Resolution 1577 and Recommendation 1814 (2007) "Towards decriminalisation of defamation"
- Recommendation 1805 (2007) "Blasphemy, religious insults and hate speech against persons on grounds of their religion"
- Resolution 1557 and Recommendation 1799 (2007) "The image of women in advertising"
- Recommendation 1789 (2007) "Professional education and training of journalists"
- Resolution 1535 and Recommendation 1783 (2007) "Threats to the lives and freedom of expression of journalists"
- Recommendation 1773 (2006) "The 2003 guidelines on the use of minority languages in the broadcast media and the Council of Europe standards: need to enhance co-operation and synergy with the OSCE"

- Recommendation 1768 (2006) "The image of asylum seekers, migrants and refugees in the media"
- Resolution 1510 (2006) "Freedom of expression and respect for religious beliefs"
- Recommendation 1706 (2005) "Media and terrorism"
- Resolution 1438 and Recommendation 1702 (2005) "Freedom of the press and the working conditions of journalists in conflict zones"
- Resolution 1387 (2004) "Monopolisation of the electronic media and possible abuse of power in Italy"
- Recommendation 1641 (2004) "Public service broadcasting"
- Recommendation 1589 (2003) "Freedom of expression in the media in Europe"
- Resolution 1313 (2003) "Cultural co-operation between Europe and the south Mediterranean countries"
- Recommendation 1586 (2002) "The digital divide and education"
- Recommendation 1555 (2002) "The image of women in the media"
- Recommendation 1543 (2001) "Racism and xenophobia in cyberspace"
- Recommendation 1506 (2001) "Freedom of expression and information in the media in Europe"
- Recommendation 1466 (2000) "Media education"
- Recommendation 1407 (1999) "Media and democratic culture"

- Resolution 1191 (1999) "The information society and a digital world"

- Resolution 1165 (1998) "The right to privacy"

- Resolution 1142 (1997) "Parliaments and the media"

- Recommendation 1332 (1997) "The scientific and technical aspects of the new information and communications technologies"

- Resolution 1120 (1997) "The impact of the new communication and information technologies on democracy"

- Recommendation 1314 (1997) "New technologies and employment"

- Recommendation 1277 (1995) "Migrants, ethnic minorities and media"

- Recommendation 1276 (1995) "The power of the visual image"

- Recommendation 1265 (1995) "Enlargement and European cultural co-operation"

- Recommendation 1228 (1994) "Cable networks and local television stations: their importance for Greater Europe"

- Recommendation 1216 (1993) "European cultural co-operation"

- Resolution 1003 and Recommendation 1215 (1993) "The ethics of journalism"

- Recommendation 1147 (1991) "Parliamentary responsibility for the democratic reform of broadcasting"

- Resolution 957 (1991) "The situation of local radio in Europe"

- Resolution 956 (1991) "Transfer of technology to countries of Central and Eastern Europe"
- Recommendation 1136 (1990) "A European policy on alcohol"
- Recommendation 1122 (1990) "The revival of the countryside by means of information technology"
- Resolution 937 (1990) "Telecommunications: the implications for Europe"
- Recommendation 1110 (1989) "Distance teaching"
- Recommendation 1098 (1989) "East-West audiovisual co-operation"
- Recommendation 1096 (1989) "European Convention on Transfrontier Television"
- Recommendation 1077 (1988) "Access to transfrontier audiovisual media during election campaigns"
- Recommendation 1067 (1987) "The cultural dimension of broadcasting in Europe"
- Recommendation 1059 (1987) "The economics of culture"
- Recommendation 1047 (1986) "The dangers of boxing"
- Recommendation 1043 (1986) "Europe's linguistic and literary heritage"
- Recommendation 1037 (1986) "Data protection and freedom of information"
- Resolution 848 (1985) "Privacy of sound and individual freedom of musical choice"
- Recommendation 1011 (1985) "The situation of professional dance in Europe"

- Recommendation 996 (1984) "Council of Europe work relating to the media"
- Resolution 820 (1984) "Relations of national parliaments with the media"
- Recommendation 963 (1983) "Cultural and educational means of reducing violence"
- Recommendation 952 (1982) "International means to protect freedom of expression by regulating commercial advertising"
- Recommendation 926 (1981) "Questions raised by cable and television and by direct satellite broadcasts"
- Recommendation 862 (1979) "Cinema and the state"
- Recommendation 834 (1978) "Threats to the freedom of the press and television"
- Recommendation 815 (1977) "Freedom of expression and the role of the writer in Europe"
- Recommendation 749 (1975) "European broadcasting"
- Recommendation 748 (1975) "The role and management of national broadcasting"
- Recommendation 747 (1975) "Press concentrations"
- Recommendation 582 (1970) "Mass communication media and human rights"
- Resolution 428 (1970) "Declaration on mass communication media and human rights"

Council of Europe Conferences of Specialised Ministers

1st Council of Europe Conference of Ministers responsible for Media and New Communication Services

(28 and 29 May 2009, Reykjavik, Iceland)

A new notion of media?

7th European Ministerial Conference on Mass Media Policy

(Kyiv, Ukraine, 10 and 11 March 2005)

Integration and diversity: the new frontiers of European media and communication policy

6th European Ministerial Conference on Mass Media Policy

(Cracow, Poland, 15 and 16 June 2000)

A media policy for tomorrow

5th European Ministerial Conference on Mass Media Policy

(Thessaloníki, Greece, 11 and 12 December 1997)

The Information Society: a challenge for Europe

4th European Ministerial Conference on Mass Media Policy

(Prague, Czech Republic, 7 and 8 December 1994)

The media in a democratic society

3rd European Ministerial Conference on Mass Media Policy

(Nicosia, Cyprus, 9 and 10 October 1991)

Which way forward for Europe's media in the 1990s?

2nd European Ministerial Conference on Mass Media Policy

(Stockholm, Sweden, 23 and 24 November 1988)

European Mass Media Policy in an international context

1st European Ministerial Conference on Mass Media Policy

(Vienna, Austria, 9 and 10 December 1986)

The future of television in Europe

Appendix 8

(Item 5.1)

Declaration by the Committee of Ministers on Internet governance principles

(Adopted by the Committee of Ministers on 21 September 2011

at the 1121st meeting of the Ministers' Deputies)

1. The Internet is an aggregate of a vast range of ideas, technologies, resources and policies developed on the assertion of freedom and through collective endeavours in the common interest. States, the private sector, civil society and individuals have all contributed to build the dynamic, inclusive and successful Internet that we know today. The Internet provides a space of freedom, facilitating the exercise and enjoyment of fundamental rights, participatory and democratic processes, and social and commercial activities.

2. The above has inspired a shared vision of Internet governance which was put on record in the Declaration of Principles enunciated in the Geneva phase of the World Summit on

the Information Society in December 2003. The Tunis Agenda, adopted at the second phase of the World Summit on the Information Society in November 2005, defined Internet governance as the development and application by governments, the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures and programmes that shape the evolution and use of the Internet.

3. The Internet governance discussions taking place in different national and international fora are a tangible result of this vision. They have fostered dialogue among state, private sector and civil society actors and contributed to shape common views on Internet policies and, more broadly, Internet governance. Seeking to preserve and consolidate this approach, Internet communities, international organisations and other actors have engaged in efforts to pronounce the core values of the Internet and have developed guidelines on various aspects of Internet governance.

4. The Council of Europe has participated in these processes and its 47 member states have supported, in a number of standard-setting instruments, measures aimed at ensuring a maximum of rights on the Internet subject to a minimum of restrictions, while offering the level of security that people are entitled to expect. This stems from the Council of Europe member states' undertaking to secure to everyone within their jurisdiction the rights and freedoms protected by the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5).

5. In order to ensure a sustainable, people-centred and rights-based approach to the Internet, it is necessary to affirm the principles of Internet governance which acknowledge human rights and fundamental freedoms, democracy and the rule of law, as well as the basic tenets of Internet communities as they have been developed in the processes mentioned above.

6. As a contribution to this ongoing, inclusive, collaborative and open process, the Committee of Ministers of the Council of Europe:

- affirms the principles set out below, which build on Internet governance principles progressively developed by stakeholders and Internet communities;
- declares its firm commitment to these principles and underlines that they should be upheld by all member states in the context of developing national and international Internet-related policies;
- encourages other stakeholders to embrace them in the exercise of their own responsibilities.

Internet governance principles

1. Human rights, democracy and the rule of law

Internet governance arrangements must ensure the protection of all fundamental rights and freedoms and affirm their universality, indivisibility, interdependence and interrelation in accordance with international human rights law. They must also ensure full respect for democracy and the rule of law and should promote sustainable development. All public and private actors should recognise and uphold human rights and fundamental freedoms in their operations and activities, as well as in the design of new technologies, services and applications. They should be aware of developments leading to the enhancement of, as well as threats to, fundamental rights and freedoms, and fully participate in efforts aimed at recognising newly emerging rights.

2. Multi-stakeholder governance

The development and implementation of Internet governance arrangements should ensure, in an open, transparent and accountable manner, the full participation of governments, the private sector, civil society, the technical community and users, taking into account their specific roles and responsibilities. The development of international Internet-related public policies and Internet governance arrangements should enable full and equal participation of all stakeholders from all countries.

3. Responsibilities of states

States have rights and responsibilities with regard to international Internet-related public policy issues. In the exercise of their sovereignty rights, states should, subject to international law, refrain from any action that would directly or indirectly harm persons or entities outside of their territorial jurisdiction. Furthermore, any national decision or action amounting to a restriction of fundamental rights should comply with international obligations and in particular be based on law, be necessary in a democratic society and fully respect the principles of proportionality and the right of independent appeal, surrounded by appropriate legal and due process safeguards.

4. Empowerment of Internet users

Users should be fully empowered to exercise their fundamental rights and freedoms, make informed decisions and participate in Internet governance arrangements, in particular in governance mechanisms and in the development of Internet-related public policy, in full confidence and freedom.

5. Universality of the Internet

Internet-related policies should recognise the global nature of the Internet and the objective of universal access. They should not adversely affect the unimpeded flow of transboundary Internet traffic.

6. Integrity of the Internet

The security, stability, robustness and resilience of the Internet as well as its ability to evolve should be the key objectives of Internet governance. In order to preserve the integrity and ongoing functioning of the Internet infrastructure, as well as users' trust and reliance on the Internet, it is necessary to promote national and international multi-stakeholder co-operation.

