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The Media Situation in Moldova or the Status of Our Democratic Values

Introduction

In 2017, Moldovan media continued to be classified as “partly free” and “with significant problems” at the international level dropping four positions compared with 2016 in the ranking of Reporters Without Borders (RSF).^[1] This has been the case for several years; in the last five world ratings, our country dropped 1 position in 2014 compared to 2013 and 16 positions in 2015 compared to 2014.^[2] This occurred after we jumped 39 positions and 22 positions^[3] in 2010 and 2011–2012, respectively. Overall, of the 15 years that the Republic of Moldova has been included in the world rating of Reporters Without Borders, things were worse than they were in 2017 in (only) 5 years, and our country has never had so many consecutive regressions in this rating.

Freedom House also mentioned an overall decline of democracy and freedoms in the Republic of Moldova in 2017 compared with 2016 and highlighted a particularly worrisome decline in media independence. The organization considered that we had a “transitional government” or “hybrid regime”^[4] highlighting the issue of media concentration “in the hands of owners who are also politicians.”^[5]

In addition, three reports by civil society on the sufficiency, relevance and enforcement of the media segment of the National Action Plan for the Implementation of the EU-Moldova Association Agreement highlighted defective planning and the insufficiency of actions or lack of coverage of the whole media system. The authors have repeatedly solicited a review of the plan;^[6] the claim was also included in the Resolution of the Media Forum of November 2017.^[7] The association agreement with the EU represents or might have represented a perfect framework for the qualitative development of areas to be listed as priorities and implemented in reasonable terms. The negligence accorded this agreement along with other actions/inactions have, however, kept us among the countries with a partially free press with worrisome tendencies toward aggression and with few signs of improvement (for now).

[1] *Reporters Without Borders. World Press Freedom Index, 2017*, available at: <https://rsf.org/fr/ranking/2017>.

[2] See the RSF ratings, available at <https://rsf.org>.

[3] *Ibidem*.

[4] See the report of *Freedom House Nations in Transit 2017. The False Promise of Populism*, available at: <https://freedomhouse.org/report/nations-transit/nations-transit-2017>.

[5] *Ibidem*.

[6] See the reports of API, available at: <http://www.api.md/page/ro-2017-311>.

[7] See the Resolution of the Media Forum, available at: <http://mediaforum.md/upload/rezolutie-forum-m-m-2017-finalpdf-5a0c95bc07741.pdf>.

Progress, regression and/or inertia?

When we speak about the freedom and independence of the media, we speak, for example, about the general climate in which they develop, journalists’ working conditions and the enforcement of legislation that guarantees the right of the press to develop without constraints. To this end, media organizations published at least 23 declarations in 2017 in which they condemned irregularities, abuses and violations relevant to the media. These included:

- verbal and/or physical assaults on journalists by representatives and/or supporters of political parties, civil servants/employees of public institutions or citizens;
- suing media representatives for disseminating public information;
- persecuting and/or detaining journalists;
- discriminatory practices obstructing the access of media representatives to public events;
- the non-observance of the rights of journalists who work in public spaces;
- the tendency of a number of public authorities to abusively interpret the provisions of the Law on the Protection of Personal Data by refusing without reason to provide public information to those who request it, especially, journalists;
- the calls of the prime minister to condemn the critical position of the press on the actions of the government, among others.

Consequently, we cannot say that the media enjoy total freedom of activity.

In terms of legislation, an important prerequisite for the freedom of expression and of the press, the year has been marked by several actions. A new draft of the Law on Advertising has been developed and publicly presented by civil society. In parallel, Parliament established a working group to improve the legislation in this field, and after the first meeting, the group was divided into eight thematic subgroups to work on specific projects with a view to covering all important segments related to the work of the media. Therefore, at the end of the year the text of a new draft audiovisual code was developed, and 2018 will probably be the decisive year for the future of this extremely important document. Meanwhile, however, the legislative body has voted for a draft law amending the current code with respect to the share of domestic products in program services.

In addition, the People’s Assembly of the Gagauzia Autonomy voted for a new law on the Regional Public Company for Ra-

dio and Television (GRT), a draft that according to the authors might remove the regional public broadcaster from political influence, but it was criticized by the Broadcasting Coordinating Council (BCC). The Bashkan (Governor of Gagauzia) therefore sent the draft law back to the MPs claiming procedural violations and asking them to review it.

Other subjects raised by the authorities on regulatory aspects that are most often criticized and contested by journalists and civil society were the protection of personal data, the use of drones or the way court decisions are published. In other words, we can speak about some progress in this regard, but it is still insufficient and has not yielded positive tangible results/effects. It should also be mentioned that since 2017, the owners of audiovisual media institutions cannot hold more than two broadcasting licenses in one area. The only owner affected by these amendments, the president of a political party, ceded two licenses to one of his advisors in order to comply with the law. Nevertheless, the issue has not been resolved because while the concentration of ownership has technically vanished, the content and audience remain concentrated. This is valid even for TV stations that are held by other owners and has proven to be an equally or even more dangerous and serious threat to media pluralism and democracy.

If we refer to what prevents us from being classified as a country with a free press, the factors include some events in 2017 such as the following:

- A TV station was reorganized by changing the form of ownership but did not promptly receive the consent of the BCC on the cession of the broadcasting license which jeopardized its access to funding.
- Another TV station contested the BCC decision to monitor its program content in court, and the decision of the court was in favor of the TV station.
- The director of the public TV station was dismissed and a new one was elected.
- The relevant Parliamentary committee selected three candidates for the vacant positions on the BCC and one candidate for the Council of Observers (CO) of the National Public Broadcaster Teleradio Moldova.

You may ask what is bad about the fact that a television station needs funding from grants or that the BCC and the CO filled their vacancies and public TV station Moldova 1 got another new director. “Nothing” may be the answer; however, these “achievements” do not contribute to removing the label partially free from local media. Why? Because the owners of TV8 did not get a broadcasting license immediately, they did not have external funding, and using the term “competition” for selecting candidates for the above-mentioned positions is arguable to say the least. Moreover, both the BCC and the CO attracted public attention, but not for their performance. In the case of the BCC, a new chair was selected in May and the organization gained noticed through, among other things, replies and accusations against media NGOs, sanctions applied in a non-objective man-

ner to broadcasters and a biased attitude towards broadcasters and their owners in the process of ceding the broadcasting licenses. In the case of the CO, this member of Teleradio Moldova was also the primary state advisor of the Prime Minister of the Republic of Moldova which, according to experts, is an obvious conflict of interests.

In the same context, while the authorities have talked throughout the year about the need to attract foreign investment in the media, one TV station suspended operations for nearly two months while another has done so for an undetermined period. In both cases, the reason claimed was a shortage of money. A third TV station (one that was mentioned above) could not access foreign investment because it didn't have a license. Democracy is doomed to failure if it does not have a pluralist media that is not financially constrained.

Let's move on. The difficult shift to digital television was postponed again this year; the experts say the process is faulty with possible political/election implications.^[8] We tend to believe that the decision is the result of the realization of the need to protect local audiovisual content and is therefore based only on developing media pluralism.

Moreover, in 2017 we witnessed several worrisome phenomena especially in online media. The authors and signatories of the Roadmap for Media Development in the Republic of Moldova^[9] had warned about the danger of their occurrence/development for two consecutive years, but their suggestions/recommendations were ignored. This refers, for example, to cloning pages of some outlets and/or portals by illegally using their logos or other identifying symbols. The authorities have declared themselves helpless in investigating these cases which means that the abuses will continue. Other problems related to online media are that a lot of suspect portals publish false information using provocative titles, sometimes inspired by social-political events (an investigation conducted in September shows that one person runs at least 10 similar websites^[10]). Although those who do this claim they do so just to earn money, other reasons, including political ones,^[11] are also possible. In this context, similar developments might have been minimized or even excluded if the call to protect online media from cyber attacks had been heeded. In addition, the phenomenon of trolls and blogs with clear intentions to support specific political tendencies continued to develop significantly in virtual space.

