

Memorandum on Press Freedom in Moldova (May 3, 2015 – May 3, 2016)

In the period of May 3, 2015 to May 3, 2016, the press in Moldova remained partially free according to the Freedom House report, while according to the Reporters Without Borders ranking our country lost four positions since last year, taking the 76th position in the list of the 180 analyzed countries. Like in previous years, the media community was divided, while old problems worsened. Political control over media outlets remained in place; excessive concentration of the media in the hands of owners-politicians was confirmed, and competition on the media market was unfair. Journalists, especially investigative journalists, faced problems in obtaining information from public institutions. Cases of verbal aggression and intimidation of media representatives multiplied. In October 2015, participants of the first Media Forum in Moldova sent a Roadmap to authorities, where they listed these and other problems in the sector and urged authorities to actively engage into solving them.

Deficiencies of the legal framework

Although the government's activity program for 2015-2018 stipulated adoption of a new broadcasting code, it did not happen in the reporting period. Instead of examining the draft of the new code, the parliament introduced modifications and supplements into the current code, which failed to bring expected results. The entry into force of Law no. 28 on November 1, 2015, under which media owners had to make statements on their own responsibility regarding their properties, revealed concentration in the media, but it did not provide mechanisms to fight concentration. Hasty adoption of draft law no. 39, developed by a group of Party of Socialists MPs in order to reduce the number of licenses allowed to a media owner from 5 to 2, did not take into account transition to digital television and other realities. The civil society found this draft law inconsistent and asked President Nicolae Timofti not to promulgate the law, but it was promulgated anyway. There were also other unsuccessful attempts to modify and supplement the current Broadcasting Code, such as the two draft laws on ensuring information space security, which have not yet been examined by the parliament.

The civil society keeps pleading for adoption of a new code that would solve these and other problems.

Another problem concerns access to information. Investigative journalists notified about problems such as too big fees for obtaining information from certain institutions, formal replies that are not always to the point, too long terms of reply to requests for information. The Independent Journalism Center proposed several amendments to the law, which were registered as legislative initiative by a group of independent MPs. So far, the law has not been introduced into the parliament's agenda.

The phenomenon of concentration

The fact that media owners were forced by law to declare on their own responsibility the properties they have confirmed the phenomenon of concentration, but did not make it disappear. According to broadcasters' statements on their own responsibility published by the Broadcasting Coordinating Council (BCC), businessman and politician of the Democratic Party Vlad Plahotniuc owns 4 televisions with national coverage out of the 5 total (Publika TV, Prime, Canal 2, and Canal 3) and 3 radio stations (Publika FM, Muz FM, and Maestro FM). Overall, they cover, according to estimates that appeared in the

media, about 60-70% of the broadcasting market. Liberal-democrat MP Chiril Lucinschi is the owner of two TV channels – TV7 and TNT Bravo. Businessman Victor Topa, who took refuge in Germany after he was convicted of blackmail in Moldova, is the owner of Jurnal TV. In 2015, the BCC granted a broadcasting license to NTV Moldova channel, founded by Party of Socialists MP Corneliu Furculita. The BCC only collected owners' declarations on their own responsibility, motivating that it has no other powers, not even to verify the truthfulness of those declarations. Concentration in the media allows politicians to interfere in editorial policies, which leads to limitation of the freedom of expression, manipulation, and disinformation of the public. This phenomenon diminishes the professionalism of journalists and is in contradiction with European standards concerning the media, which Moldova undertook to comply with under the Moldova-EU Association Agreement.

Attempts to censor the Internet

In the reporting period, authorities returned to earlier attempts to limit freedom of expression in the Internet. In the absence of a law regulating the online space, the Ministry of Internal Affairs returned to an older draft law on modifying and supplementing some legislative acts. Some experts find that this draft law, approved by the government on March 30, 2016, might introduce censorship in the Internet. The civil society warned, at the time when the draft was being developed, that some of its provisions were ambiguous, but the authors ignored the warnings. Although this draft law apparently aimed to fight and prevent child pornography and information crimes, some of its provisions directly concerned Internet freedom, because they might block politically inconvenient websites or allow reading of emails and other text messages. Recently, a group of 28 non-governmental organizations sent a public appeal to authorities, asking the "Big Brother" draft law to be subjected to international expertise. The initiative is currently in the parliament, at the stage of public hearings.