7. Decentralised management

The decentralised nature of the responsibility for the day-to-day management of the Internet should be preserved. The bodies responsible for the technical and management aspects of the Internet, as well as the private sector should retain their leading role in technical and operational matters while ensuring transparency and being accountable to the global community for those actions which have an impact on public policy.

8. Architectural principles

The open standards and the interoperability of the Internet as well as its end-to-end nature should be preserved. These principles should guide all stakeholders in their decisions related to Internet governance. There should be no unreasonable barriers to entry for new users or legitimate uses of the Internet, or unnecessary burdens which could affect the potential for innovation in respect of technologies and services.

9. Open network

Users should have the greatest possible access to Internet-based content, applications and services of their choice, whether or not they are offered free of charge, using suitable devices of their choice. Traffic management measures which have an impact on the enjoyment of fundamental rights and freedoms, in particular the right to freedom of expression and to impart and receive information regardless of frontiers, as well as the right to respect for private life, must meet the requirements of international law on the protection of freedom of expression and access to information, and the right to respect for private life.

10. Cultural and linguistic diversity

Preserving cultural and linguistic diversity and fostering the development of local content, regardless of language or script, should be key objectives of Internet-related policy and international co-operation, as well as in the development of new technologies.

(Item 5.1)

Recommendation CM/Rec(2011)8

of the Committee of Ministers to member states on the protection and promotion of the universality, integrity and openness of the Internet

(Adopted by the Committee of Ministers on 21 September 2011

at the 1121st meeting of the Ministers' Deputies)

1. The member states of the Council of Europe, States Parties to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, hereinafter "the Convention") have undertaken in Article 1 to secure to everyone within their jurisdiction the rights and freedoms defined in this Convention. They have particular roles and responsibilities in securing the protection and promotion of these rights and freedoms and can be held to account for violations of these rights and freedoms before the European Court of Human Rights.

2. The right to freedom of expression, which includes the freedom to hold opinions and to receive and impart information and ideas without interference, is essential for citizens' participation in democratic processes. This right to freedom of expression applies to both online and offline activities, regardless of frontiers. In a Council of Europe context, its protection should be ensured in accordance with Article 10 of the Convention and the relevant case law of the European Court of Human Rights.

3. The Internet enables people to have access to information and services, to connect and to communicate, as well as to share ideas and knowledge globally. It provides essential tools for participation and deliberation in political and other activities of public interest.

4. The individual's freedom to have access to information and to form and express opinions, and the ability of groups to communicate and share views on the Internet depend on actions related to the Internet's infrastructure and critical resources, and on

decisions on information technology design and deployment. Governmental action may also have a bearing on the exercise of these freedoms.

5. In particular, access to and use of the Internet is exposed to risks of disruption of the stable and ongoing functioning of the network due to technical failures and is vulnerable to other acts of interference with its infrastructure. The question of the stability and resilience of the Internet is intrinsically related to the cross-border interconnectedness and interdependence of its infrastructure, as well as its decentralised and distributed nature. Actions that take place in one jurisdiction may affect the ability of users to have access to information on the Internet in another.

6. Moreover, decisions taken in the context of the technical co-ordination and management of resources that are critical for the functioning of the Internet, notably domain names and Internet protocol addresses, may have a direct bearing on users' access to information and on protection of personal data. These resources are distributed in different jurisdictions and are managed by various non-governmental entities with a regional or global remit.

7. Against this background, the protection of freedom of expression and access to information on the Internet and the promotion of the public service value of the Internet are part of a larger set of concerns about how to ensure the universality, integrity and openness of the Internet.

8. People increasingly rely on the Internet for their everyday activities and to ensure their rights as citizens. They have a reasonable expectation that Internet services will be accessible and affordable, secure, reliable and ongoing. The Internet is, similarly, a critical resource for numerous sectors of the economy and public administration.

9. These expectations give rise to state responsibility to preserve carefully the general public interest in Internet-related policy making. Indeed, many countries have recognised the public service value of the Internet, whether in their national policies or legislation or in the form of political declarations, including in international fora.

10. States have a duty to ensure the protection of fundamental rights and freedoms of their citizens and they are called upon to respond to their legitimate expectations regarding the critical role of the Internet. As a result, it is the role of states to ensure the protection of the public interest in international Internet-related public policy.

11. In addition, states have mutual expectations that best efforts will be made to preserve and promote the public service value of the Internet. In this context, it is necessary to acknowledge their shared and mutual responsibilities to take reasonable measures to protect and promote the universality, integrity and openness of the Internet as a means of safeguarding freedom of expression and access to information regardless of frontiers.

12. Therefore, the Committee of Ministers, under the terms of Article 15.b of the Council of Europe, recommends member states to:

- be guided by the principles contained in the Committee of Ministers’ Declaration on Internet governance principles, both in the context of developing national Internet-related policies and when participating in such endeavours within the international community;
- protect and promote the universality, integrity and openness of the Internet having regard to the principles and in accordance with the commitment set out in this recommendation, and ensure that they are reflected in practice and law;
- ensure the broad dissemination of this commitment to all public authorities and private entities, in particular those dealing with the management of resources that are critical for the functioning of the Internet, and to civil society organisations;
- encourage these actors to support and promote the implementation of the principles included in the present recommendation.

Commitment to protect and promote the universality, integrity and openness of the Internet

1. General principles

1.1. No harm

1.1.1. States have the responsibility to ensure, in compliance with the standards recognised in international human rights law and with the principles of international law, that their actions do not have an adverse transboundary impact on access to and use of the Internet.

1.1.2. This should include, in particular, the responsibility to ensure that their actions within their jurisdictions do not illegitimately interfere with access to content outside their territorial boundaries or negatively impact the transboundary flow of Internet traffic.

1.2. Co-operation

States should co-operate in good faith with each other and with relevant stakeholders at all stages of development and implementation of Internet-related public policies to avoid any adverse transboundary impact on access to and use of the Internet.

1.3. Due diligence

Within the limits of non-involvement in day-to-day technical and operational matters, states should, in co-operation with each other and with all relevant stakeholders, take all necessary measures to prevent, manage and respond to significant transboundary disruptions to, and interferences with, the infrastructure of the Internet, or, in any event, to minimise the risk and consequences arising from such events.

2. Integrity of the Internet

2.1. Preparedness

2.1.1. States should, jointly, and in consultation with relevant stakeholders, develop and implement emergency plans for managing and responding to disruptions to, and interferences with, the infrastructure of the Internet.

2.1.2. In particular, states should co-operate with a view to supporting the development and implementation of common standards, rules and practices aimed at preserving and strengthening the stability, robustness and resilience of the Internet.

2.1.3. States should create an environment that facilitates information sharing and response co-ordination among stakeholders, notably through the creation of public-private partnerships, in respect of activities involving a risk of causing significant transboundary disruptions to, and interferences with, the infrastructure of the Internet.

2.2. Response

2.2.1. Notification

States should, without delay, provide notification of any risk of significant transboundary disruptions to, and interferences with, the infrastructure of the Internet to potentially affected states.

2.2.2. Information sharing

States should, in a timely manner, provide potentially affected states with all available information relevant to responding to transboundary disruptions to, and interferences with, the infrastructure of the Internet.

2.2.3. Consultation

States should enter into consultation with each other without delay with a view to achieving mutually acceptable solutions regarding measures to be adopted to respond to significant transboundary disruptions to, and interferences with, the infrastructure of the Internet.

2.2.4. Mutual assistance

As appropriate, and with due regard to their capabilities, states should, in good faith, offer their assistance to other affected states with a view to mitigating the adverse effects of transboundary disruptions to, and interferences with, the infrastructure of the Internet.

2.3. Implementation

States should, in consultation with relevant stakeholders, within the limits of non-involvement in day-to-day technical and operational matters, develop reasonable legislative, administrative or other measures as appropriate to implement their due diligence commitments regarding the integrity of the Internet.

2.4. Responsibility

States should engage in dialogue and co-operation for the further development of international standards relating to responsibility and liability and to the settlement of related disputes.

3. Resources that are critical for the functioning of the Internet

States should take all reasonable measures to ensure that the development and application of standards, policies, procedures or practices in connection with the management of resources that are critical for the functioning of the Internet incorporate protection for human rights and fundamental freedoms of Internet users in compliance with the standards recognised in international human rights law.

Appendix 10

(Item 5.1)

Declaration by the Committee of Ministers on the protection of freedom of expression and information and freedom of assembly and association with regard to Internet domain names and name strings

(Adopted by the Committee of Ministers on 21 September 2011

at the 1121st meeting of the Ministers' Deputies)

1. Freedom of expression and the right to receive and impart information, and their corollary, the freedom of the media, are indispensable for genuine democracy and democratic processes, as is freedom of assembly and association. All Council of Europe member states have undertaken to secure these freedoms to everyone within their jurisdiction in accordance with Articles 10 and 11 of the European Convention on Human Rights (ETS No. 5).

2. The Internet offers significant opportunities to enhance the exercise and full enjoyment of human rights and freedoms. The Committee of Ministers affirmed the public service value of the Internet in Recommendation CM/Rec(2007)16 on measures to promote the public service value of the Internet and provided guidelines to member states on necessary measures that should be taken to promote this value. The United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression has recently rightly stated that "by acting as a catalyst for individuals to exercise their right to freedom of opinion and expression, the Internet also facilitates the realisation of a range of other human rights".

3. Citizens' communication and interaction in online environments and their participation in activities that involve matters of public interest can bring positive, real-life, social change. When freedom of expression and the right to receive and impart information and freedom of assembly are not upheld online, their protection offline is likely to be undermined and democracy and the rule of law can also be compromised.

4. Action by a state that limits or forbids access to specific Internet content constitutes an interference with freedom of expression and the right to receive and impart information.

In Europe, such an interference can only be justified if it fulfils the conditions of Article 10, paragraph 2, of the European Convention on Human Rights and the relevant case law of the European Court of Human Rights.

5. In particular, as specified in Principle 3 of the Declaration of the Committee of Ministers on freedom of communication on the Internet of 28 May 2003, states should not, through general blocking or filtering measures, exercise prior control of content made available on the Internet unless such measures are taken on the basis of a provisional or final decision on the illegality of such content by the competent national authorities and in full respect for the strict conditions of Article 10, paragraph 2, of the European Convention on Human Rights. These measures should concern clearly identifiable content and should be proportionate. This should not prevent the installation of filters for the protection of minors, in particular in places accessible to them, such as schools or libraries.