[8] See, for example, I. Terguță. *Postponing the shift to digital television – an election solution*, available at: <http://media-azi.md/ro/stiri/am%C3%A2nar-ea-trecerii-la-televiziunea-digital%C4%83-%E2%80%93-o-solu%C8%9Bie-electoral%C4%83>.

[9] The document is available at: <http://mediaforum.md/upload/foaia-parcurs%20TIPAR.pdf>.

[10] *The “Media Trust” of a false news producer of Moldova* available at: <https://www.zdg.md/importante-2/trustul-media-al-unui-productor-de-stiri-false-din-moldova>.

[11] Ibidem.

In terms of the quality of media products, the situation in 2017 was similar to that in previous years with obvious tendencies toward bias. Various monitoring activities showed that TV stations, for example, used a lot techniques of manipulation in presenting the news, that journalists were obviously politically lobbying in the way they presented information^[12] and that we have a big problem with insecure information space in which content that is noxious for the media health of Moldovan society is disseminated.^[13] Furthermore, the concentration of ownership in audiovisual media remains worrisome, especially given that TV stations are used for political purposes.^[14] We should also mention that the self-regulatory Press Council has acknowledged several cases of violations of ethical and professional rules by journalists when treating violence, online games that allegedly encourage adolescents to commit suicide and children's rights, among others, and has consistently called for professionalism, including by not participating in disputes between politicians or business people.

Other reasons for our lack of progresses include the following:

- Although a media NGO won a lawsuit against a public institution in relation to its refusal to provide access to information on the donors of political parties, the public authority did not respect the court's decision and did not supply information.
- In addition to the law per se, the Supreme Court forced another public institution to supply information about procurement tenders.
- The court, but not the ethical code, forced a TV station to respect human honor and dignity in broadcasts, but how do we hope to progress if the President of the Republic of Moldova hampers the access to public information of a photojournalist because the latter does not meet the president's moral standards and the journalist is forced to go to court?

It is true that the Court of Appeals decided in the latter case that the president could not use his lawful immunity when the litigation was related to access to public information; however, it

[12] See *the five reports of the IJC* available at www.media-azi.md.

[13] See *the reports on monitoring Russian TV stations rebroadcast in the Republic of Moldova* available at: <http://www.api.md/page/ro-2017-311>.

[14] See the study *Capturing the Media and other Means of Public Communication in the Republic of Moldova* available at: http://www.transparency.md/wp-content/uploads/2017/05/TI_Moldova_Capturarea_Mass_Media.pdf.

is regrettable that the press and/or citizens need to go to court to claim the rights guaranteed by the state. On the other hand, it is democratic to arbitrate fair justice.

At the same time, local media achieved significant progress this year especially in investigative journalism. A Moldovan reporter received the award for the best investigative journalist in a competition among media institutions in South Eastern Europe, another investigative journalist was nominated for the European Press Prize and the Panama Papers investigation that Moldovan journalists also worked on won the Pulitzer Prize.

In conclusion...

It is true that there are problems in the media not only in the Republic of Moldova. According to RSF, the world press in 2017 was in danger "more than ever."^[15] A recent survey conducted by Gallup in 131 states suggests, "...a general perception of declining freedoms of the media in many countries."^[16] At the same time, however, the study also showed that, "The freedom of the press remains recognized and appreciated by people all over the world."^[17] Moldovan citizens are not directly asked what they think about the freedom of expression and the freedom of the press, but they continue to overwhelmingly trust the media (second place after the church), especially television.^[18] Obviously, global trends should not be used as a reason to give up making efforts to develop healthy media and should not reassure us either; rather, they should alert us because along with other relevant indicators, the media situation in a country shows the status of its democratic values. Since as yet there is no better form of governance, we should build ours on strong and time-resistant pillars.

Aneta GONȚA

[15] *Reporters without Borders. World Press Freedom Index, 2017*, available at: <https://rsf.org/fr/ranking/2017>.

[16] See the UNESCO Global Report *World Trends in Freedom of Expression and Media Development 2017/2018*, available at: <https://en.unesco.org/world-media-trends-2017>.

[17] *Ibidem*.

[18] According to the most recent data of the Public Opinion Barometer, available at: <http://ipp.md/old/libview.php?l=ro&idc=156&id=820>.

The Code for Audiovisual Media Services: Topics, Problems, Dilemmas

What we have

We need to vote for a new draft code. We need to learn the lesson of the 2011 draft that is preserved in the back file drawers of Parliament. We have audiovisual media that used to be bad and has become toxic. Our media space is not secure and is asphyxiated by an avalanche of propaganda on TV screens. We also seem to have a common understanding that we need to do something; it is logical to start with legal mechanisms. From June to November 2017, a new draft code was developed. This time, the authors called it the Code of Audiovisual Media Services. The title is justified because the goal is to transpose into domestic legislation the provisions of Directive 2010/13/EU of the European Parliament and of the Council of March 10, 2010 on the coordination of specific decrees enforced through laws or administrative acts in the member states on the delivery of audiovisual media services, the so-called Directive of Audiovisual Media Services.

Brief statistics

The draft contains 11 chapters, 90 articles and 474 paragraphs. It takes into consideration the following:

- the objections stated during three examinations (by the Council of Europe, the OSCE and the European Broadcasting Union) of the 2011 draft;
- the suggestions made in four public hearings on the same draft that took place at the end of 2016 and the beginning of 2017;
- the approximately 200 suggestions, most of which are very valuable, formulated in 5 working meetings of the subgroup in charge of developing the new draft code;
- the suggestions of two European experts who supported the authors of the draft throughout the entire period (June–December 2017).

This experience is worth mentioning because it is a first for Moldova, and we hope it will bring results. We are talking about the initiative of Parliament to establish a working group for improving media legislation with eight subgroups, each with precise tasks and deadlines assisted and supported by the Council of Europe and the EU Delegation in Moldova, the US Embassy in Chişinău and the international organizations Freedom House and Internews.

Goal

The goal of the draft code is to ensure the development of the audiovisual sector under democratic principles. This means the economic and editorial independence of media institutions; the independence and professionalism of the regulatory body; the

independence and competence of the authorities in charge of overseeing the public broadcaster (referred to as “public providers of media services” in the draft); fair competition in the media market and in the commercial advertising market; transparency and fairness in the ownership regime; special limits to prevent the development of dominant positions in shaping public opinion and credible measurements of audience size, among others. All of these are aimed at a single goal: qualitative media offerings for the public without propaganda, disinformation or manipulation.

New provisions

Let's start with Teleradio-Moldova, the national public provider of media services. The draft stipulates that the following are not part of its responsibilities:

- audiovisual media services or programs in Romanian and other languages addressed to listeners and viewers abroad in order to foster a positive image of Moldova and its internal and external politics;
- audiovisual co-productions with state authorities;
- management of artistic (e.g., music, theater) groups;
- audiovisual commercial communications except for those that refer to major events.

The justifications for these provisions are as follow:

- a) The national public provider must, first of all, serve the national public/tax payers who enable the operation of the provider through the taxes they pay. Normally, it is the government through its structures that should take care of our fellow citizens who live abroad and that should foster a positive image of our country. The public provider must, however, communicate the real image of the country; otherwise, it easily shifts into propaganda.
- b) Co-productions with state authorities represent a threat to the editorial independence of the public provider. For example, the producers of a series of programs paid for by the Ministry of Defense are unlikely to criticize the ministry when it deserves it (let's say when they discover cases of non-statutory relations among the military).
- c) At present, Teleradio-Moldova runs two arts groups that represent almost 1/3 of the employees (200 out of 700). The authors of the draft believe that irrespective of traditions or heritage, it's time that all employees do their jobs: journalists do journalism, musicians do music, actors do acting, etc. The state has a separate structure designed for running artistic groups. In addition, nobody can find reasons to stop other groups from coming under the umbrella.

la of Teleradio-Moldova. In other words, the manager of a media institution should be concerned with what media products are offered to the public.