The media in election campaign

The behavior of the media during local general elections in 2015 proved that the majority of the monitored media outlets were politically partisan. The media covered the election campaign with significant deviations from legal and deontological standards. Media outlets had political preferences that depended on their owners, so they practically associated themselves with political actors. Politicians-owners of the media massively interfered with the outlets' editorial policies, encouraging self-censorship, and the media delivered to their consumers biased, incomplete, and often manipulating information.

Pollution of the information space

Foreign propaganda continued affecting the country's information space. The BCC was previously notified about it by some election competitors from Gagauzia, too, who complained of Russian media supporting the so-called "Moscow's candidate" in the elections of the head of the region. The need to protect the information space was also discussed at the first Media Forum in Moldova in October 2015, where participants pleaded for adoption of special provisions in order to diminish the influence of foreign propaganda in Moldova. No special law, however, was adopted, and in the absence of a relevant legal framework, several broadcasters that retransmit channels from the Russian Federation aired on the territory of Moldova programs that the BCC penalized on the grounds of serious violations of the national legislation. In May 2015, the BCC

ordered suspension of retransmission of Rossia 24 television channel in Moldova. Other broadcasters – Prime TV, Ren Moldova, RTR Moldova, and TV7 – were fined for airing programs with propagandistic content, retransmitted from Russia. Nevertheless, fines did not impede broadcasters to commit such violations again. On March 29, 2016, Ren Moldova television was fined again, this time with suspension of the right to air advertisements for 72 hours, as a result of monitoring of the “Military Secret” (“Военная тайна”) show at the end of this January, in which the political situation in Moldova was interpreted in a propagandistic manner.

Situation in public broadcasting

The public broadcasting company Teleradio-Moldova was in the process of reforms. Some reorganization has already taken place, but consumers still expect major qualitative changes. Because of old technologies, inefficient expenses, and debts of millions of lei, collected by the company, the institution could not be modernized. Today, Teleradio-Moldova cannot compete with private outlets. Olga Bordeianu, who was elected as president of the company after a scandal, is still in trial with one of the members of the Supervisory Board and has not yet demonstrated that she has sufficient management skills to solve the company’s big issues.

It should be mentioned that public TV channel Moldova 1 covered topics related to last year’s election campaign in a relatively balanced and unbiased way – this fact has been noted by the organizations that monitored the behavior of the media in elections.

Public broadcasting company Teleradio-Gagauzia had some difficult moments, too. Internal conflicts in its administration resulted with the resignation of the former president of the company, Anna Harlamenco. The situation worsened after the People’s Assembly of Gagauzia adopted the Law on Television and Radio, which was promulgated by Irina Vlah, the head of the region, in March 2016.

Situation in print media

In this period, too, the editors of print media outlets notified about problems in dealing with the distributors of periodicals, especially with the “Posta Moldovei” state enterprise, which was accused of inefficiency and of imposing unfair contract terms. The authors of the draft new law on post (subsequently renamed into Law on Postal Communications), excluded the distribution of periodicals from the list of universal postal services, contrary to the Directive of the European Parliament on common rules for the development of the internal market of Community postal services and the improvement of quality of service. Due to pressure from the Association of Independent Press and from editors, the draft was amended in final reading and brought into compliance with the European directive.

Press freedom in the Transnistrian region

Transnistrian authorities intensified control over the media in the reporting period, especially because 2015 was a year of elections. These trends intensified over time, and in April 2016 on the left bank of the Nistru cameramen and photographers were prohibited to enter the meeting room of the region’s supreme council. Transnistrian MPs made this decision after examining and analyzing materials about the work of the supreme council that appeared in the media between January and April, which they disapproved of. Another reason invoked by authorities was the lack of space in the meeting room. Currently, only the press service of the supreme council has the right to

film and photograph inside the institution's building. To have access to video and photo materials, journalists have to submit special requests. Media experts qualified this act as a sign of censorship and restriction of freedom of expression.

Verbal and physical aggression against journalists

Abuses at protest rallies

In **July**, the crews of Jurnal TV and of Omega news portal were impeded by protesters to film a protest in front of the house of Vladimir Plahotniuc, the prime vice-chairman of the Democratic Party. In **October**, a filming crew of Publika TV was assaulted by a group of protesters from the "Dignity Camp" in front of the government building. In **November**, during protests at the Ministry of Internal Affairs, a cameraman of Today.md online television was hit with a fist in the head and accosted by a protester. At the same event, Publika TV journalists were insulted by a group of citizens who did not agree with this channel's editorial policy. In **January 2016**, according to Today.md, its cameraman was deprived of the camera and of the live broadcasting equipment during protests at the parliament. In **February**, a Publika TV crew was verbally aggressed during protests at the Rascani district court in Chisinau.