6. The Committee of Ministers has stated, in its Declaration on human rights and the rule of law in the Information Society of 13 May 2005, that member states should maintain and enhance legal and practical measures to prevent state and private censorship. In addition, Recommendation CM/Rec(2008)6 of the Committee of Ministers to member states on measures to promote the respect for freedom of expression and information with regard to Internet filters includes guidelines for using and controlling Internet filters in general, and more specifically in relation to the protection of children and young people.

7. Expressions contained in the names of Internet websites, such as domain names and name strings, should not, a priori, be excluded from the scope of application of legal standards on freedom of expression and the right to receive and impart information and should, therefore, benefit from a presumption in their favour. The addressing function of domain names and name strings and the forms of expressions that they comprise, as well as the content that they relate to, are inextricably intertwined. More specifically, individuals or operators of websites may choose to use a particular domain name or name string to identify and describe content hosted in their websites, to disseminate a particular point of view or to create spaces for communication, interaction, assembly and association for various societal groups or communities.

8. The need to provide safeguards for freedom of expression in legal frameworks related to the management of domain names which identify a country in the Internet addressing system has been affirmed by constitutional oversight bodies of specific Council of Europe member states.

9. On the other hand, instances of measures proposed in other Council of Europe member states to prohibit the use of certain words or characters in domain names and name strings are a source of concern. They may raise issues under Articles 10 and 11 of the European Convention on Human Rights within their own jurisdiction. In a cross-border context they may have an impact on content accessible in other states' territories. They may also set negative precedents which, if replicated and generalised, could thwart the vitality of Internet expression and have devastating effects on Internet freedom.

10. The protection of freedom of expression and the right to receive and impart information and freedom of assembly and association is relevant to policy development processes which are taking place in the Internet Corporation for Assigned Names and Numbers (ICANN) to expand the domain name space so as to include new top-level domain extensions that contain generic expressions. In this context, state and non-state stakeholders should be attentive to and uphold the guarantees in international law on freedom of expression and the right to receive and impart information and on freedom of assembly and association, to the extent that they apply to certain generic expressions that may be proposed in the future as top-level domain names. These considerations should guide relevant policy development and implementation processes.

11. Against this background, the Committee of Ministers:

- declares its support for the recognition by member states of the need to apply fundamental rights safeguards to the management of domain names;
- alerts to the risk which over-regulation of the domain name space and name strings entails for the exercise of freedom of expression and the right to receive and impart information and of freedom of assembly and association; as a form of interference, any

regulation should meet the conditions of Articles 10 and 11 of the European Convention on Human Rights and the related case law of the European Court of Human Rights;

– undertakes to pursue further standard-setting work with a view to providing guidance to member states on this subject;

– recalls the Resolution on Internet governance and critical Internet resources adopted by the ministers of states participating in the 1st Council of Europe Conference of Ministers responsible for Media and New Communication Services held in Reykjavik on 28 and 29 May 2009, and invites the competent Council of Europe bodies to work with relevant corporations, agencies and other entities that manage or contribute to the management of the domain name space in order for decisions to take full account of international law, including international human rights law.

Appendix 11

(Item 6.1)

Recommendation CM/Rec(2011)9

of the Committee of Ministers to member states

on fostering social mobility as a contribution to social cohesion

(Adopted by the Committee of Ministers on 21 September 2011

at the 1121st meeting of the Ministers' Deputies)

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are

their common heritage, and facilitating their economic and social progress while respecting human rights and fundamental freedoms;

Considering the necessity of ensuring the effective implementation of existing European standards, where binding, such as:

- the Convention on Human Rights and Fundamental Freedoms (1950, ETS No. 5), which protects the rights of everyone, including children, and its Protocol (1952, ETS No. 9) establishing the right to education (Article 2);

- the European Social Charter (1961, ETS No. 35) which guarantees fundamental social rights, including the right to work (Article 1), the rights of children and young persons to protection (Article 7), the right to vocational guidance (Article 9), the right to vocational training (Article 10), the right to benefit from social welfare services (Article 14), the right of the family to social, legal and economic protection (Article 16), the rights of migrant workers and their families to protection and assistance (Article 19) and the Revised European Social Charter (1996, ETS No. 163), which guarantees, moreover, the right to free primary and secondary education (Article 17.2), and the right to protection against poverty and social exclusion (Article 30);

- the standards enshrined in the European Code of Social Security (1964, ETS No. 48) and its Protocol (1964, ETS No. 48A), as well as the European Code of Social Security (Revised) (1990, ETS No. 139), particularly with regard to unemployment and family benefits;

Recalling the recommendations of the Committee of Ministers, notably Recommendation Rec(98)8 on children's participation in family and social life; Recommendation Rec(2002)6 on higher education policies in lifelong learning; Recommendation Rec(2003)8 on the promotion and recognition of non-formal education/learning of young people; Recommendation Rec(2003)19 on improving access to social rights; Recommendation Rec(2006)19 on policy to support positive parenting and Recommendation CM/Rec(2008)10 on improving access of migrants and persons of immigrant background to employment;

Taking into account the Guidelines on improving the situation of low-income workers and on the empowerment of people experiencing extreme poverty, adopted by the Committee of Ministers on 5 May 2010;

Recalling the Parliamentary Assembly's recommendations, particularly Recommendation 1355 (1998) on "Fighting social exclusion and strengthening social cohesion in Europe", Recommendation 1437 (2000) on "Non-formal education" and Recommendation 1620 (2003) on "The Council of Europe contribution to the higher education area";

Bearing in mind the Declaration and the Action Plan, adopted at the Third Summit of Heads of State and Government of the Council of Europe (Warsaw, 16-17 May 2005), in which the member states confirmed their commitment to step up work in the social policy field on the basis of the European Social Charter and other relevant instruments, by jointly defining remedies and solutions which could be effective in fighting poverty and exclusion, ensuring equitable access to social rights and protecting vulnerable groups;

Referring to the report of the High-Level Task Force on Social Cohesion in the 21st Century "Towards an active, fair and socially cohesive Europe" (2007) and its recommendation inviting the Council of Europe to undertake work on, and develop proposals for, improving social mobility;

Taking into account the Final Declaration of the 1st European Conference of Ministers responsible for Social Cohesion held in 2009 in Moscow, Russian Federation, in which the ministers committed themselves, inter alia, "to facilitate social mobility, providing opportunity for all and to encourage individuals, families and local stakeholders to develop their own life projects, with a specific focus on work as the best route out of poverty and on the reconciliation of private and working life";

Referring to the New Strategy and the Council of Europe Action Plan for Social Cohesion, approved by the Committee of Ministers on 7 July 2010, which reaffirm that social mobility should be promoted;

Stressing the importance of the 1989 United Nations Convention on the Rights of the Child, to which all member states of the Council of Europe are parties;

Recognising that the institutional, economic, political, social and cultural barriers to social mobility are multiple and often interrelated;

Considering that promoting social mobility is a means of achieving greater social inclusion and strengthening social cohesion by tackling disadvantages and inequalities,

Recommends that the governments of member states introduce into their policy and practice all appropriate measures to increase opportunities for social mobility. In so doing, they should take into account the guidelines set out in the appendix to the present recommendation.

Appendix to Recommendation CM/Rec(2011)9

1. Definitions

1.1. "Social cohesion", as defined by the Council of Europe, denotes the capacity of a society to ensure the well-being of all its members, minimising disparities and avoiding marginalisation, to manage differences and divisions and to ensure the means of achieving welfare for all.

1.2 "Social mobility" is defined as the movement (upwards and downwards) within the social hierarchy between different socio-economic, occupational, income or wealth groups.

1.3 "Inter-generational mobility" considers the position of individuals in the social hierarchy in relation to that of their parents at a similar point in their life.

1.4 "Disadvantaged groups" refers to those experiencing difficulties in overcoming barriers to social mobility which include unemployed or low-skilled persons, low-income, lone parent families, children living in poverty, migrants or minority ethnic groups and people with disabilities.

2. Fundamental principles

2.1 Policies fostering social mobility, such as those addressing income redistribution and equality of opportunity in relation to education, social services, access to quality health care and the labour market, can help to improve social cohesion as defined above. As such, it is important to identify, recognise and remove barriers to social mobility. In this regard, some disadvantaged groups deserve special attention, as they face additional obstacles to social mobility.

2.2 Formal equality of opportunity requires that no individual is discriminated against, particularly because of his/her belonging to a group, and that all are granted the same legal rights of access to education, employment, social security or public services. However, not all members of society are able to take equal advantage of the rights offered: children born to parents of low socio-economic groups are less likely to achieve access to higher positions in the income distribution or professional categories than those born to more affluent or high-status parents. Moreover, poor educational performance among children from low socio-economic groups carries a risk of maintaining an inter-generational exclusion.

3. Cross-cutting measures

Policy review and evaluation

3.1 Levels of social mobility and inequality are affected by a wide range of policy measures, including taxation and income redistribution, and it is therefore important that all policies and interventions are assessed to ensure that they do not have a negative impact.

3.2 In order to achieve this aim, member states should consider introducing or strengthening ex-ante and ex-post evaluation to assess the impact of new and existing policies/initiatives on socio-economic equality/inequality and social mobility.

Inclusive policy making and implementation

3.3 Social dialogue and the involvement of multiple stakeholders in policy making, implementation and evaluation will improve social cohesion and empower disadvantaged groups, thus fostering social mobility. Member states should consider:

- strengthening the role of social partners and non-governmental organisations (NGOs) to ensure their active involvement in policy making, implementation and evaluation at national, regional and local levels;
- increasing the involvement of service users in service delivery (including planning, design, implementation and evaluation).

4. Pre-school services

Early interventions targeted at improving childhood outcomes are crucial. Adequate provision of good-quality, well-designed and affordable care in early childhood is an essential tool to ensure equal opportunities for all and foster social mobility. In order to achieve this, member states should consider the following measures:

- ensure adequate levels of resources to offer good-quality, consistent and universally accessible childcare;
- ensure that the design of childcare facilities is compatible with parents' working hours;
- ensure that parents can enrol their children in affordable childcare facilities without the loss of employment and welfare benefits;
- promote synergies and foster coherence between pre-school activities and the education system and the commitment of parents/carers to create effective learning environments at home.