- d) According to the draft, Teleradio-Moldova will be able to broadcast commercial advertising only in audiovisual programs that present events of major interest. On the one hand, a provider of media services paid with public money must not compete with private providers in the advertising market. On the other hand, if exclusive rights cost the price they cost, the draft allows the public provider to recover some expenses by broadcasting commercial advertising. Seems fair, right?

The national public provider will be run by an Overseeing Council (OC), not by a Council of Observers as in the past as it suggests a passive role, i.e., observing instead of overseeing. According to the draft, the OC will consist of 15 members of whom 5 are from locations other than the Chişinău Metropolitan Area. The OC will be appointed by the Broadcasting Coordinating Council (BCC), which is referred to as the Audiovisual Council in the draft, because the current BCC not only coordinates but also issues licenses, monitors broadcasts and applies sanctions among other duties. Two members of the OC, the chair and the secretary, must be full-time, salaried employees of Teleradio-Moldova while the others should receive 10% of the value of the chair's salary for every public meeting. OC members will serve only one six-year term; appointments will be staggered. With a 2/3 majority, the OC must elect a general director for a seven-year term from candidates who, for example, were not members of political parties or politically affiliated in the last five years. The director must create a management team. The general director will receive the equivalent of five monthly average salaries of the public provider's personnel.

Rationale: The OC must be representative. Teleradio-Moldova has always been run by a management body that consisted only of citizens of Chişinău which is neither justified nor fair. Also, the OC must be appointed by the BCC because the BCC can act in a more timely manner than Parliament can. We should specify, however, that the concept of staggering the appointment of OC members is flawed as when no new members were appointed to the current Council of Observers in due time, the council did not function for a year and a half. In addition, the relationships between the current council and the BCC and Parliament are not clear. We are in a situation in which the Council of Observers with a lot of power (and high salaries) is accountable to neither the BCC nor to Parliament while at the same time, the national public broadcaster is subordinate to the BCC and to Parliament. This situation must be resolved in the new draft.

The draft stipulates a new funding formula for the public provider at 0.9% of the annual public budget. This is not ideal. The ideal formula would be taxes paid directly to the public provider which would make both the taxpayers and the provider more accountable. In any case, we consider the suggested formula acceptable since it gives Teleradio-Moldova a higher degree of economic independence and allows it to plan financially.

The authors of the draft also suggest a new formula for appointing the BCC hoping it will increase the independence of the regulatory body. Thus, through a procedure managed by the relevant Parliamentary committee, the membership should comprise:

- a) two members suggested by Parliament;
- b) one member suggested by the President;
- c) one member suggested by the People's Assembly of ATU Gagauz-Yeri;
- d) one member suggested by representative media organizations that will eventually come under the aegis of the Independent Journalism Center;
- e) one member suggested by representative cultural organizations (arts, music, etc.) that will eventually be under the aegis of the Filmmakers' Union;
- f) one member suggested by representative advertising organizations that will eventually be under the aegis of the Association of Advertising Agencies;
- g) one member suggested by representatives of academic and scientific organizations, eventually under the aegis of the Academy of Science;
- h) one member suggested by representatives of human rights protection organizations eventually under the aegis of the Ombudsman.

Rationale: This formula reflects the authors' understanding that audiovisual media is a complex area whose functioning depends on a lot of factors: training professionals; the quality of managers; the adequacy of scientific developments in the field; respect for human rights including those of minors and of persons with special needs; the quality of creative products (music, fictional movies, documentary movies, serial films, cartoons, etc.) produced or procured and made available to the public and the volume and quality of commercial audiovisual communications. It should be stated that this formula, which complies with the best international practices, has raised heated debates that will probably continue until a solution acceptable to all parties is found.

The draft gives the BCC multiple duties that comply with the law including to develop, publicly discuss and approve a policy for sanctioning violations of the legal provisions. The BCC must determine sanctions depending on the seriousness of the violation committed, its effects and any previous sanctions in the last 12 months. If the sanction includes a fine, it should represent between 1,000 and 100,000 MDL.

It should also be noted that the draft stipulates updating the membership of the BCC and of the OC as soon as the terms of the current members of these bodies expire.

Hot items

Throughout the discussions on the draft code, a number of provisions have generated long debates. These include the share of original products, the number of local TV stations that must be included in the packages of media service providers and the volume of broadcasting in Romanian or with Romanian subtitles/dubbing. These are sensitive topics. As long as things do not change, these debates seem natural as they represent interests that need to be balanced and harmonized.

The authors of the draft start off with the principle that audiovisual media is not just a business and furthermore is not a public asset to be used against the public. Therefore, the rules of the game must reflect both state policies and society's vital interests. It is these interests that the debates should aim to represent.

To improve the situation, the authors suggest, for example, a varied approach to the share of original products since public providers or private national providers have different production capacities and financial resources in comparison with local/regional providers. It is suggested for the first time that a specific amount of the share of original products be provided in broadcasting time (i.e., the 6:00 to 24:00 time slots). The goal is to discourage some providers from repeating the same programs until they reach the share imposed by the law. The draft sets out a specific average daily share as at present the law indicates a daily share that is not correct. A provider might have more generous offers on the weekend; the law should not prevent this.

Dilemmas

The authors of the draft want to define a number of notions in the code including "media disinformation" and "media propaganda," among others. The intention is clear: If you do not define these notions with sufficient accuracy, you cannot prevent/fight the phenomena that they refer to and that our reality is abundant in. On the other hand, according to international jurisprudence, including the European Court of Human Rights, only hate speech and possibly war propaganda can be litigated. We realize the risks in legally constituting these notions and formulating legal provisions. If they are applied with ill will, they might obstruct the freedom of expression. On the other hand, we have a reality in which the freedom of expression applied with ill will leads to propaganda, disinformation and manipulation. It's an untenable situation: There is propaganda, but there is no legal antidote for it. So the debates will go on; maybe we will find a good solution.

Hope

The hope is that after European expertise is taken into consideration, the draft will be voted on and enforced without any delays. This would demonstrate concern for the development of the media aimed at meeting people's information, educational and recreational needs.

Ion BUNDUCHI

Access to Information vs Protection of Personal Data

Access to information is a tool journalists use in their work every day. It is a way to control the functioning of public authorities/institutions and the management of public money and to stimulate the creation of opinions and the active participation of the population in decision making in a democratic spirit.^[1]

Although the realization of the right to information implies the prohibition to curtail this right and Article 34 paragraph 1) of the Constitution stipulates this explicitly,^[2] there was an abusive tendency to deny access to public information held by public authorities in 2017 for reasons of national security, protection of personal data and commercial secrets. Restricting access to public information is an obvious violation of the principle of free access which cannot be subject to exceptions like disclosing personal information that is considered to interfere in a person's private life and is thus subject to legislation on the protection of personal data.

National authorities have narrowly interpreted the provisions of the Law on the Protection of Personal Data in relation to journalists who have the constitutional task to inform the population about public issues. Information suppliers often do not apply essential criteria regarding the balance between the right to the protection of personal data and the right to the freedom of expression and information. The Law on the Protection of Personal Data does not define personal data related to public information or data that can become public information, these provisions should be introduced. Although the principle of transparency should be paramount, especially in the case of dignitaries and civil servants, it is the Law on the Protection of Personal Data that is paramount in reality.

Ongoing control over the activities of state officials and institutions must be exercised by every citizen by virtue of their rights related to their obligations to pay taxes and should be paramount at the legislative level which is not the current situation.