Limitation of access to information

In **July**, a crew of Jurnal TV was not allowed to enter the Town Hall of Orhei. A person, who refused to introduce themselves, attacked the cameraman, hit the video camera, and gave indications to the institution's guard to force journalists out of the building. In **December**, a Radio Orhei correspondent was not allowed to attend the public meeting of the town council of Orhei because he was not "registered at the secretary in advance." In **January**, an employee of play.md was not allowed to film Gheorghe Cavcaliuc, interim head of the General Police Inspectorate, and complained that his camera had been destroyed. Also in **January**, the journalists who had come to the office of the Democratic Party for information about the meeting of the party's political bureau and announcement of its candidate for the office of prime minister of Moldova, found themselves closed in the office, while Democratic Party leaders left the building, thus avoiding eventual questions from the media. In **March**, the guards of Balti City Hall did not allow a Publika TV crew to enter for a meeting with Lilia Sava, Deputy Mayor, after Balti Mayor Renato Usatii told Publika TV that he would not allow this channel's journalists to attend the meetings of the municipality council.

During the entire reporting period, cameramen had no access to the parliament's plenary meetings. The problem was solved only on April 13, 2016, when the parliament's permanent bureau modified the rules of accreditation of journalists, allowing cameramen to film in the meeting room. Access was allowed after the media and the civil society exercised pressure through various actions within the "We want access to the parliament!" campaign initiated by the IJC in 2014, such as flash mobs, collection of signatures for petitions, and installation of the "press corral" in front of the parliament building on the days of plenary parliament meetings.

Prohibitions for foreign journalists

In **September**, Ilya Azar, the special correspondent of Meduza.io with headquarters in Riga, who was going to Moscow, was stopped by the passport service at Chisinau airport and asked to tell who he met with in Chisinau and what information he had on his computer. In **October**, two crews of the Russian NTV television were prohibited to enter Moldova. Also in **October**, cameraman Ilya Naliotov and sound engineer Andrei Urciuk of Rossia 24 television were not allowed to enter Moldova "for security reasons."

Cybernetic and technical attacks

In **December**, RISE.md underwent a massive DDoS cyber attack after publishing a series of documents, including an alleged letter of prosecutor Ivan Diacov to oligarch Vladimir Plahotniuc and some transcripts that revealed criminal links attributed to Democratic Party MP Constantint Tutu. In **January**, national telecommunications operator Moldtelecom stopped broadcasting some TV channels that aired images from the protest in front of the parliament building. Moldtelecom blocked several TV channels that covered events from in front of the parliament – TV7, Moldova 1, Canal 2, Canal 3, ProTV Chişinău, Publika TV, and Prime. In **April**, satellite broadcasting of TV7 was interrupted, because TDB-service, the company managing satellite transmission of TV signals, stopped fulfilling its contractual obligations. As a result, viewers in the majority of localities in the country had no access to TV7 programs.

Recommendations

Moldovan authorities should treat the media as a social institution able to contribute significantly to the country's democratization. For that, we recommend that the government:

- Undertake effective measures to strengthen media independence and the professionalism of journalists in accordance with the requirements of the Association Agreement between Moldova and the European Union;
- Implement without delays the provisions on the media included in the government's activity program for the period of 2015-2018;
- Give up bad practices of using the media for narrow interests (party or personal) or interfering with the editorial policies of the media outlets that they finance as owners;
- Examine with greater responsibility the main problems of the media sector, stipulated in the Roadmap developed at the first Media Forum in Moldova, and really engage into solving them;
- Undertake all measures to urgently adopt a new Broadcasting Code, which would bring a modern vision into broadcasting, in line with international standards on the media;
- Make sure that the BCC, as a structure regulating the situation in broadcasting and as guarantor of public interest, does not allow pollution of the information space, neither by foreign, nor by domestic broadcasters;
- Make sure that the state institutions guarantee to journalists free access to information – a sine qua non for building a democratic state.

Independent Journalism Center

Association of Independent Press

Association of Electronic Press

Press Freedom Committee

Union of Journalists from Moldova

“Acces-Info” Center

Association of Independent TV Journalists

**Center of Journalistic Investigations
Young Journalist Center of Moldova**