5. Primary, secondary and further education

Education produces both individual and social benefits, and is a key determinant of social status and mobility. Greater public intervention in the accumulation of human capital is needed to ensure a more equitable society and a more productive economy. In order to achieve this, member states should consider the following measures:

- ensure that all children benefit from quality education irrespective of family background;
- ensure that education systems promote the inclusion of children and young people from disadvantaged groups;
- promote measures to identify learning and social difficulties at an early age and introduce a wide range of support measures to prevent children from dropping out of school and help them fulfil their potential;
- promote diversity within schools by encouraging teachers to gain intercultural competences and knowledge of cultural differences so they can engage effectively with, and support, children from a wide variety of backgrounds;
- promote measures to enhance better educational performance among children of newly arrived migrants;
- ensure that educational facilities and after school care is compatible with the working hours of parents and carers, and that such care is affordable for low-income families;
- provide “second-chance” education programmes;
- guarantee, in co-operation with the social partners, widespread access to quality vocational and educational training which is relevant to the needs of the labour market;
- adopt measures to widen participation in higher education by providing access to information that is easily understood and career guidance, and by removing barriers relating to financial constraints and family background;

- foster life-long learning encompassing formal and non-formal education and training in order to promote social inclusion, employability and re-skilling;
- evaluate life-long learning initiatives regularly in order to improve their content and impact.

6. Employment and welfare policy

Although the global economic crisis has affected the labour market and increased unemployment, employment remains a key means of promoting social mobility and enhancing social inclusion. In this respect policies need to enable people to access and progress within the labour market, supported by skills development in accordance with labour market demands. Welfare systems need to support unemployed/inactive people to (re)enter the labour market. To this end, member states should pursue the following policy objectives and measures:

- removing all forms of discrimination and promoting equality in the labour market;
- raising awareness of social rights;
- removing gender wage gaps;
- supporting disadvantaged groups;
- supporting the school to work transition;
- reforming and enforcing, where appropriate, labour legislation;
- improving social dialogue and enabling social partners to fulfil their role in relation to the labour market;

- increasing the transparency of regulations for career progression and removing barriers to career options for women and other persons from disadvantaged groups;
- improving the work-life balance of parents and carers to enable them to fully participate in the labour market and enjoy further training opportunities while complying with their family and educational responsibilities;
- providing sufficient levels of on-the-job training to allow individuals to acquire and update their skills to meet changing labour market demands;
- providing mechanisms to validate and certify competences and experiences gained in a professional environment as well as other informal or non-formal contexts;
- ensuring adequate institutional capacity in the public employment services to support labour market transitions;
- ensuring an integrated approach to active labour market programmes, welfare benefits and social services to support unemployed/inactive people to (re)enter the labour market;
- providing an appropriate level of replacement income to prevent poverty and social exclusion;
- avoiding poverty traps through well-designed benefit systems and making work pay.

7. Social protection

Ensuring protection from social risks is the basis to achieve social cohesion. Social protection systems can help to limit and reduce income inequality, improve individuals' and families' quality of life and enable them to be socially mobile. In order to achieve this, member states should:

- ensure a comprehensive social protection system in accordance with the principles of the European Social Charter and Revised European Social Charter, the European Code of Social Security and its Protocol and the European Code of Social Security (Revised);
- facilitate and improve access to comprehensive, affordable and quality social services;
- consider an integrated approach to social services, including the development of intercultural, organisational and staff competencies;
- ensure that social protection systems support families and enable both parents to engage in the labour market;
- ensure that social protection systems prevent the children and other dependents of unemployed people from experiencing disadvantage and social exclusion.

8. Housing, planning and community policy

Differential access to social and cultural resources can have negative effects on the opportunities available to individuals and social groups. In order to tackle area-based and community disadvantage, member states should ensure that:

- housing, spatial and planning policies promote cohesive and integrated communities;
- people do not face area-based disadvantages associated with different access to services (especially education) or social and economic opportunities;
- local and regional authorities receive funding related to the needs of their communities and that they are accountable for their performance in meeting those needs;
- an integrated approach is taken among NGOs and other relevant stakeholders to community capacity building and promoting well-being for all.

(Item 6.2)

Guidelines on child-friendly health care

(Adopted by the Committee of Ministers on 21 September 2011
at the 1121st meeting of the Ministers' Deputies)

Preamble

The Committee of Ministers,

Considering that the aim of the Council of Europe is to achieve greater unity between its member states, inter alia, by promoting the adoption of common rules and actions;

Considering the necessity of ensuring the effective implementation of existing binding universal and European standards protecting and promoting children's rights in general, as well as those covering aspects specific to health care, including:

- the United Nations Covenant on Economic, Social and Cultural Rights (1966), and in particular its Article 12 on the right to the highest attainable standard of health;
- the United Nations Convention on the Rights of the Child (1989);
- the United Nations Convention on the Rights of Persons with Disabilities (2006);
- the Convention for the Protection of Human Rights and Fundamental Freedoms (1950, ETS No. 5);
- the European Social Charter (1961, ETS No. 35) and the Revised European Social Charter (1996, ETS No. 163);
- the European Convention on the Exercise of Children's Rights (1996, ETS No. 160);

- the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987, ETS No. 126);
- the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2007, CETS No. 201);
- the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine (1997, ETS No.164), in particular its Article 6;

Recalling relevant texts adopted by the Committee of Ministers concerning children¹¹ and those concerning health care;¹²

Bearing in mind the Charter for Health Promotion (1986, Ottawa), and the European Charter for Children in Hospitals (1988, Leiden);

Bearing in mind that all Council of Europe member states adopted and are implementing the health for all policy framework "Health 21" for the World Health Organization (WHO) European Region in particular its target 4 – health of young people;

Taking into account the relevant recommendations of the Parliamentary Assembly of the Council of Europe and statements of the Council of Europe Commissioner for Human Rights;

Referring to the work of the Council of Europe Programme "Building a Europe for and with children", its 2009-2011 Strategy for the Rights of the Child and the future 2012-2015 Strategy for the Rights of the Child;

Recognising children as bearers of rights, including the right to the enjoyment of the highest attainable standard of health, the right to be protected, the right not to be discriminated against and the right to express their views and participate, the views of the child being given due weight in accordance with the child's age and degree of maturity;

Bearing in mind that, in all actions concerning children, the best interests of the child shall be a primary consideration;

Considering that, whenever appropriate, children's parents, other family members and carers should be closely involved in decisions relating to their health;

Considering that children, by reason of their physical and mental immaturity, need special safeguards and care, and that there are significant inequalities between and within member states of the Council of Europe in the determinants of health, access to health care and the quality of health care;

Recognising that promoting the health and well-being of children, with particular attention to the safety and quality of services, is important to society as a whole;

Conscious of a substantial change in the epidemiology of morbidity and mortality in children over the last half century throughout Europe and the cost-effectiveness of new evidence-based child-friendly health care approaches, investing in integrated services for vulnerable and disadvantaged children and families, with long-term gains in health, well-being and life chances;

Emphasising the need to create coherent policies and synergies towards a co-ordinated approach for children at all levels of government and at all levels of health-service provision in particular;

Recognising the importance of ensuring participation of civil society, in particular bodies which aim to promote the rights of the child, in the elaboration and dissemination of a child-friendly health care approach,

Adopts the following guidelines on child-friendly health care to serve as a practical tool for the governments of the member states in endorsing, adopting, implementing and monitoring the child-friendly health care approach contained therein and adapting their health care systems for children and families to the specific rights, interests and needs of children;

Invites the governments of the member states to ensure that the guidelines are widely disseminated among all authorities, service providers, groups representing the interests of children and families and other stakeholders responsible for or involved with children's rights, particularly in health care.

I. Object and purpose

1. The guidelines on child-friendly health care propose an integrated approach to the development of the full range of child health care activities.

2. This approach places children's rights, needs and resources at the centre of health care activities, taking into account their family and social environment. It promotes policies to deliver child-oriented services based on child-specific developmental needs and evolving capacities, ensuring children's participation at every level of decision making, in accordance with their age and degree of maturity.

II. Definitions

3. For the purposes of these guidelines on child-friendly health care (hereafter "the guidelines"), "child-friendly health care" refers to health care policy and practice that are centred on children's rights, needs, characteristics, assets and evolving capacities, taking into account their own opinion.

4. A "child" means any person under the age of 18;

5. A "parent" refers to the person(s) with parental responsibility according to national law. In case the parent(s) is/are absent or no longer holding parental responsibility, this can be a guardian or an appointed legal representative.

III. Principles of the child-friendly health care approach

6. The guidelines build on the existing principles enshrined in the instruments referred to in the preamble. They are further developed in the following sections and apply to all chapters of the guidelines.

A. Fundamental rights and children's specific rights

7. All children should be considered and treated as bearers of human rights as proclaimed in the existing international instruments.

8. It is also recognised that children are entitled to special care and assistance, and that children in difficult conditions need special consideration.¹³

9. The rights of children shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

B. Dignity

10. All children should be treated with care, sensitivity, fairness and respect throughout any health care intervention, with special attention for their personal situation, well-being and specific needs, and with full respect for their physical and psychological integrity.

C. Participation

11. It is an established principle that a child who is capable of forming his or her own views has the right to express those views freely in all matters affecting himself or herself, the views of the child being given due weight in accordance with the child's age and maturity.¹⁴

12. In the health field, this principle has two dimensions:

i. When a child, according to law, is able to consent to an intervention, the intervention may only be carried out after the child has given his or her free and informed consent.

When, according to law, the child does not have the capacity to consent to an intervention, the opinion of the child shall be taken into account as an increasingly determining factor in proportion to his or her age and degree of maturity. Children should be given appropriate information beforehand.

ii. Children should also be considered as active members of society, and not as mere passive subjects of decisions taken by adults. This implies, taking into consideration their age and degree of maturity, their being informed and consulted, and given the opportunity to take part in social decision-making processes on health care issues, including the assessment, planning and improvement of health care services.

D. Equitable access to quality health care

13. All children should have equitable access to quality health care services. This includes prevention, promotion, protection and provision of services with the active involvement of children.

14. Specific health care provision may be needed for more vulnerable children, such as children with disabilities, children in residential institutions, homeless and street children, children living in low-income families, Roma children, migrant children, refugee and asylum-seeking children, unaccompanied children and abused and neglected children.