[1] *Decision of the Supreme Court of Justice of the Republic of Moldova on the examination of cases related to the access to official information*, no. 1 of 02.04.2007, Bulletin of the Supreme Court of Justice of the Republic of Moldova, 2007, no. 5, page 4.

[2] "(1) *The right of a person to have access to any kind of information of public interest shall not be curtailed.* (2) *Public authorities, according to their assigned competence, shall be committed to ensure that citizens are correctly informed both on public affairs and on issues of personal interest.* (3) *The right of access to information must not prejudice the measures taken to protect citizens or national security.* (4) *Both state and private media are required to ensure that the public is correctly informed.* (5) *The public awareness raising institutions shall not be subject to censorship.*"

The public interest, through maximum transparency along with the realization of fundamental human rights and freedoms, is the concept that must inform decisions about access to information on the activities of state dignitaries and civil servants.^[3]

In February, the public debate "Personal data: between protection of dignitaries and restrictions on access to information" was held, and a number of journalists and nongovernment organizations (NGOs)^[4] complained that the European Convention for the Protection of Individuals with regard to the Automatic Processing of Personal Data was incorrectly interpreted and enforced, that the access to relevant data about the funders of the 2016 presidential election campaign was restricted and that other pretenses were created to classify information of major public interest.

The participants in the debate expressed their concern regarding the tendency of several public authorities to abusively interpret the Law on the Protection of Personal Data by refusing, without justification, to provide public information to those who solicited it, especially to journalists. Several examples were presented at the debate when public authorities refused to provide information to journalists, lawyers and NGOs claiming that the information requested represented personal data that could not be disclosed without the consent of the individual concerned. The most frequent complaints of the reporters referred to the Ministry of Justice, especially to changes in the court portal; to the General Prosecutor's Office; to the National Integrity Authority; to the Ministry of Internal Affairs; to the President's Office and to numerous state companies (Moldtelecom, Metalferos, Registru, Post of Moldova and Moldovagaz among others). Representatives from media and civil society signed a declaration in which they tried to attract the authorities' attention to limits on access to information and asked, among other things, that public authorities enforce the Law on the Protection of Personal Data in the spirit of European standards when processing any request for information.

[3] "Public information - a fundamental right and a significant responsibility", conducted by the Institute for Public Policy in partnership with the Independent Journalism Center of Romania, page 14.

[4] <http://www.investigatii.md/ro/activitati/declaratii/declaratia-reprezentantilor-mass-media-si-ai-societatii-civile-participanti-la-dezbatare-publica-datele-cu-caracter-personal-intre-protectia-demnitarilor-si-limitarea-accesului-la-informatie>.

Regarding changes to presenting data on the court portal and restrictions on access to the website www.instante.justice.md, the Ministry of Justice issued a press release to explain the changes:

As for the discontent of some journalists regarding the limits on access to information about lawsuits and decisions in which judgements are rendered on civil servants, we inform you that ensuring the availability of information about a situation in which the processing of personal data is carried out for journalistic, artistic or literary purposes, if this refers to data that was made public voluntarily and explicitly by the subject of such personal data or to data that is closely linked to the status of a public person or the subject of personal data or to the public nature of the acts this person is involved in, according to the Law on the Freedom of Expression, this should not prejudice the right to the protection of data of litigants who do not have the status of public persons. In the same context, we communicate that, when the final version of the new portal is launched, the “Transparency” section will have a new subsection in which users will have access to court decisions that sentence the representatives of the justice sector for corruption, an action that derives from the Strategy on Reforming the Justice Sector.

In October, a number of NGOs, media institutions and journalists in Moldova made a public call regarding the draft regulation of the Superior Council of Magistrates (SCM) about changing the way court decisions are published by removing the names of the parties involved. The signatories warned that the draft could not be supported in its current form because its adoption would have meant the closure of the judicial system to the public, the reduction of their trust in justice and the cancellation of Moldova’s significant progress in ensuring the transparency of the judicial system achieved since 2009.^[5] The Chair of the Supreme Court of Justice, Mihai Poalelungi, criticized the initiative to depersonalize data on court decisions and thus exclude the possibility of searching files by parties’ names.^[6] Finally, the SCM gave up the controversial initiative and approved the regulation on the method for publishing court decisions suggested by the Supreme Court of Justice.^[7]

Thus, although the regulation suggested by the SCM stipulated making the identity of all individuals in all the court decisions published on the court website anonymous, the approved regulation developed by the Supreme Court of Justice excluded this

possibility. Anonymity is maintained only in the interests of minors or by the need to protect the private lives of litigants or to the extent considered absolutely necessary by the court when the interests of justice might be prejudiced.

On April 27, 2016, a new framework on regulating the protection of personal data was approved by the European Union. It is Regulation (EU) 2016/679 of the European Parliament and Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and abrogates Directive 95/46/CE (General Regulation on Data Protection). The new regulation is to be enforced starting on May 25, 2018. It updates the principles set out in Directive 95/46/CE that will be annulled and sets out a unique set of rules that are directly applicable in all EU member states with the intention to more efficiently protect the private lives of individuals in the European Union.

Harmonizing Moldovan legislation with the requirements of EU legislation is a major factor for the successful integration of the Republic of Moldova into the European Union. Since the EU Association Agreement was signed, harmonizing Moldovan legislation with the *acquis communautaire* has inevitably become more important. In line with the priorities set out in the bilateral acts that regulate relations between the EU and the Republic of Moldova and in order to harmonize national legislation with EU legislation, national authorities should adopt legislative actions in line with the above-mentioned regulation.

In October, the National Center for the Protection of Personal Data (NCPDP) made available a new version of the Law on the Protection of Personal Data for public consultation.^[8] In November, Council of Europe experts presented a series of opinions and recommendations in Chisinau regarding these new suggestions. According to the NCPDP draft, individuals who intend to obtain official information that contains personal data for journalistic, scientific or artistic purposes are required to justify the need for such information. The Council of Europe experts considered that the amendments suggested by the NCPDP would create uncertainties and added that they did not consider them appropriate.^[9] At the same meeting, the Council of Europe expert on personal data protection, Nevena Ruzic, said that it is not the journalist who should justify the public interest in a specific case but rather the information provider that should explain and justify why the information requested by the journalist could not be provided or did not represent the public in-

[5] <https://www.zdg.md/stiri/stiri-justitie/jurnalstii-si-societatea-civila-spun-nu-regulamentul-privind-publicarea-hotararilor-judecatoresti-promovat-de-consiliul-superior-al-magistraturii>.

[6] <http://www.bizlaw.md/2017/02/07/presedintele-csj-de-ce-la-ctedo-nu-se-incalca-drepturile-omului-daca-se-publica-hotararile-dar-in-moldova-se-incalca/>.

[7] <https://www.zdg.md/stiri/stiri-justitie/doc-oficial-ce-prevede-regulamentul-privind-publicarea-hotararilor-judecatoresti-aprobat-de-csm>.

[8] <http://datepersonale.md/file/Proiecte%20legi/2017/Modificarea%20actelor%2028.09.17%2014.00.pdf>.

[9] <http://media-azi.md/ro/stiri/%E2%80%8Bexper%C8%9Bii-consiliului-europei-obiectea%C4%83-%C3%AEmpotriva-unor-propuneri-de-modificare-legisla%C8%9Biei>.

terest. The expert added that these provisions result in excessive limitations of journalists' rights in obtaining public information.

The current legislation on access to information must be improved as the provisions on personal information generate confusion and arbitrary interpretations by information providers and users. Suggestions to amend the Law on the Protection of Personal Data from the media perspective were also discussed at the meeting of the working subgroup on access to information and protection of personal data established by the Parliamen-

tary Group on Improving Media Legislation.^[10] Discussions on these amendments will continue at subsequent meetings of the above-mentioned subgroup to which experts, investigative journalists and specialized NGOs will be invited.

