

## **Memorandum on the Freedom of the Press in the Republic of Moldova (3 May 2018–3 May 2019)**

From 3 May 2018 to 3 May 2019, the freedom of the press in the Republic of Moldova continued to degrade to an alarming degree. The problems from previous years intensified: The guild was further divided, and there was even more visible political control over certain media outlets, *de facto* concentration of media ownership and lack of pluralism. These issues along with difficult access to information of public interest, the lack of independence of journalists and the low quality of media content along with an increase in the number of cases of verbal assault, intimidation and harassment of the media led to a drop in Moldova's rating in international rankings. Thus, the international organization Reporters without Borders (Reporters Sans Frontières or RSF) placed Moldova [91<sup>st</sup>](#) out of 180 countries monitored in the 2019 World Press Freedom Index. It is the lowest rating registered since 2013; Moldova has been downgraded 36 positions in the past 6 years in the RSF ranking.

This is also supported by a national study on the [2018 Moldovan Press Status](#) that found that the media in our country worked and developed under critically difficult conditions last year. The biggest changes were in journalists' security which has dramatically regressed over the last two years as well as in the economic environment which evolved from a serious situation in 2017 to an extremely serious one in 2018.

### **Working Conditions: Verbal and Physical Assault, Seizure of a Print Run, Censorship and Restrictions on Access to Information**

The steady decrease in the level of journalists' security in recent years is due to increased attacks, threats and intimidation against them by politicians and civil servants and to the lack of an adequate response by public institutions. Thus, journalists do not enjoy effective protection, and impunity for transgressions can encourage new attacks on media professionals. The following are examples that indicate that the situation in general cannot be rated as completely safe for journalists to do their jobs in Moldova.

- In May 2018, the print run of the regional newspaper *Cuvantul* was seized by the local police on the grounds that it had been transported without accompanying documents. This incident was rated as serious abuse at the hands of the police and as an attempt to intimidate the journalists of the weekly newspaper who had published various investigations about the personal assets and interests of district leaders. Following the [reaction of civil society](#), the seizure of the print run was rejected but disciplinary sanctions against the police were subsequently cancelled. The editorial office of the newspaper took the case to court asking for the punishment of those guilty.
- In July 2018, Orhei mayor Ilan Shor made a number of [threatening statements](#) against journalists in a video published on Facebook. The politician promised that once he came to power he would enforce a potential lustration law in relation to journalists, "paid to write nasty things about people" («проплаченные журналиги, которые позволяют себе писать гадости про людей»). "Stop, you turd. I'll fix you!" he said, labelling journalists with the depreciatory term *jurnaliughi* (journo). Ombudsperson Mihai Cotorobai filed a solicitation with the Orhei Municipal Prosecutor's Office that called for, "...taking necessary measures against persecuting and intimidating journalists for publishing criticism." However, this institution replied that Ilan Shor wouldn't be held accountable because [his statements did not represent a criminal offence](#).

- In August 2018, Deputy Chair of the Shor Political Party Mariana Tauber behaved aggressively and verbally assaulted journalists from Radio Orhei preventing them from reporting on a demonstration organized in Orhei by the party she represented. In addition, she instigated a protest by the participants against the director of Radio Orhei. Armed with brooms, some of them followed Marina Tauber's suggestions and shoved the journalists.
- In October 2018, the staff of station TV 10 announced that they had [resigned in corpore](#) because their management prohibited them from publishing a news item on the statement of a Member of the European Parliament criticizing the government in Chisinau because of the decision to expel Turkish citizens from Moldova.
- In December 2018, Socialist MP Oleg Savva reacted to a post about his income, verbally attacking a journalist from the Anticoruptie.md portal. The dignitary called the reporter "liar," "scum," and "illiterate girlie" on a social network, threatening her with physical abuse and a lawsuit.

A decrease in transparency at public institutions and limitations on access to certain categories of information of public interest also plagued journalists' working conditions. State institutions rarely organized press conferences preferring briefings in which journalists were unable to ask questions. Also, several cases of limiting journalists' access to public events were reported last year. Thus, TV 8 and Jurnal TV reporters were denied access to a number of briefings and events of the ruling party and to the press conferences of the Shor Political Party. Their access to the Orhei mayor's public meetings was also denied. Dissatisfaction with the editorial policies of these TV stations was the reason invoked in these cases. The day before parliamentary elections in February 2019, [journalists from Ziarul de Garda were not allowed to film](#) a concert sponsored by the Shor Political Party, and their access was also restricted in October 2018 to a meeting organized by the Democratic Party of Moldova (PDM) in the Great National Assembly Square.