E. Best interests of the child

15. In all actions concerning children, the best interests of the child should be a primary consideration.¹⁵

16. In assessing the best interests of the child, all his or her rights and interests should be taken into account. Potentially conflicting rights and interests, such as the right to protection and the right to participation, should be carefully weighed to determine the best interests of the child in the circumstances of each case.

IV. The child-friendly health care approach

A. The rights underpinning the child-friendly health care approach

17. The child-friendly health care approach constitutes an integrated conceptual and operational framework which fully respects children's rights, health needs and resources and therefore underpins all models and programmes.

18. All health care systems are currently facing comparable challenges. The epidemiology of childhood conditions is changing, current systems are not achieving all their expected outcomes and there are often unacceptable variations in the quality and outcomes of services for children and families. Rising costs of health care are a constant concern. Achieving improvements is often difficult without a shared approach to the planning and delivery of services, and for the achievement of better value with the combined resources available, it is essential that all services and stakeholders work together.

19. The importance of good co-ordination and continuity of care based on an integrated and multi-disciplinary approach, sometimes referred to as a "continuum of care", should not be underestimated. This extends across the traditional boundaries of primary, secondary and tertiary health care organisations, involving health, education, social care and justice systems whether in the public, private or voluntary sectors.

20. The aim of the child-friendly health care approach is to integrate the relevant rights of children with respect to health and health care into a practical framework that drives cultural change and consequent improvement in all services which contribute to the health and well-being of children. This approach should be applicable at the level of policy/planning development, at the service-delivery level and at the level of individual children and families. The approach is universal, but one which each member state can adapt to its own situation.

21. "Child-friendly health care" includes the notion of "family-friendly", facilitating bonding between newborn babies and their mother/parents, facilitating contacts between the child and his or her family and preventing the separation of the child from his or her family unless it is in the best interest of the child.

22. Five principles, enshrined in the conventions outlined in the preamble, are particularly relevant to the child-friendly health care approach:

a. Participation

23. Participation means that children have the right to be informed, consulted and heard, to give their opinions independently from their parents and to have their opinions taken into account. It implies the recognition of children as active stakeholders and describes the process by which they take part in decision making. The level of child participation depends both on his or her age, evolving capacities, maturity and on the importance of the decision to be taken.

24. Parents and families should encourage children to participate in family, community and society decision making – encouraging increasing independence and reducing their support as the child's capacity for autonomy and independence develops.

b. Promotion

25. Health promotion is "the process of enabling people to increase control over their health and its determinants and thereby improve their health".¹⁶ Promotion therefore includes all actions that allow children to become more involved in their own health and increase their exposure to positive determinants of health (defined as factors which will improve health or well-being). Health promotion covers not only activities in families and communities, directed at health determinants or lifestyles, but also factors in health care services and settings which will improve outcomes.

c. Protection

26. Health protection includes all actions that either limit or avoid children's exposure to any hazard which can be defined as a factor that has the potential to cause harm. Hazards can occur in families, communities and health services. Medical interventions can cause

harm and patient safety perspectives highlight the fact that children are particularly vulnerable to medication errors and hospital-acquired infections.

d. Prevention

27. Prevention is an active process the aim of which is to avoid future health, social or emotional problems in order to enable the fullest realisation of human potential. This includes action to reduce adverse health determinants, to prevent the development of a disease or condition, to avoid complications of a disease or condition, to prevent the impact of a disease or condition on the lifestyle or aspirations of an individual and to prevent harm caused by a service or intervention.

e. Provision

28. Provision refers to any service which contributes to the health and well-being of children and families, and therefore includes more than just traditional health services. "Pathway-based provision" is a concept that describes all the component parts that need to be in place and working well together to achieve an excellent patients' experience which brings about optimal outcomes for children and families in their journey safely through services.

B. A description of the child-friendly health care approach

29. The goal of the child-friendly health care approach is to ensure that the right things happen, to the right children, at the right time, in the right place and using the right staff, who are supported in the right way, to achieve the right outcomes, all at the right cost. Overall, the aim is to improve the quality of health care primarily defined by effectiveness, efficiency and equity simultaneously with attention to patient safety and satisfaction/experience. To this end, the purpose of the services should be combined with the relevant child-friendly principles in a practical approach that is applicable to individual children and families, those providing services and which informs higher levels of service planning and policy development.

30. The child-friendly health care approach assumes that at the heart of all services are the needs of children and their families. Services are then designed to enable the child and his or her family to receive a whole range of interventions, including promotion, prevention and treatment and the help and support they require, in a way that suits them and their circumstances. The individual experience of a service is called a "journey", groups of similar journeys are called a "pathway", with each individual component part being delivered by a team, with all the teams working collaboratively within a "network" that strives for continuous quality improvement.

31. For many long-term conditions, there is an initial pathway which spans the development of the condition, its identification, initial assessment and management. This is followed by a cyclical pathway where the condition is reviewed on a regular basis with a focus on the best management of the condition and prevention of complications or other morbidities. There is then a transition pathway which may represent the transition to adult services, transition back to normal if the condition has been cured, or, in the worst case, into palliative care services if there is further deterioration likely to result in death.

32. There are generally four components for each pathway: prevention, identification, assessment and interventions. Each of these components needs to be evidence-based, delivered by competent practitioners working in teams, provided in the right place and at the right time in order to ensure the right outcomes at the right price.

33. The child-friendly health care approach recognises that interventions should focus not only on managing the child's health condition, but also on their physical or social environment, thus avoiding the medicalisation of social problems. It includes addressing environmental issues (air and water quality, sanitation), socio-economic problems (poverty, social exclusion, poor housing and nutrition), access to education, or parental issues (parenting skills, parents' mental health, domestic violence or substance abuse).

34. It is important to stress the need to support children in cases where parents suffer from severe physical or psychiatric conditions, drug abuse or when parents suddenly die.

35. At each stage of the pathway, children, according to their age and maturity, and their families should be fully informed and involved. Children should be encouraged to exercise their right to participate in the decisions being made about their health or condition. Such involvement is particularly important in the cases of long-term conditions so that children are fully prepared to play an active role in managing their condition.

36. The pathway, whether initial, cyclical or transitional, should have a clear, proactive focus on prevention, either through the promotion of well-being, the protection from possible harm or early detection of potential problems.

C. Application and advantages of the child-friendly health care approach

37. The most important benefit of the adoption of the child-friendly health care approach is to bring about harmony and synergy between all the interested parties – government departments, organisations or professional groups, including children and families themselves – to create an integrated system allowing them to work together on the planning of future services for children and to consolidate and improve existing services. Three examples, corresponding to three different perspectives, will be used to demonstrate the application and advantages of the child-friendly health care approach: those of children and families, service providers and policy makers/planners.

38. This child-friendly approach will bring the following advantages to children and families:

- i. a comprehensive range of services which both promote and protect their health, coupled with timely, accessible and affordable services when problems occur;
- ii. when using services, all component parts required to achieve a good outcome should be in place and work well together;
- iii. they are able to participate in decisions concerning them and are encouraged to provide feedback on their experience of services.

39. Service providers focus on ensuring that evidence-based interventions are delivered by competent practitioners, in the right place and at the right time. Good co-ordination and coherence between different interventions and institutions should be underlined as key points of a successful strategy. The advantages should be:

- i. improved safety, experience and outcomes;
- ii. a workforce committed to multidisciplinary collaboration, innovation, learning and improvement;
- iii. reduced costs if the potential for prevention is realised.

40. Concerning policy makers¹⁷/planners: the child-friendly health care approach can be used as a policy/planning tool to align objectives and values between:

- i. government departments, professional bodies and other agencies responsible for policy development;
- ii. organisations responsible for the commissioning and planning of services by different agencies;
- iii. by organisations and agencies responsible for the regulation and improvement of services.

V. Implementing the child-friendly health care approach

41. The priorities for implementation vary considerably between and within different member states. Three options are available, allowing for the development of an "integrated learning system", which is the practical tool for implementation of the child-friendly health care approach, based on the five guiding principles.

Participation

42. Meaningful participation requires children and families to be fully informed about the issues they are considering in order to improve the quality of their decision making. This requires relevant information to be presented in ways appropriate to the level of development and capacity of the child. Participation should be exercised at three levels:

- i. individual decision making, whether this be lifestyle choices or involvement in medical decision making. Implementation will require accessible information, clinical staff able to communicate with children and measures for mediation when differences occur;
- ii. children should be given the opportunity to provide feedback on their experience after they have used services. Implementation will require the development of assessment of both patient-reported outcome and patient-reported experience and different methods of involving them in the process (individually and with peers);
- iii. with increasing maturity and capacity, children should be involved in the policy/planning process for the services they use. Implementation will require appropriate training/learning opportunities to enable them to participate in this process, for example understanding priority setting.

Promotion

43. Effective health promotion requires synergy between evidence-based interventions at a number of levels simultaneously. It is relevant to all children, particularly the most vulnerable, and those using health services:

- i. All children. All children should participate in health-promotion programmes and policies, such as child-friendly cities, child-friendly schools, and child-friendly child care;
- ii. Vulnerable children. The determinants of health are not equally distributed among children in society, whether they be social, emotional or financial. Where there is poor parental health, especially mental health, learning difficulties or substance abuse, children will require additional targeted support to enable them to reach their maximum potential. Implementation will require a variety of evidence-based interventions being accessible;

iii. Children using health services. Where children have repeated or long-term contact with health services, for example with complex illness, head injury rehabilitation or severe mental health problems, it is imperative that they maintain contact with their families and their friends and that their education or future health is not impaired through a prolonged stay in hospital.

44. In order to implement the approach it may be necessary to consider the financial impact for parents whose children have long-term conditions, to offer children the possibility to have schooling in hospital and to encourage systems for maintaining contact with friends and family.

Protection

45. All children require protection from potential health hazards, but some children are more vulnerable than others either because they have a long-term condition that impairs their abilities, or because they live in sub-optimal circumstances. Children who use health services should be protected from either deliberate or unintended harm while using services:

i. All children. All children require protection from physical, social, emotional or financial harm. Implementation will require interventions to improve the physical environment (for example, the quality of housing, air quality, reducing the risk of injuries and preventing violence), to improve the social environment by improving parents' parenting capacity, to prevent bullying or racism and to support families on low incomes;

ii. Vulnerable children. Children with long-term conditions, whether illness or disability, require special protection from the recognised hazards that might affect them;

iii. Children using health services. All interventions and systems have the potential to cause harm and/or adverse effects. Children are often at greater risk than adults due to their immaturity and less developed language and communication skills. Implementation will require the development of a coherent and comprehensive patient-safety policy

framework, including a child-friendly reporting system for adverse events in order to learn from such incidents. Professionals working with and for children should, where necessary, be subject to regular vetting, according to national law, to ensure their suitability to work with children.