Tatiana PUIU

[10] <http://media-azi.md/ro/stiri/proponerile-de-modificare-legii-privind-protect%C8%9Bia-datelor-cu-caracter-personal-%C3%AEn-aten%C8%9Bia>.



Lawyer Tatiana Puiu (the first from the left) teaches the course of media law to the students of the School of Advanced Journalism (SAJ). In the picture she is beside the young people who are currently studying at the SAJ, after a discussion about access to information, together with guests Oleseă Peraan, program director at the Office of the UN High Commissioner for Human Rights, and Ludmila Bogheanu, communication adviser at the same organization.

Constantin Grigoriță: “I Asked Igor Dodon Uncomfortable Questions, but I Don’t Think This Is a Good Reason to Cancel My Accreditation at the President’s Office...”

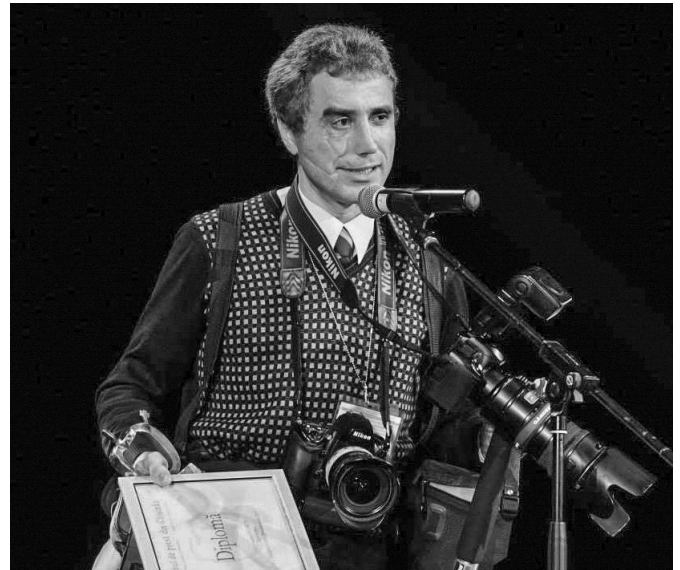
Constantin Grigoriță is a photojournalist with over 20 years of experience who is accredited at both Parliament and the President’s Office. In 2017, however, he became famous not only for his photographs which are published by various press institutions but also for the fact that he sued the President’s Office and President Igor Dodon who had curtailed his right to participate in conferences and events held by this institution.

Media-azi.md: *Mr. Grigoriță, how did you so upset President Dodon that he cancelled your accreditation at the President’s Office?*

Constantin Grigoriță: That’s a long story. In January 2017, President Dodon went to Bender and laid flowers at the monument for mercenary Cossacks who fell in the war on the Nistru in 1992. This was a gesture that neither I nor other former veterans expected. As a serviceman participating in that conflict, I saw volunteers, policemen, colleagues and friends die there, and I was profoundly insulted by the fact that the President of the Republic of Moldova disregarded those dramatic events and honored the people who shot my comrades. This is why at the press conference marking the first month of his presidency I asked him how he dared to do that... Since then, I have not been allowed to attend events held by the President’s Office or by Igor Dodon personally. The Association of the Independent Press, of which I am a member, was informed that my accreditation had been cancelled and was told to recommend another person for accreditation. I admit that my question was uncomfortable, but I don’t think it is an appropriate reason for cancelling a journalist’s accreditation...

Media-azi.md: *The media NGOs have issued a statement on this issue, but the President’s Office has not replied. Moreover, you were not admitted to the conference marking one year of the presidency of Dodon on December 12...*

C. G.: I sued the President’s Office and President Dodon personally for curtailing my access to information but the court refused my claim stating that the president has immunity from civil lawsuits. I contested this decision at the Court of Appeals and also filed another suit against the President’s Office and the Chancellery for curtailing my access to information. This time, my claim was accepted. Meanwhile, the Court of Appeals issued a decision that President Dodon does not have immunity to curtail access to information. Now, I am waiting for the court to restore my professional rights and allow me to exercise my profession.



Media-azi.md: *On December 12, you protested alone in front of the State Residence of President Dodon. Why were you not supported by your colleagues?*

C. G.: You know what professional solidarity we have... But I understand my colleagues. When they ask a dignitary or a politician a question, they involuntarily wonder, what will the editor-in-chief or the owner of the TV station say about my question? This is a kind of self-censorship that we cannot get rid of as long as we have to follow an editorial policy. As for me, since I am not employed by any press institution, the only editorial policy I follow is the Journalist’s Ethical Code. Some of my colleagues are probably afraid of losing their jobs or of having problems at work, but I am self-employed and I can always start from scratch. This is why I will not let this trial go.

Media-azi.md: *What is it like to be self-employed?*

C. G.: There is a big difference between being employed by someone and being self-employed. Initially, I worked for different publications. I collaborated with the newspapers *Moldova Suverana*, *FLUX*, *Capitala*, *Dezvoltarea* and *TIMPUL* and with the Press Agency INFOTAG. These were interesting and extremely useful experiences for my professional development. Yet, I felt restricted, including financially, because, if the editor

gives you a salary, they usually, want you to provide services only to that publication. This made me determined to become an independent photojournalist. That happened in 2011 when I became a member of the Association of the Independent Press. Since then, in addition to gaining creative freedom, I have concluded several contracts with the press institutions of Moldova and I am paid under these contracts. I don't have a stable salary; in fact, I make my salary from the pictures I take. I work with PRO TV Chişinău, Unimedia, Agora and Deschide.md, among others. This is a better option than employment in a media institution because I don't censor myself and others do not censor me. In addition, nobody can say that I don't deserve my wages because I get paid for the work I do.

Media-azi.md: *Of the thousands of pictures you have taken, many are of politicians from different political parties that you caught in various circumstances, sometimes not very pleasant ones like sleeping during Parliament sessions or chatting on social networks while debating important laws for the country...*

C. G.: I consider that a journalist's job is to always keep an eye on the authorities' work. It does not matter which authorities—local or central, president, speaker or prime minister—because public authorities consume public money paid by taxpayers. I want to know how the taxes paid by citizens are used. An ordinary citizen cannot find this out. This is the duty of media representatives, journalists, photojournalists and cameramen. This is why you will find a lot of politicians' pictures in my archives.

Media-azi.md: *The Independent Journalism Center has conducted a broad awareness raising campaign for MPs titled "We want access to Parliament." How free do journalists feel now in Parliament?*

C. G.: This campaign has meant a lot. We are no longer accompanied to the meeting room by people from the legislative body. Both photojournalists and journalists can sit in the meeting room throughout the entire session on the seats allocated to the press. Camera operators do not enjoy the same freedom because they have been allotted only two loges that are quite narrow and that don't have all the filming angles, but photographers have access to the whole meeting room. We fought for this right for a while, but it was worth it.

Media-azi.md: *What delicate situations can a photojournalist get involved in, and how can they avoid them?*

C. G.: I like the question. Photojournalists have numerous possibilities to mess up. They might publish the picture of a former director instead of the current one, or they might misspell somebody's name. Unfortunately, everything is visible in our work: The mistakes are immediately seen, and the criticism is harsh. Therefore, we read a lot of information and are careful, including with archive pictures. There are also situations that do not depend only on us. For example, someone may ask you to take a picture for a portal, then after you give them the picture they may assign it a caption that gives it a totally unintended meaning. This happened to me some time ago when a colleague of mine asked for a picture that would also include black peo-

ple. I had such a picture because I had recently photographed some female students from Moldova with their black colleagues. Imagine my and students' reaction when I read the very biased caption to that picture in a national newspaper: *The girls that participate in racial mixing in Europe!* So, there is a risk that you take a good picture that will then go to a publication or website in a totally inappropriate context. That was a bitter lesson for me; I have always asked about the context since then.