### **Political Context and Legal Framework: Insufficient Developments**

The [political context](#) in 2018 tolerated pressure and discrimination by politicians towards media outlets or journalists at both the central and regional/local levels and favored the widening war between media outlets belonging directly or indirectly to politicians. Through the latter, orchestrated attacks were launched against a number of non-government media organizations and also against independent media and journalists inconvenient to those in power. The politically affiliated media published a number of articles during the year that could be classified as [harassment and denigration](#).

Various amendments to the media legal framework were enacted during the reporting period. Following the recommendations of the Working Group on Improving the Media Law of the Republic of Moldova, the Audiovisual Media Services Code and the National Concept on Media Development, the Law on Attracting Foreign Investment in Film Production and Other Audiovisual Works and the Information Security Concept were developed and approved in the final reading in Parliament. These developments were, however, insufficient to foster or stimulate the proper functioning of the media in our country. Although government officials promised to adopt all the amendments developed by the working group, the Law on Advertising that passed in the first reading, the Law on Measures to Support Periodic Publications of Social Importance and other laws providing tax facilities for local media remained at the draft stage. The [Media Forum in Moldova](#) held on 29 and 30 November 2018 condemned the lack of transparency and MPs' selective attitudes toward the draft laws developed, some of which have not been adopted yet.

Parliament's vote after the final reading of the amendments to the Law on Access to Information ultimately didn't take place. These amendments were considered a priority in the media community. On the other hand, [new legal provisions](#) came into force in October 2018 excluding

media outlets from the list of entities with access to information on people who submit declarations under the Law on Tax Amnesty. Thus, the provision of the new Law on Voluntary Compliance and Tax Incentives limits journalists' access to information.

The topic of personal data protection was also on the Working Group's agenda in several proposals that would remove barriers encountered by journalists when requesting information. Although Parliament failed to review/vote on a draft law on this topic, during its last weeks of activity it debated and voted in the first reading a [draft law](#) on the protection of personal data that may threaten freedom of expression and impede access to information of public interest. The draft is [considered inappropriate by experts from the Council of Europe](#) and from the Moldovan media community.

### **An Economic Environment in Continuous Regression**

The monopolized advertising market, an alleged cartel agreement between two advertising sales houses, the rise in the price of newsprint, the insufficient funding of public providers for audiovisual media services and the amplification of media concentration all contributed to an [extremely serious economic situation](#).

The market is dominated by a large number of media outlets owned or controlled by politicians that benefit from their protection and financial support. Most independent media outlets do not have enough financial resources to develop and deploy new technologies and pay decent wages to employees. Under such conditions, the mechanisms that proved to work the best for obtaining additional funds were collaborations, projects and co-productions. When they failed to attract them, certain outlets suspended their work such as TV 10, which announced in May 2018 that it would cease broadcasting for an indefinite period of time, "due to the acute lack of financial resources." It started working again in June. Similarly, in January 2019 IMPACT TV announced that it was suspending its work for half a year because, "It did not have enough funds to support this media project." It was indeed a critical year for independent media outlets in Moldova with some independent newspapers [near bankruptcy](#) after a rise in the price of newsprint in June 2018.

On the other hand, in November 2018 the new TV stations Orhei TV and Televiziunea Centrala, both affiliated with the Shor Political Party, were launched in the Moldovan media market. Note that in July 2018, Radio Orhei filed a lawsuit against the Broadcast Coordinating Council (BCC) after that authority issued a broadcasting license in April to a radio station with a similar name: Radio Orhei FM, also affiliated with the Shor Political Party. The administration of Radio Orhei demanded the cancellation or amendment of the BCC decision since it had considered neither the fact that Radio Orhei had been operating with a well-known name for 12 years nor the legal provisions on intellectual property and competition rules, "...giving way to confusing program consumers and to unfair competition." The BCC failed to respond to this request.

The concentration of media ownership and the monopolization of advertising resources are the key factors in the vulnerable situation of the press. The reduced scale of the advertising market and [the unwritten, cartel-like agreement](#) between the two big players in the market deny independent media outlets free access to large advertising companies. Although in January 2018 a group of media outlets (PRO TV Chisinau, RTR Moldova, Jurnal TV and TV 8) filed a joint complaint with the Competition Council about the conclusion of a cartel agreement between the two dominant sales houses (Casa Media and Exclusive Sales House), the Council has yet to provide an official reply.

Although the new Audiovisual Media Services Code assigns the BCC a special role in audience measurement, its first attempts to address the issue of the accuracy of these measurements failed. In March 2019 following a tender it organized to grant the right to measure audience size, the Tender Committee selected the same company that had measured audiences of TV stations until 2018 and whose data were repeatedly questioned by some broadcasters and civil society experts. [A number of broadcasters](#) criticized how the tender took place since only one bidder participated and the Tender Committee included representatives of five television stations, four of which sold advertising through the two sales houses accused of having entered into a cartel agreement.