Prevention

46. Proactive planning is central to preventing future problems. Unlike promotion or protection, prevention is targeted towards problems which could arise for which there are effective interventions:

- i. primary prevention includes mainly population-based interventions such as vaccination programmes, the prevention of dental caries through fluoridation of water supplies, or the prevention of neural tube defects through folate supplementation in cereals;
- ii. secondary prevention may be population-based, such as the early detection of deafness through neonatal hearing screening programmes, or targeted towards specific groups of children to prevent, for example, the secondary complications of diabetes, or hip dislocation in children with cerebral palsy;
- iii. tertiary prevention requires interventions to prevent secondary disabilities or deficiencies arising from established medical conditions.

47. Implementation of the approach is on two levels. Member states should decide which promotion and prevention programmes should be implemented on the basis of the entire population and which should be targeted at a selected population of children. At an individual level, health professionals, children and their families should proactively plan the management of a child's condition, recognising the likely complications or associated disabilities and thereby reduce their impact on the child's quality of life and everyday living.

Provision

48. Provision is based on pathways: there are four components common to the three stages (initial, cyclical and transitional) of a pathway for a long-term condition, the component parts of each being prevention, identification, assessment and interventions. Each component part should be:

- i. evidence-based;
- ii. delivered by competent practitioners;
- iii. delivered in the right way, in the right place, at the right time.

49. Implementation of the approach will require applying evidence-based and user-friendly guidelines for health professionals and families and make this evidence easily available to create an alignment of clinical expectations between patients and carers. Maintaining the competence of individuals working with children and families requires initial "child-friendly health care" training, support for staff implementing innovative measures in order to create child-friendly health care, and rewards for doing so. Likewise, assisting children to become "knowledgeable patients" is essential to achieve good outcomes.

50. Health care should be readily accessible to the population. Where possible, care should be delivered close to the child's home or in a familiar environment, for example in pre-school or school, where the child feels comfortable and where care can be delivered in partnership with his or her parents or carers. Where care needs to be delivered in hospital, the environment should be adapted to meet the needs of the child.

51. Child-friendly health care as an "integrated learning system": the child-friendly health care approach integrates the purpose and principles of the system into a practical approach based on pathways, which continually drives quality and improvement of services. Three component parts are essential in creating this virtuous cycle of continuous quality improvement and learning:

- i. clarity of purpose and principles;

ii. a pathway-based framework for delivery;

iii. a system which encourages innovation, learning and improvement.

52. Implementation requires the adoption, and where necessary adaptation, of this approach by all the agencies, organisations and professional groups contributing to services for children and families. It is particularly important to achieve alignment and synergy between:

i. policy makers from different sectors;

ii. commissioners, providers and regulators of services;

iii. health, education and social-care organisations.

53. It is essential to integrate a culture of learning and improvement into service delivery. Each agency should have a similar approach to the choice of evidence-based interventions, priority setting, maintaining staff competence, working in teams and continuous quality improvement.

54. Feeling safe, secure and comfortable should be part of the child's therapeutic process. This requires staff to be "child-friendly" and both culturally and clinically competent. Health care should be provided in a "child-friendly" environment, and separately from adults where appropriate. Fear, discomfort and pain should be recognised, assessed and managed using age-appropriate interventions.

VI. Promoting the child-friendly health care approach

55. The promotion of a child-friendly health care approach would require all member states to recognise the importance of children's rights at all times, in all settings. Three levels of promotion would be required:

i. promotion of children's rights;

ii. promotion of the principles, applicable to children's health services;

iii. promotion of the child-friendly health care approach, which integrates the principles into a practical model for service planning, delivery and improvement.

56. Success will depend on an alignment of motivation, thinking and action at three different levels: policy making, service planning and individual care.

57. Member states should endorse the child-friendly health care approach at an appropriate level and facilitate the incorporation and, where appropriate, the adaptation of the child-friendly health care approach into policies, service planning and practice, coupled with the development of relevant measures to monitor implementation.

58. Member states should include the principles proclaimed by the United Nations Convention on the Rights of the Child, the European Social Charter and the Revised European Social Charter, the European Convention on the Exercise of Children's Rights and the European Charter for Children in Hospitals, in all their policies, plans, and programmes.

59. Member states should organise activities or educational initiatives to promote children's rights. Human and children's rights should be integrated into the school curriculum, including links with health and emphasising the needs of vulnerable children, such as children without parental protection, those with long-term conditions and poor or marginalised groups of people in society.

60. Member states should endorse, disseminate and adapt the child-friendly health care approach to the planning and delivery of services, in order to drive improved effectiveness, efficiency, safety and equity within health care services.

61. Member states should promote the effective participation of children in improving their health, in taking part in decision making related to their care, in planning health care activities and evaluating the results, according to their age and maturity.

62. Member states should support programmes and policies aimed at raising the awareness of children and their parents of their rights to active participation in decision making and the promotion and protection of their health, by creating legal structures and policies that support the promotion of children's rights in health care, if these do not already exist.

63. In line with the "Health in All Policies" approach, governmental organisations and other relevant stakeholders contributing to the health and well-being of children should work together and strive to continually improve the quality of their services, especially safety, outcomes and experience/satisfaction of the users.

64. Member states should pay particular attention to the investment in services for children and families in order to secure sufficient resources to create a healthy future generation.

65. Member states should involve relevant institutions and stakeholders to measure and monitor the implementation of the child-friendly health care approach in their health care policies and practice.

66. Member states should exchange practice and promote international co-operation in the field of child-friendly health care.

Appendix 13

(Item 6.3)

Reply to Parliamentary Assembly Recommendation 1961 (2011) on
"Over-indebtedness of states: a danger for democracy and human rights"

(Adopted by the Committee of Ministers on 21 September 2011
at the 1121st meeting of the Ministers' Deputies)

1. The Committee of Ministers has examined Parliamentary Assembly Recommendation 1961 (2010) on "Over-indebtedness of states: a danger for democracy and human rights", which addresses important, topical problems.
2. The Committee of Ministers is aware that in difficult economic times the protection of those most vulnerable calls for particular vigilance and it will not fail to demonstrate this in carrying out its statutory mission, the protection of human rights.
3. With regard to the specific recommendations in the text, the Committee notes that they concern the economic strategy and financial policies developed by member states at a national level or through economic or financial institutions. They do not fall within the scope or priorities of the Council of Europe.
4. The Committee has brought the recommendation to the attention of the member states' governments.

Appendix 14
(Item 6.5)

Reply to Recommendation 295 (2010)
of the Congress of Local and Regional Authorities of the Council of Europe on
"Social time, leisure time: which local time planning policy?"

(Adopted by the Committee of Ministers on 21 September 2011
at the 1121st meeting of the Ministers' Deputies)

1. The Committee of Ministers has examined Recommendation 295 (2010) of the Congress of Local and Regional Authorities of the Council of Europe on "Social time, leisure time: which local time planning policy?". It has brought it to the attention of the governments of member states and to the relevant intergovernmental bodies.¹⁸ The recommendation has also been transmitted to the European Union and the Parliamentary Assembly of the Council of Europe for information.

2. The Committee of Ministers is mindful of the repercussions of modern urban life on time management and the fact that these can have a detrimental effect on the quality of life of European citizens. It therefore recognises that the recommendation raises some interesting and innovative issues, particularly for local and regional government, and it would invite member states to consider the matters raised, as appropriate.

3. However, the Committee of Ministers considers that whilst time planning policies may be addressed directly or indirectly in certain activities relating to the promotion of social cohesion and gender equality, the issue as such does not fall within the Organisation's priorities.

Appendix 15

(Item 6.6)

Resolution CM/ResCSS(2011)20

on the application of the European Code of Social Security by Greece

(Period from 1 July 2009 to 30 June 2010)

(Adopted by the Committee of Ministers on 21 September 2011

at the 1121st meeting of the Ministers' Deputies)

The Committee of Ministers,

In the exercise of the functions conferred upon it by Article 75 of the European Code of Social Security (hereinafter referred to as the "Code"), and with a view to supervising the application of this instrument by the Contracting Parties;

Whereas the Code, opened for signature on 16 April 1964, entered into force on 17 March 1968 and since 10 June 1982 has been binding on Greece, which ratified it on 9 June 1981;

Whereas, when ratifying the Code, the Government of Greece stated that it accepted, in addition to the parts which must be applied by every Contracting Party (Parts I, XI, XII, XIII and XIV), the following parts of the Code:

- Part II on “medical care”,
- Part III on “sickness benefit”,
- Part V on “old-age benefit”,
- Part VI on “employment injury benefit”,
- Part VIII on “maternity benefit”,
- Part IX on “invalidity benefit”,
- Part X on “survivors’ benefit”;

Whereas, in pursuance of paragraph 1 of Article 74 of the Code, the Government of Greece submitted its 28th annual report on the application of the Code, for the period from 1 July 2009 to 30 June 2010;

Whereas, in accordance with paragraph 4 of Article 74, that report was examined by the ILO Committee of Experts on the Application of Conventions and Recommendations, at its 81st meeting in November and December 2010,

Notes that the government states in the report that, due to the adverse fiscal problems in the country and the intervention of both the International Monetary Fund (IMF) and the European Union, a new draft law was prepared and consequently voted by the parliament on 8 July 2010. This new law aims to cut the expenses on social security and drastically reduces benefits so as to avoid the collapse and bankruptcy of the social security system. The Committee of Ministers notes the adoption of Act No. 3845 of 5 May 2010 on “Measures to implement a mechanism to support the Greek economy by the member

states of the euro area and the International Monetary Fund". The appendix to this act contains two memorandums of understanding concerning economic and financial policies and specific economic conditionality concluded between the Greek Ministry of Finance and the Governor of the Bank of Greece on one side and the President of the Eurogroup, the European Commission, the European Central Bank and the IMF on the other side. They list a series of time-bound commitments to be undertaken by the government, including efforts to control the cost of pensions. These commitments resulted in the adoption on 8 July 2010 of Act No. 3863/2010 on the "New social security system and relevant provisions" (FEK A'115) introducing the radical reform of the pension system for all current and future employees, which limits the state's liability only to the funding of the basic pensions as of 2015. The statutory retirement age will be raised to 65 by December 2015 and the retirement age of women in the public sector will be raised to 65 by 2013. The act also provides for the calculation of

pensions on the basis of workers' entire careers; the raising of the minimum contribution period from thirty-seven to forty years by 2015; the restriction of early retirement and the increase of the minimum retirement age to 60 gradually until 2015, including for workers in arduous professions and those with forty years of contributions; the introduction of reduced pension benefits for people retiring between the ages of 60 and 65 with less than forty years of contribution; indexation of pensions on the basis of gross national product and the consumer price index and the introduction of a means-tested minimum guaranteed pension for people 65 years of age and older.