Media-azi.md: *Is the theft of pictures a problem in Moldovan media?*

C. G.: Well, theft is something normal in Moldova, so why should it not affect the media too?!

Media-azi.md: *Does theft means that someone uses your picture without attributing it to you?*

C. G.: No, theft means using a picture without the author's consent. I don't want anyone to use my pictures without my consent, including because I don't know the context in which they will be published. I am against the use of pictures without the consent of the press institution and of the author. Recently, there was a discussion on social networks about how some tourism agencies used the pictures of my colleague Vadim Şterbate from Soroca. These are pictures of Soroca Fortress used for commercial purposes without having a contract with him, without paying him anything. This is piracy: We should call things by their names.

Media-azi.md: *Can the State Agency on Intellectual Property defend an author in similar cases?*

C. G.: They do, but at a rather perfunctory level. If there were several resounding cases of sanctioning, the media would get rid of those who benefit from other people's work. In the Republic of Moldova there is only one resounding case, that of Pavel Balan who went to trial with the State Company Registru because it used his picture of the Soroca Fortress on their ID cards. The national court ruled against him and he had to go to the European Court of Human Rights to get justice.

Media-azi.md: *We know that you teach photojournalism at the University of European Studies of Moldova. How interested are the young people in this profession?*

C. G.: Young people are very different, but I attract their attention: Those who do not show any interest in the profession have come to the wrong place. There are several promising students in the field of photography, and I hope they will succeed.

Media-azi.md: *In another context, we see you cycling including at events. Is it that you don't like public transport or it is easier this way?*

C. G.: I gave up cycling long time ago. In 2011, I "became motorized" and ride a motor scooter. It is much more convenient and faster in our Chişinău full of traffic jams...

For Media-azi.md – Tatiana CORAI

The Shift to Digital Television: a Target Missed

The digital revolution has taken place including in television. Five European countries (Finland, Germany, Luxemburg, Netherlands and Sweden) were the first to demonstrate that terrestrial analog television can easily and rapidly be replaced by digital TV. Today, EU member states have shifted to digital television, including terrestrial TV, and most did so before 2012 while other states did by 2015. The shift to digital terrestrial television undertaken in 2006 in writing in Geneva by over 100 states does not leave room for exceptions; the commitment has been valid for all the signatories but not for Moldova.

A neglected subject

One year ago at the 2016 media forum, a workshop called “TV digitization: how and why?” was held with heated debates on the shift from terrestrial analog television to terrestrial digital television. At that workshop, a representative team of employees of the line ministry Radiocommunications and the National Regulatory Agency for Electronic Communications and Information Technology (ANRCETI) firmly announced that the era of terrestrial analog television would end on December 31, 2017. Beginning January 1, 2018, all television stations using terrestrial frequencies would be able to broadcast only via digital signals. This was an international commitment of the Republic of Moldova and had to be fulfilled because we were the last country in Europe that maintained analog TV signals after June 17, 2015, the professionals said. This caused quite a stir at the workshop. Why? Because, even though we had got used to setting deadlines (2012; 2015; 2017) for the shift to digital television and to ignoring them, this time the deadline set for December 31, 2017 seemed impossible to postpone. This is what raised contradictory discussions that revealed a number of unanswered questions one year before the completion of the shift. I will mention only a few of them: the high cost for one slot in the national multiplex; the risk that local and regional television stations would disappear and the risk that the majority of the population would not have access to digital broadcasting.

It should be noted that by mid-2015, (after Moldova missed deadlines set in international commitments), the approval by the government of the program on the shift to terrestrial digital television finally brought some clarity for the providers of television services and their beneficiaries. The term of the shift was extended to December 31, 2017 (we don't know why). The program covered the current situation regarding people's access to audiovisual program services, the technical aspects of the implementation of terrestrial digital television, the SWOT analysis, the identification of problems, the specific objectives of the program, the implementation stages and terms, progress and performance indicators and even monitoring and evaluation procedures.

The impression was that we were on the right track and that the shift to terrestrial digital television would take place in stages according to the table in the government program. A more thorough analysis of this document, however, shows that it did not indicate what expenses the state would assume to implement this important program. Despite this, progress and performance indicators were very optimistic: in 2015, there was to be one multiplex with national coverage (population coverage rate of 80%); in 2016 there would be two national and four regional multiplexes (coverage rate of 95%) and in 2017 there would be three national and 21 regional multiplexes (coverage rate of 99%).

As I said, the development of this program and the amendments made by Parliament to the legislation inspired optimism in the middle of 2015, but it soon vanished. Currently, there is only one operational national multiplex with a capacity of 15 slots that broadcast only 8 TV channels. The other five slots have been offered to TV stations via a contest but are not in use for various reasons, but we suspect that these reasons are financial. Postponing the shift was requested; nobody else wants to take the remaining slots, probably for the same reason of the high cost for the use of one slot. As a result, viewers are the ones who incur losses, especially those who bought set-top boxes but are watching only 8 TV channels instead of 15. The state company Radio Communications is also incurring losses because it cannot benefit from the full exploitation of the multiplex in which it invested. This is the half-full glass. The half-empty glass contains the objectives of the government program: the uniform delivery of television services via terrestrial digital transmissions nationally, regionally and locally as well as creating conditions for providing the population with devices to receive terrestrial digital television signals. Unfortunately, no implementation mechanisms were put in place; everything was left on paper.

Recently at the 2017 Media Forum, the Speaker of Parliament Andrian Candu said, “Yesterday I had the occasion to discuss the challenges they face with some representatives of the local press ... in terms of digitization. These are quite complex issues; the costs are very high. As far as I know, the multiplex for digital television costs about 6,000 to 7,000 per month...”. The speaker's concern can be understood as it results from a reality everybody knows. The question is: Why has Mr. Candu not used information about the complex problems of the shift to digital television from much better documented sources such as the relevant Parliamentary committee or the government since Parliament controls the enforcement of all international commitments and laws adopted? Why has this subject been neglected?

Missed stake...

In fact, what was the stake in the shift to terrestrial digital television; what did society expect from this reform? The answer is simple: to freely receive by air, for those who are not on cable, the Internet and satellite domestic television programs (national, regional, local).

In this context, we list several benefits of the shift:

- better image quality;
- the possibility to receive more TV stations;
- reception in high definition format;
- a more diverse offering of radio, teletext, EPG and interactive services;
- protection of minors (parental controls);
- optimal use of frequency ranges, limited resources that must be managed very well.

According to surveys, our citizens mainly use TV to get information, and for 70% of them TV means the two or three channels they receive by air nationally, so the shift to terrestrial digital television would have meant a huge evolution in the pluralism of their information space. The digital terrestrial signal would have created the possibility to broadcast and receive 20 to 30 TV channels which would offer a great opportunity to people to choose from a variety of sources to watch, judge and form their own opinions. This is the essence of digital television: to bring the advantages of the information society to each family.

This has not happened. So, at the end of 2017, all we have left of the broad program on the shift to terrestrial digital television is the government decision to extend the term of the shift to March 1, 2020.

Failed commitments

We will remind you of another important aspect of the shift to digital television: international commitments. The range of radio frequencies is limited; to prevent disturbances and interfer-

ence in their use, an international body was established in Geneva that coordinates the use of radio frequencies for every member state. In line with the Regional Agreement on Planning the Digital Broadcasting Service in the Frequency Bands 174-230 MHz and 470-862 MHz signed at the Regional Radiocommunication Conference in Geneva in 2006 (RRC-06) and ratified by Law no. 69-XVI of March 27, 2008, the deadline for stopping conventional analog transmissions was set for June 17, 2015. This implied that after this date, TV stations using analog signals could not be protected anymore from disturbances caused by TV stations in digital format. Furthermore, if analog TV stations created disturbances for digital stations, the former had to cease broadcasting. This obligation was assumed by 104 states including the Republic of Moldova.