Print media's economic and financial problems grew when the state enterprise Posta Moldovei imposed further arbitrary conditions for the distribution of periodicals by subscription and retail. Non-government organizations and a number of press managers [asked](#) the authorities to intervene and to oblige Posta Moldovei not to abuse its dominant position in the postal distribution market.

### **Monopolization vs Media Quality: Political Commitment, Misinformation and Manipulation**

Although no single media owner can possess more than two broadcasting licenses after the law was amended, this legal norm has had a negligible impact. In recent years, a number of broadcasters have *de jure* changed their owners, but *de facto* there has been no change in their editorial policies; they have continued to promote the agenda of the parties they are affiliated with. The owners themselves are obliged under the law to declare their properties while the BCC just collects the declarations stating that its duties do not include verifying their accuracy.

Currently, the media market is dominated by two large trusts: one owned by the leader of the PDM ruling party and people close to him (Prime TV, Publika TV, Canal 2, Canal 3, Publika FM, Muz FM, Maestro FM) and one belonging to people close to President Igor Dodon and the Party of Socialists (Accent TV, NTV Moldova, Exclusiv TV, Aif.md). In 2018, a new trust affiliated with the Shor Political Party (Orhei TV, Televiziunea Centrala, Radio Orhei FM) emerged in the media market. Note that all Independent Journalism Center (IJC) monitoring reports on propaganda, information manipulation and violations of journalism ethics showed that the politically affiliated media favored the politicians and parties behind them both directly and indirectly. As a consequence, the public had access to almost identical editorial content that lacked diversity and pluralism of opinions and in some cases was manipulative and propagandistic.

The Media Forum in Moldova [expressed](#) concern about the ongoing decrease in the quality of the media products offered by multiple media outlets and their involvement in political partisanship by promoting certain political parties and discrediting their political opponents.

The behavior of the media during the 2018 early local elections in Chisinau and the 2019

parliamentary elections demonstrated the political commitment of many media outlets. IJC and Association of Independent Press monitoring under the Civic Coalition for Free and Fair Elections [revealed](#) that some of the most influential media outlets, including national broadcasters, engaged in political partisanship replacing journalism with propaganda. Political patrons were extensively involved in the editorial policies of media outlets and encouraged self-censorship, and media outlets disseminated biased, incomplete and often manipulative information to media consumers.

Despite the restrictions imposed by the so-called Anti-Propaganda Law that came into force at the beginning of last year and the sanctioning of certain media outlets for infringing the law, foreign-based propagandistic media continued to exert its negative influence on Moldova's information space. Fake news was routine in 2018, and the accounts of a number of public figures as well as the pages of certain media portals were cloned and used for misinformation.

The BCC, the broadcasting regulator, offered an anemic and late response to the inappropriate behavior of certain broadcasters thus failing to fulfil its role as guarantor of public interest. For instance, during the campaign for 2018 local elections, the BCC failed on its own initiative to monitor the broadcasters that had announced that they would not report on the campaign. Only after notification by a group of civil society organizations did the regulator start its own monitoring eventually applying minimal sanctions for non-compliance with the law by these broadcasters. For the 2019 parliamentary elections, the BCC published only two monitoring reports during the campaign and issued warnings to several TV stations. The third BCC monitoring report was reviewed after the elections, and the authority decided to apply no sanctions to broadcasters who had violated the law. This behavior by the institution that should represent the public interest in the broadcasting sector creates dangerous precedents: It can discourage good-faith broadcasters on the one hand and encourage those who don't observe the law when reporting on election campaigns on the other hand.

### **Recommendations:**

In order to ensure the true freedom of the press in line with the principles of a democratic society, the authorities in the Republic of Moldova should:

- react and sanction all those who assault and intimidate media representatives, violate their right to expression and restrict their access to information of public interest;
- ensure full observance of the Law on Access to Information by penalizing/discouraging refusals to provide information of public interest;
- cease the use of the media in narrow, party or personal interests and patrons' involvement in the editorial policies of the media outlets they finance;
- abandon the selective approach to reforming the legal framework regulating media activity by adopting in due time the draft laws developed by the Working Group on Improving Media Law in the Republic of Moldova;
- ensure the development, adoption and implementation of coherent public media development policies stipulated by the National Concept of Media Development of the Republic of Moldova;
- require the Broadcast Coordinating Council to effectively monitor media outlets to prevent concentration of media ownership and to identify and sanction cases of information manipulation and the dissemination of fake news;
- require the Competition Council to exercise its regulatory function in an efficient and impartial manner and ensure the re-establishment of fair terms in the advertising market by penalizing cartel agreements.

**Independent Journalism Center**

**Association of Independent Press**

**Association of Electronic Press**

**Association of Independent TV Journalists**

**Center for Investigative Journalism**

**Association of Investigative Reporters and Editorial Security**

**'Access-info' Center**

**Media Center for Youth Press**

**Freedom Committee**