The Committee of Ministers observes that such radical measures emanating from the commitments undertaken by the Greek Government with the European Union and the International Monetary Fund, may affect the general responsibility of the government for the sustainable financing and management of the national social security system, which it is obliged to assume under Articles 70.3 and 71.2 of the Code;

Finds that law and practice in Greece continue to give full effect to Parts II, III, VIII, IX and X of the Code and that they also ensure the application of Part V, subject to receiving the information requested, and Part VI, provided a benefit for victims of employment injury with incapacity of less than 50% is re-established in the national legislation;

Decides to invite the Government of Greece, concerning Articles 70.3 and 71.2 of the Code, to show in its next report, by reference to concrete provisions of the new legislation and on the basis of the calculation of the replacement level of pensions according to the new rules, that Greece continues to comply with the provisions of the Code.

Appendix 16

(Item 6.7)

Terms of reference of the Consumer Health Protection Committee (Partial Agreement)
(CD-P-SC)

Fact sheet

Name of Committee:

Consumer Health Protection Committee (Partial Agreement) (CD-P-SC)

Compliance with Resolution Res(2005)47:

YES

Res(2005)47 applies mutatis mutandis to Partial and Enlarged Agreements;
Statutory Resolution Res(93)28 on Partial and Enlarged Agreements.

Programme of Activities: project(s)

The Committee shall pursue the following activities:

- to examine questions related to the quality and safety of cosmetics and food packaging materials and, where deemed necessary, approve proposals for resolutions prepared for adoption by the Committee of Ministers;
- to set standards and define policies and practices for product quality and safety in the field of cosmetics and food packaging materials, promote and monitor their implementation with a view to ensuring consumer health protection;

- to collect and evaluate quality and safety data on packaging materials, especially, where materials are used for both foodstuffs and pharmaceuticals or where such use is technically feasible for pharmaceuticals in addition to foodstuffs;
- to foster co-operation among member states, in particular, by organising appropriate competence networks.

Project relevance:

Linked to the Third Summit Action Plan Chapter III – “Building a more humane and inclusive Europe”, Article 1. “Ensuring social cohesion”.

Project added value:

Ensuring consumer health protection in the fields of cosmetics and food packaging materials and improving product quality and safety is an important element of the protection of health as a social human right and essential condition for social cohesion.

Financial information:

The Committee meets once a year for two days in plenary session. The sending authorities of the member states will bear the travel and subsistence expenses for their representatives’ participation in the meetings of the CD-P-SC.

The CD-P-SC will be served by the Secretariat. The budget for this activity is set out in the draft biannual budget for 2012-2013.

Terms of reference of the Consumer Health Protection Committee (Partial Agreement)
(CD-P-SC)

Name of Committee:

Consumer Health Protection Committee (Partial Agreement)
(CD-P-SC)

2.

Type of Committee:

Steering Committee (Partial Agreement)

3.

Source of terms of reference:

Committee of Ministers, in its composition restricted to representatives of the States Parties to the Convention on the Elaboration of a European Pharmacopoeia¹⁹

4.

Terms of reference:

Having regard to:

-

the importance of promoting consumer health protection and implementing policies and practices to ensure product quality and safety in the fields of cosmetics and packaging materials used for foodstuffs and pharmaceuticals;

-

the opportunity to enhance synergies between the cosmetic and the pharmaceutical sector which may have in common certain regulatory approaches²⁰ and with a view to setting quality and safety standards;

-

the opportunity to enhance synergies between the food-packaging and the pharmaceutical sector and the need to set quality and safety standards to minimise possible interactions between contents and container;

- the European Convention on the Elaboration of a European Pharmacopoeia;
- Resolution Res(2005)47 on committees and subordinate bodies, their terms of reference and working methods, which applies mutatis mutandis to partial agreements;
- the Declaration and Action Plan adopted by the Third Summit of Heads of State and Government of the Council of Europe (Warsaw, 16-17 May 2005), Chapter III – “Building a more humane and inclusive Europe”, Article 1. “Ensuring social cohesion”, laying down in particular protection of health as a social human right and an essential condition for social cohesion and economic stability.

Under the authority of the Committee of Ministers, in its composition restricted to the representatives of the States Parties to the Convention on the Elaboration of a European Pharmacopoeia, the Consumer Health Protection Committee (hereinafter the “CD-P-SC”) shall:

- a.
examine questions related to the quality and safety of cosmetics and food packaging materials;
- b.
set standards and define policies and practices for product quality and safety in the fields of cosmetics and food packaging materials, promote and monitor their implementation with a view to ensuring consumer health protection and, where deemed necessary, approve proposals for resolutions prepared for adoption by the Committee of Ministers;
- c.

to collect and evaluate quality and safety data on packaging materials, especially, where materials are used for both foodstuffs and pharmaceuticals or where such use is technically feasible for pharmaceuticals in addition to foodstuffs and, where appropriate, elaborate recommendations;

resources permitting, the Committee may also deal with other than packaging materials coming into contact with foodstuffs, while avoiding duplication of the work of other international bodies;

d.

respond to health risks posed by the use of specific ingredients with pharmacological or toxic effects in cosmetics and, where appropriate, propose appropriate measures;

e.

foster co-operation among member states, in particular, by organising appropriate competence networks (e.g. for exchange of safety test data, setting up relevant databases and conducting surveys) as well as promoting technical collaboration in the field of market surveillance by official control laboratories;

f.

while taking account of the progress of its work, prepare, under its own responsibility, proposals for the Programme of Activities for the coming years and ensure appropriate monitoring, where feasible.

5.

Composition:

A.

Members

Governments of Council of Europe States Parties to the Convention on the Elaboration of a European Pharmacopoeia are entitled to appoint (a) representative(s) with expertise and

responsibility for the implementation of national consumer health protection policies and programmes. Each State Party shall have one vote.

The sending authorities of these states will bear the travel and subsistence expenses for their representatives' participation in the meetings of the CD-P-SC.

B.

Participants

The CD-P-SC may invite representatives of other committees and bodies of the Council of Europe to specific meetings depending on the agenda of the respective meeting, without the right to vote and at the expense of the corresponding heads of the Council of Europe budget.

C.

Other participants

Council of Europe member states other than those mentioned above under 5.A and other states with observer status with the European Pharmacopoeia Commission may send a representative to the meetings of the CD-P-SC, without the right to vote or defrayal of expenses.

The European Commission may send a representative to the meetings of the CD-P-SC, without the right to vote or defrayal of expenses.

The European Food Safety Authority (EFSA) may send a representative to the meetings of the CD-P-SC, without the right to vote or defrayal of expenses.

D.

Observers

Non-governmental organisations active in the field of consumer health protection may ask for observer status with the CD-P-SC and be allowed to send a representative to its meetings, without the right to vote or defrayal of expenses.

Observer status is granted on the basis of a unanimous decision by the CD-P-SC. In the event where unanimity is not reached, the matter may be referred to the Committee of Ministers at the request of two-thirds of the members of the Committee.

6.

Working methods and structures:

The Committee shall meet in principle once a year for two days.

The CD-P-SC shall define its rules of procedure.

With a view to reaching its objectives and to enable multidisciplinary working methods, the CD-P-SC may, within the limits of budgetary appropriations, create subordinate bodies and arrange consultations, in particular with stakeholders by means of hearings or by any other means, as appropriate.

7.

Duration:

These terms of reference will expire on 31 December 2013.

Appendix 17

(Item 7.1)

Reply to Parliamentary Assembly Recommendation 1943 (2010) on
"Strengthening measures to protect and revive highly endangered languages"

(Adopted by the Committee of Ministers on 21 September 2011
at the 1121st meeting of the Ministers' Deputies)

1. The Committee of Ministers has taken note of Parliamentary Assembly Recommendation 1943 (2010) on “Strengthening measures to protect and revive highly endangered languages” and has brought it to the attention of governments of member states. It forwarded it to the Committee of Experts on the European Charter for Regional or Minority Languages, the European Centre for Modern Languages (ECML) in Graz and the Steering Committee for Education (CDED), who have all submitted comments which the Committee of Ministers has taken into account in this reply.

2. The Committee of Ministers regards linguistic diversity as a factor in mutual enrichment. It seeks to preserve and develop the identity and languages of people belonging to national minorities, in particular through the European Charter for Regional or Minority Languages and other relevant Council of Europe treaties. It also draws on the work of the CDED and the ECML, whose contribution to the Organisation’s language policy development has been of great importance for the promotion of plurilingualism in Europe. In particular, it draws attention to the activities related to the “European Day of Languages” celebrated every year, in co-operation with the European Union. It helps, inter alia, to raise people’s awareness of the importance of preserving endangered languages and encourage transmission of these to younger generations.

3. The Committee of Ministers notes with interest the recommendation that all member states should make the best use of the experience and the potential of the ECML. However, the Committee of Ministers would like to recall that the European Centre for Modern Languages is an enlarged partial agreement which currently has 34 member states. As stated in its statute, the Centre has as its mission the implementation of language policies and the promotion of innovative approaches to the learning and teaching of modern languages. In the Centre’s work, no distinction is made between endangered and non-endangered languages. The Centre applies an inclusive approach to language education, supporting and promoting the efficient use of all languages available to learners as part of their linguistic repertoire, for the benefit both of the individual and of society.