Most European states guided by their interest in people's prosperity completed the shift to terrestrial digital television in 2012 which was an objective of the EU, but there were also countries that delayed the shift until 2015. We have not paid our debt so far. I have the impression that our government has assumed a commitment it could not ignore because it cohabits the world of terrestrial frequencies where everybody must obey the rules, but it ignored it anyway.

In December 2017, the government approved a draft law with amendments to the Law on Communications and to the Code of Audiovisual Media for submission to Parliament that suggests extending the period for shifting to terrestrial digital television until March 1, 2020 and replacing the wording "terrestrial digital television" in some articles with "terrestrial analog television." The Broadcasting Coordinating Council will issue licenses for analog television stations to broadcast up to March 1, 2020.

Now, it seems to me bizarre or even hilarious when we suggest amending the legislation to replace "digital" with "analog." I understand that it is necessary to amend the legislation even as we take a step backwards, but these amendments are anachronistic when everybody else is moving forward and even advancing at high speed while we retreat creeping like a lobster.

Alexandru DOROGAN

The Autonomy and Independence of the Broadcasting Coordinating Council: Reflections at the End of Mandate

The Broadcasting Coordinating Council (BCC), the only public, autonomous institution regulating audiovisual media in the Republic of Moldova, is a conceptually new structure both in terms of its relationship with the administrative system it is part of and in terms of its relationship with the sector it is in charge of. In the last 20 years, citizens have become accustomed to the existence of official institutions the titles of which contain the words “autonomous public authority” or “independent public institution.” Irrespective of whether it is the National Integrity Commission, the National Financial Market Commission, the Council of Competition or the Audiovisual Coordinating Council, these bodies are usually perceived as “state powers,” and few people understand the implications or legal and administrative consequences and the institutional and inter-social relations imposed by the status “independent” and “autonomous.”

Created in 1996 in the Law on Audiovisual Media no. 603 of 3 October 1995 and reformed in the Code for Audiovisual Media no. 260 of 27 July 2006, the BCC of Moldova is an **autonomous** public authority with the status of public legal entity that regulates audiovisual communications. Throughout its 20 years of existence, the institution has been continuously suspected and accused of lacking autonomy and of allowing political interference in its operations. Often these accusations refer to its inefficiency or passivity. For example, accusations about the lack of monitoring and the lack of reactions to the propaganda content of domestic and Russian informative-analytical programs were justified as were accusations that BCC members prohibited broadcasts of TVR1 or of other Romanian stations but did not prohibit the use of the content or of rebroadcasts of Russian stations. Other accusations related to the concentration of ownership in the audiovisual market. Such accusations are sometimes made by professionals in the field and can be described as populist because their resolution does not depend on BCC members' will.

Since I have presented several examples, I would like to explain them briefly. There are no legal or other obstacles created by Moldova for TVR1 or other Romanian stations to enter our market. The problem is rather economic and is related to copyrights: If providers from Romania come into the market, they will have to increase their expenses because they will have to pay for copyrights on Moldovan territory and consumers will thus have to pay more for the package of stations offered by cable operators. Whenever the list of stations offered by service providers was voted on, I insisted that they also include Romanian stations, but the replies to and outcomes of these requests have always been much below expectations.

The massive presence of Russian content is due to the fact that it was legalized as “own content” in the Code of Audiovisual Media at its adoption in 2006 and lasted until the 2017 amendments as “audiovisual products conceived or procured exclusively by the broadcasters by using their own technical, financial and intellectual resources or resources procured under a contract,” which means that every product procured could be extensively broadcast. I would have liked to vote for limiting the avalanche of content coming from the East, but as long as this avalanche had legal support, personal sympathies or reasons could not prevail. When the legal framework did allow me to impose my position through a vote, I did so: I voted against issuing broadcast licenses to TV stations RTR Moldova and NTV Moldova, but my vote was in the minority.

There have been frequent accusations that the BCC has lacked independence and efficiency in limiting concentrations of ownership in the audiovisual market. The BCC has defended itself by claiming a shortage of legislative tools and by charging that the duty to acknowledge concentrations of ownership and monopolies in the audiovisual market belongs to the Council of Competition that is empowered to enforce the Law on Competition no. 183 of 11.07.2012. The Council of Competition has in turn publicly declared that its duties do not cover special markets such as the audiovisual one. Although a collaboration agreement between the BCC and the Council of Competition was signed on 4 July 2014 to provide for the efficient exchange of information with a view to preventing and discouraging anticompetitive practices, it has proved to be ineffective. It should be noted that as a result of amending the Code of Audiovisual Media on 9 July 2010, the prerequisites were created for an individual to legally hold up to 10 broadcasting licenses. This has resulted in the concentration of several media sources in the hands of one person: Vlad Plahotniuc. It is interesting that there have been multiple accusations of a lack of independence and of inefficiency of the BCC in this matter, including by current or former MPs who voted for the amendments of 9 July 2010.

In the six years of my tenure on the BCC, I voted “pro” or “con” on several hundred decisions, some of which raised discontent or revolts or were contested in court (usually those that stipulated sanctions or those on issuing broadcasting licenses or on providing financial support to program projects). Some decisions were discussed and commented upon or condemned publicly, but many decisions passed unnoticed either because they were in favor of broadcasters or because their beneficial impacts on program consumers were accepted as something normal derived from professional obligations. The issue of autonomy and independence concerns both the institution as an organization and every individual member. I tried to find criteria that would

help to clearly distinguish between cases in which accusations of a lack of autonomy and independence were justified and cases when such accusations could be rejected as groundless. That wheel has been invented: Studies have been developed at the European level, and indicators that help to assess the degree of autonomy and the independence of institutions regulating the audiovisual field have been finalized.

Although the legislation adopted in all European countries stipulates the independence of institutions regulating the audiovisual field, political and economic pressure on these institutions is still a reality (the *berlusconization* of audiovisual institutions in Italy, cases of brutal interference by the state in dismissing the members of regulatory institutions in Greece and Croatia, the situation of the public broadcaster of Poland). Acknowledging the problem, the European Commission launched a public consultation on 22 March 2013 to collect opinions to identify solutions and mechanisms to ensure the independence of bodies that regulate media services. Several studies have been conducted in this process to identify indicators for the concept of an autonomous and independent institution.^[1] While I cannot include a detailed analysis of BCC work under all these indicators in this article, I will list them and briefly analyze some of them. An analysis of the studies and reports developed under the aegis of the European Commission provides the following three conceptually key aspects that in turn comprise eight indicators for establishing autonomy and independence in the work of a public institution regulating audiovisual media.

I. Structure and institutional status:

1. explicit definitions of “autonomous” and “independent” in legal provisions;
2. clear provisions on the procedure for appointing members (to ensure impartiality from political and economic structures including by separating term mandates from election cycles);
3. provisions and limits regarding incompatibility for BCC positions

II. Capacity to exercise power:

1. formulating duties and powers in regulatory acts
2. provisions on transparency in decision making
3. mechanisms to control operations

[1] INDIREG FINAL REPORT Indicators for independence and efficient functioning of audiovisual media services regulatory bodies for the purpose of enforcing the rules in the AVMS Directive” (SMART 2009/0001) by Hans Bredow Institute for Media Research, lead partner Interdisciplinary Centre for Law & ICT (ICRI), Katholieke Universiteit Leuven Center for Media and Communication Studies (CMCS), Central European University Cullen International Perspective Associates: A 2011. study conducted on behalf of the European Commission. www.indireg.eu; AVMS-RADAR, AudioVisual Media Services-Regulatory Authorities’ InDependence And Efficiency Review, Update on recent changes and developments in Member States and Candidate Countries that are relevant for the analysis of independence and efficient functioning of audiovisual media services regulatory bodies (SMART 2013/0083).

