

Declaration of Nicosia

The specialised Ministers of the Council of Europe member states, on the occasion of the Conference of Ministers responsible for Media and Information Society, jointly organised by the Council of Europe and the Republic of Cyprus and held online on 10-11 June 2021, adopt the following declaration:

1. We reaffirm that freedom of expression and its corollary media freedom, as enshrined in Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) and interpreted by the European Court of Human Rights, are cornerstones of democracy and must be upheld and protected, with due respect to other rights enshrined in the Convention.

2. We recognize the impact of the application of digital technologies, including artificial intelligence (AI), on the exercise and enjoyment of human rights, including freedom of expression. These technologies offer enhanced opportunities for expression, access to information and distribution of information, as well as for research and content production and distribution and, more generally, for a more interactive media environment.

3. At the same time, the use of digital technologies such as automated content moderation tools, may result in undue interference with freedom of expression and other rights. While instrumental in addressing illegal content online, their operation must be carefully supervised to ensure that it remains in compliance with applicable safeguards enshrined in the Convention.

4. Also, internet intermediaries, including social media platforms, have become major players in the media industry of the digital age, generating a structural shift in the information environment that puts the sustainability of the media market into question. A risk of their undue interference with freedom of expression and other human rights exists.

5. At the broader societal level, digital tools are playing an increasingly important role in selecting and/or editing information that is accessible to users and influencing and shaping public –including political –communication. While facilitating exchanges, interaction and active involvement in public life, the vast

increase in available content and the lack of skills to navigate in the information deluge have also contributed to fragmentation and division, which are a source of serious concern for the development and preservation of cohesive societies and democracy.

6. The development and deployment of digital technologies and the increasing processing of personal data related to individuals, aiming at their profiling and micro-targeting for commercial and other purposes, have radically affected how individuals and society seek and receive information, form and express their opinions and make decisions, including with respect to elections and other democratic participatory processes. These techniques, often based on digital footprints and biased datasets that may be unrepresentative of separate public groups, also amplify pre-existing inequalities and biases. The manipulative capabilities of digital technologies and tools, including the capacity to simulate human traits, raise concerns about their possible abuse by malicious actors.

7. We acknowledge that these developments are indicative of a change in the media and information environment. Alongside significant positive effects, digital transformation has exacerbated the spread of disinformation, opened the door to online hate and contributed to the polarisation of society. Consumption of news and information from the increasing range of diverse online sources, which in most cases are not bound by the standards of professional ethics, is contributing to confusion as to the veracity and reliability of news. This leads to a growing loss of confidence in media and can also result in a loss of confidence in democratic institutions and processes. It has also created serious challenges to the culture of trustworthy journalism.

8. We recognise that journalists and other media actors play a central role in enabling the full enjoyment of freedom of expression and are critical to the healthy functioning of a democracy. Because of their work and their role in exposing wrong-doing and holding public authorities and other powerful actors to account, they are often the target of threats, harassment and other forms of physical and psychological violence. As this dynamic deteriorates, there is a growing need for special protection of journalists.

9. We further recognize that the Covid-19 pandemic has also impacted on freedom of expression. Measures taken in response to the crisis have tested the resilience of existing human rights protection frameworks, revealing and amplifying, among others, the insufficiency of safeguards for freedom of expression and freedom of the media (including media pluralism and independence).

10. Recalling the Council of Europe member States' commitment to the values of human rights, democracy and the rule of law, we agree that the above concerns require political attention at the highest level and coordinated action from governments, in consultation with all relevant stakeholders.

11. Specific attention is required, and further guidance must be developed with respect to the internet intermediaries, the use of digital tools and their impact on freedom of expression both at the individual level, in the context of the newsroom and media outlets, as well as at the level of society. In particular, the protection and empowerment of children, elderly persons/seniors and other vulnerable groups with the knowledge, skills and awareness regarding their safe and informed access to and exercise of rights in the digital environment should be ensured at all times.

12. We commit in particular to creating the necessary conditions, including legal frameworks, for the effective protection of freedom of expression with regard to content moderation, as well as to specifically tackle online electoral communication, campaigning and media coverage to provide conditions for the fair conduct of electoral processes. This may include developing collaborative and/or co-regulatory approaches, including international and national legally binding regulation where appropriate, curation aimed at supporting impartial fact checking and promoting diverse and reliable professional media sources.

13. We further acknowledge that media and information literacy plays an essential role of equipping individuals with the skills and knowledge to adapt and thrive from the new information environment and help the growth of an informed citizenry, which is one of the foundations of democratic societies. Media and information literacy projects therefore must be encouraged and supported.

14. We acknowledge that the dangerous declining trend in the area of safety of journalists must be addressed urgently as a matter of priority, in a comprehensive and coordinated manner at national and international levels, with due regard to its online dimension and to the specific threats faced by women journalists. All forms of attacks on journalists and other media actors intended to undermine their ability to perform their public watchdog role must be regarded as attacks on democracy and strongly condemned. It is the responsibility of States to act to effectively prevent, investigate and sanction threats and attacks against journalists' safety.

15. We recall that in times of crisis freedom of expression and information and freedom of the media maintain their important role for the functioning of democratic societies. Article 10 of the Convention and the relevant case law of the European Court of Human Rights remain the fundamental standards to be applied in the exercise of those rights. Protection frameworks for freedom of expression and freedom of the media need to be reinforced to ensure that journalists and the media can effectively perform their professional duties, including in times of crisis.

In view of the above:

a. We adopt the Resolutions of this Ministerial Conference which are appended to this Final Declaration.

b. We request the Committee of Ministers of the Council of Europe:

- to take all necessary steps to implement the actions mentioned in this Final declaration and the Resolutions.
- to ensure regular review and reporting on the measures taken for their implementation, in consultation with the relevant stakeholders.

c. We invite the Council of Europe:

- to pursue, as a matter of priority and with due allocation of resources, its efforts, including, where appropriate, through the development of relevant binding and non-binding documents to uphold and guarantee the effective

enjoyment of the rights protected by Article 10 of the European Convention on Human Rights, taking due account of the impacts of digital technologies on freedom of expression, and the challenges to media freedom in the new media environment, as well as the important public watchdog role played by the media, including in times of crisis

- to continue to provide annual assessments of the state of freedom of expression in Europe, under the authority of the Secretary General of the Council of Europe, with concrete proposals for action, including as regards journalists' safety, and the promotion of a favourable environment for journalism resting on the standards of professional ethics in the digital age.

d. We undertake to meet in the ministerial conference format at regular intervals to discuss current developments in the media and information society to ensure consistency and continued progress in guaranteeing respect and protection of the right to freedom of expression, and all its constituent rights, both online and offline, as interpreted by the European Court of Human Rights.