4. Regarding the possible role of the European Charter for Regional or Minority Languages (ECRML), the Committee of Ministers fully agrees with the recommendation that all member states should make the best use of the knowledge and experience of the Committee of Experts of the ECRML. The Charter was drawn up to protect and promote regional or minority languages, including as a threatened aspect of Europe's cultural heritage. The Charter does not therefore make a distinction between "highly, critically or severely endangered regional and minority languages"; they are all considered as being in need of special protection and all considered as specific, given the socio-linguistic context in the member states themselves. This is why the Charter provides for a flexible "à la carte" system, to be able to adapt itself to a vast diversity of situations, including regarding languages which may be considered highly, critically or severely endangered. In this context, selected good practices developed in the course of the implementation of the Charter may be identified if needed by independent experts, on request of the countries who so wish and make funds available for this. The text of the Charter itself already provides for a list of guidelines to be implemented in the member states Parties to the Charter (general principles and special provisions in education, culture, justice, media, economic and social life).

5. Lastly, the Committee of Ministers points out that the CEDEJ's programme of activities places a special focus on the plurilingual and intercultural education of pupils/students. One of the priority objectives of this programme for the years to come will be the elaboration of guidelines for policies for the linguistic and educational integration of children of vulnerable groups. The CEDEJ's efforts in the field of language policies will concentrate on implementing this new programme, and in view of the current budgetary restrictions, the Committee of Ministers does not intend expanding its action regarding the specific recommendations made by the Parliamentary Assembly.

6. In conclusion, the Committee of Ministers points out that the protection and promotion of cultural and linguistic diversity remain priority lines of action, in particular in the context of the areas of work of the European Charter for Regional or Minority Languages. The Committee of Ministers wishes to recall that certain member states have not yet signed and/or ratified the Charter.

Appendix 18

(Item 7.2)

Reply to Parliamentary Assembly Recommendation 1957 (2011) on
"Violence against Christians in the Middle East"

(Adopted by the Committee of Ministers on 21 September 2011
at the 1121st meeting of the Ministers' Deputies)

1. The Committee of Ministers has considered Parliamentary Assembly Recommendation 1957 (2011) on "Violence against Christians in the Middle East".
2. With regard to the tragic events and issues which the Assembly refers to, the Committee of Ministers points out that it strongly condemned these acts in the Declaration on religious freedom which it adopted in January 2011. At that time, it also reiterated that freedom of thought, conscience and religion is an inalienable fundamental right and stressed that "there can be no democratic society based on mutual understanding and tolerance without respect for freedom of thought, conscience and religion. Its enjoyment is an essential precondition for living together".
3. With more specific regard to the situation in the countries of the Middle East, the Committee of Ministers is working on a coherent policy towards neighbouring regions with a view to fostering dialogue and co-operation with the countries and regions close to Europe that seek the assistance of the Council of Europe on the basis of the shared values of human rights, democracy and the rule of law. Given the resources at the Organisation's disposal, such a strategy will have to be properly targeted and conducted in co-operation with Europe's neighbours and relevant international partners. The Council of Europe can offer its expertise in the field of the protection of the freedom of thought, conscience and religion and share its experience in fostering standards of protection of rights of persons belonging to religious minorities. The Committee of Ministers will bear the Assembly's recommendations on the matter in mind.

4. The Committee of Ministers agrees with the Assembly about the need to combat all forms of religious fundamentalism and the manipulation of religious beliefs for political reasons. It believes that education, interreligious youth work and dialogue are important tools for helping to prevent and combat such developments. It also agrees about the need to address anti-Christian stereotypes and bias – an approach which should be extended to the treatment of all religions and beliefs. That is a precondition for application of the principle set out in paragraph 9 of the recommendation whereby the coexistence of religious groups is a sign of pluralism and of an environment favourable to the development of democracy and human rights.

5. The Committee of Ministers has issued a number of recommendations to member states in this connection, including Recommendation CM/Rec(2008)12 on the dimension of religions and non-religious convictions within intercultural education and, more generally, Recommendations CM/Rec(2010)7 on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education, CM/Rec(2011)4 on education for global interdependence and solidarity and CM/Rec(2011)6 on intercultural dialogue and the image of the other in history teaching. In its Resolution CM/Res(2008)23 on the youth policy of the Council of Europe, the Committee of Ministers committed itself to supporting initiatives of young people and their organisations with regard to conflict prevention and management, as well as post-conflict reconciliation by means of intercultural dialogue, including its religious dimension. It urges member states to follow the principles set out in these instruments which will help to foster dialogue, mutual knowledge and understanding between the various cultures and religions and to support the efforts of religious institutions in the Middle East to promote dialogue.

6. The Committee of Ministers would also highlight the relevance of the annual Council of Europe Exchanges on the religious dimension of intercultural dialogue, the aim of which is to promote and strengthen the fundamental Council of Europe values in order to foster mutual respect and awareness and tolerance within society, and to associate – in the framework of an open, transparent dialogue – representatives of religions traditionally present in Europe and other players in civil society in the pursuit of this goal.

7. It also wishes to draw the Assembly's attention to the work done by the Steering Committee on Higher Education and Research (CDESR) under a project targeted towards promoting intercultural dialogue in higher education, recognising the primary role of universities as platforms for mobility of students, on the one hand, and underlining their responsibility for developing intercultural competences, including tolerance and respect for different cultures and religious beliefs, on the other.

8. In terms of the need to analyse the evolution of cultural and religious developments mentioned in paragraph 11 of the recommendation, the attention of the Assembly is also drawn to the report by the Group of Eminent Persons, "Living together – Combining diversity and freedom in 21st century Europe", which was presented at the 121st Session of the Committee of Ministers in Istanbul. The report suggests a number of areas of activity for the Council of Europe, the feasibility of which is being studied by the Committee of Ministers.

9. Nevertheless, with regard to the recommendation made by the Assembly in paragraph 11.1 that a "permanent capacity" be developed, the Committee of Ministers believes that the Council of Europe has the necessary bodies and legal framework for monitoring the issues raised by the Assembly in member states. It therefore does not intend setting up a specific new body. In particular, it would underline the work of the European Commission against Racism and Intolerance (ECRI), which has responded systematically in its country reports to discrimination and intolerance suffered by religious communities of all kinds and issued detailed recommendations to the governments concerned.

10. The Committee of Ministers assures the Assembly that promoting the right to freedom of thought, conviction and religion will remain high on its agenda, as a founding principle of the Council of Europe on which lasting peace and stability in Europe and beyond depend. It therefore welcomes the Assembly's support in this connection.

Appendix 19
(Item 8.1)

Reply to Parliamentary Assembly Recommendation 1948 (2010) on

“Promoting volunteering in Europe”

(Adopted by the Committee of Ministers on 21 September 2011
at the 1121st meeting of the Ministers' Deputies)

1. The Committee of Ministers has examined Parliamentary Assembly Recommendation 1948 (2010) on “Promoting volunteering in Europe”. It has brought the recommendation to the attention of governments. It has also communicated it to the European Steering Committee for Youth (CDEJ), the Advisory Council on Youth (CCJ) and the Steering Committee for Education (CDED).
2. The Committee of Ministers recognises the value in supporting voluntary activities, both from the perspective of promoting active citizenship and from the educational dimension, including non-formal education. It shares the view of the Assembly that effects of voluntary activities can be beneficial, both for the individual and for society as a whole, as outlined by the Assembly in paragraph 3 of its recommendation.
3. In this context, the Committee of Ministers has taken note that the European Union has proclaimed 2011 as the “European Year of Volunteering”. It is aware that conferences and events have been taking place or are planned in many member states in this context and would invite member states to continue to support, as appropriate, any initiatives on the national level addressing volunteering issues and challenges.
4. The Committee of Ministers would inform the Assembly that the Council of Europe has been actively involved in the “The II Youth Convention on Volunteering” organised by the European Youth Forum (Brussels, 7-11 September 2011) in the framework of the European Year of Volunteering, under the title “Young Volunteers Stand Up!”. Moreover, a seminar on “Mobility of young people – Opportunities and obstacles for cross-border volunteering for young people, particularly with fewer opportunities”, was held in the European Youth Centre Strasbourg on 7 and 8 September 2011. Finally, in the framework of the partnership between the European Commission and the Council of Europe in the field of youth, in July 2011 a special issue of the “Coyote” magazine was published devoted to the subject of volunteering.

5. The Committee of Ministers has also taken note of the Assembly's call on member states to sign and ratify the European Convention on the Promotion of a Transnational Long term Voluntary Service for Young People. It would recall that in the framework of the reform of the Organisation, a review of the relevance of all Council of Europe conventions is currently being prepared with a view to providing a basis for decisions on follow-up including measures to increase the visibility and the number of parties to relevant conventions.

+ There were no decisions under this item.

2 See also document CM/AS(2011)Quest599 final.

3 See also document CM/AS(2011)Rec1961 final.

4 See also document CM/Cong(2011)Rec295 final.

5 States concerned: Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, "the former Yugoslav Republic of Macedonia", Turkey and United Kingdom.

6 See also document CM/AS(2011)Rec1943 final.

7 See also document CM/AS(2011)Rec1957 final.

8 See also document CM/AS(2011)Rec1948 final.

9 In the context of adopting Resolution Res(97)10 on 17 September 1997, the Committee of Ministers also adopted the following rule: "Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting Parties casting a vote, including a majority of the

representatives of the Contracting Parties entitled to sit on the Committee of Ministers, vote in favour”.

10 The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

11 Guidelines on child-friendly justice, adopted on 17 November 2010;

- Recommendation CM/Rec(2010)2 on deinstitutionalisation and community living of children with disabilities;
- Recommendation CM/Rec(2009)10 on integrated national strategies for the protection of children from violence;
- Recommendation Rec(98)8 on children’s participation in family and social life.

12 – Recommendation Rec(2006)7 on management of patient safety and prevention of adverse events in health care;

- Recommendation Rec(2006)5 on the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015;
- Recommendation Rec(2000)5 on the development of structures for citizen and patient participation in the decision-making process affecting health care.

13 Preamble of the United Nations Convention on the Rights of the Child.

14 Article 12 of the United Nations Convention on the Rights of the Child.

15 Article 3 of the United Nations Convention on the Rights of the Child.

16 Health Promotion Glossary, WHO, 1998.

17 The term “policy” is used in the sense of “courses of action, regulatory measures, laws, and funding priorities concerning a given topic instituted by a government, its departments or representatives”.

18 The European Committee for Social Cohesion (CDCS) and the Steering Committee for Equality between Women and Men (CDEG).

19 States concerned : Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, "the former Yugoslav Republic of Macedonia", Turkey and United Kingdom.

20 Some member states' authorities follow this approach by controlling and surveying cosmetic products on the market by structures within the same authorities responsible for both medicines and healthcare products.