III. Resources allocated to fulfill the mission:

1. regulatory provisions on financial autonomy
2. human resource management

I will talk about the first aspect because I believe it is important that positive practices are maintained while vulnerabilities are eliminated in the development of a new code. In terms of **structure and institutional status**, the legal regulatory framework (Code of Audiovisual Media of the Republic of Moldova no. 260 of 27.07.2006) to a large extent complies with European standards, and in some cases democratic principles are set forth to a greater degree than in France or Romania:

- the principle of autonomy and subordination to the public interest is acknowledged;
- the inability to arbitrarily remove members is set out;
- there are clear provisions for how a position becomes vacant;
- cases of incompatibility are stipulated;
- the chair of the BCC is elected by the council with a majority of votes.

Appointments to the BCC take place through a contest, and the candidates are suggested by civil society. Unlike in France and Romania where the candidates are suggested by the president, senate and chamber of MPs, in Moldova the relevant Parliamentary committee announces a contest for the position of BCC member and the candidates, “...can be suggested by nongovernment organizations, foundations, trade unions, employers’ associations, religious organizations” [Article 42 paragraph (2)]. Selections are made by the Parliamentary committee, and those selected are appointed by Parliament through voting.

French legislation forbids members from working in any of the institutions that were under the oversight or control of the audiovisual council for three years after the end of their mandates, but our legislation does not contain similar provisions though it is not possible to serve two consecutive terms which is a positive element. Another important factor intended to ensure the independence of the regulatory institution is that the chair is elected by the BCC members by a majority of votes in a public meeting unlike in Romania and France where this is the prerogative of the country’s president.

As for the procedure and terms for replacing members whose terms have expired, the actual situation reveals contradictions and confusion that leave room for interpretation and raise accusations of a lack of independence and of the legality of some of the decisions adopted. If BCC decisions are adopted with five “pro” votes, one of which belongs to a member whose mandate has exceeded the six years stipulated by law, broadcasters may contest this decision in court claiming that the vote is no longer valid. There is a series of such precedents, and court decisions have varied. Also, our legislation does not stipulate that updating BCC membership must not coincide with election cycles.

These regulatory gaps can generate risky situations in which interested politicians, especially those in power, might delay the appointment of new members so broadcasters will not recognize the legality of decisions adopted with the vote of members whose mandates have expired. In addition, such delays lead to overlapping BCC terms with election cycles.

In conclusion, I believe that the above-mentioned positive elements must be maintained when developing the new Code of Audiovisual Media and that the gaps in the legislation must be eliminated in the following way:

- include a provision that forbids members from working in any of the institutions that were under the oversight or control of the BCC for two years after the end of their mandates;
- explicitly stipulate the separation of the appointment of BCC members from election cycles;
- set precise deadlines and procedures for replacing members whose terms have expired.

Another problem that needs to be resolved through a Parliamentary decision if not through a law (on the status of the BCC) refers to the responsibility of members for their votes. I consider that this can be done by introducing the obligation for members to broadly and in writing justify their votes if not in the draft decision then in the form of additional reports on the decision that will be made public after each meeting. This will ensure the transparency of each member's position in cases of decisions that have a strong impact on consumers, and collegial responsibility will be shared based on the clear and explicit position of every voter.

We cannot allocate more space to an analysis of all aspects of the issues of autonomy and independence but will analyze very briefly some details related to transparency and human resources. Both the recommendations of the Council of Europe and the indicators on the independence of regulatory institutions that are accredited by the European Commission highlight the link between the financial and human resources an authority has and the fulfillment of its mission. Methods of funding and of allocating the budget also determine the degree of independence from or subordination to the funder and the competency and sufficiency of human resources to ensure the quality and efficiency of the organization.

According to the BCC annual report, at the end of 2016 there were 47 employees, and 73.43% of positions were filled. Of those positions, 9 were BCC members, 10 were public managerial positions, 20 were public executive positions and 8 were technical personnel. The BCC administration thus consists of 30 people, 10 of whom are in charge of monitoring content. The workload far exceeds the number of persons involved. The low salaries and overtime work during elections results in high staff turnover. It is necessary to allow the BCC to hire additional operators for monitoring during election campaigns (the French model) or for thematic monitoring that includes heavy workloads.

In addition, it is necessary to increase members' contributions to the work of the institution. Their roles must not be perceived only as voting machines but also as people with expertise whose input into current activities must be as effective as possible through their direct participation in the development of monitoring methodologies and reports, not just in their presentation. They must also assume responsibility for the content of such methodologies and reports and develop draft public policies.

To eliminate suspicions regarding selective monitoring and sanctioning, the draft activity plan for each year (that should contain the types of monitoring and the number of monitoring missions, but not the period, of course) should be published in October on the BCC website, and civil society and other social stakeholders should present suggestions in November.

An important factor in triggering a prompt reaction from the BCC when material that contravenes the legislation is broadcast must be the consumer, either individually via civic organizations or via notifications sent to the institution. The practice of European regulatory bodies shows that two thirds of their work is based on notifications from consumers.

It is the citizens' right to check whether or not public institutions fulfill their missions and whether the principles of independence and autonomy are respected in decision making. When operations are transparent, this can be fully achieved, and suspicions of violations of this principle can be either eliminated or confirmed with evidence. I hope that the legislation will be improved with regard to putting in place a regulatory framework to underpin this principle. I also think that a key factor will be the actions taken to increase the personal liability of each member for their votes and for their work on the BCC.

Mariana ONCEANU-HADARCA

Stories for Waking Up People

“People are narrative beings. We explain our lives, values and the world around us through stories. They are the first things we learn when we are born. Today, when journalism is fighting to find a place in the digital world, we must not forget that information bullets and 24/7 news cycles cannot replace stories that are well documented, well written and well produced and that explain, investigate and create emotions and communities.”

This quotation is part of the mission statement developed at the first international conference on storytelling titled *The Power of Storytelling* that was held in 2011 in Bucharest by *DoR* (*Decât o Revistă* or *Just a Magazine*). This mentality led to the birth of the magazine two years before as an experiment of a small group of friends who wanted to see how a properly produced Romanian magazine would look and would be received using what they had learned at universities and in master’s studies abroad. It was supposed to be “just” a magazine, “just” an edition. The 30th edition was published this winter.

The 2011 meeting was supposed to be a small conference on narrative journalism with three or four American reporters and was to last three hours at the most. Last winter, the 7th session of *The Power of Storytelling* was held and lasted a whole week (October 16–22) with related events (film broadcasts, book presentations, presentations on audio and documentary photographic journalism, discussions and workshops with speakers) and a 2-day conference with 13 invited speakers and over 500 participants.

The quotation above is still very topical. In a country like Romania with polarized media controlled by legendary moguls and the politicians of the moment, an insane news cycle and a market full of tabloids under the pretext that this is what the public wants, stories that are documented for three, four, or six months have no chance to be sustainable. Romania does not have a tradition of narrative journalism, of real stories told using techniques applied in fiction, and Moldova does not have one either. The two countries have each had a free press for almost 30 years. As for Moldova, it is still affected by monopolies of different groups of interests (political or business), violations of the freedom of the press and legislation that does not sufficiently protect journalists. These urgent and serious problems do not leave too much room for innovations in the media, for well-told stories or for the empathy journalists need to document people’s lives and not just to report one event after another. It is only recently that projects like *RISE Moldova* or *Oameni și Kilometri* (People and Kilometers) have started to develop; however, although it seems difficult to believe and many media managers would disagree, the reorientation of the press to such stories and initiatives can provide a new perspective and can renew and enhance the credibility of the profession in people’s eyes.

* * *

Experimenting with *DoR* and later with *The Power of Storytelling* started not just from the needs of five people—Cristian Lupșa, Lavinia Gliga, Gabi Dobre, Sebastian Ispas and Raymond Bobar—to do something their jobs at magazines in Bucharest did not allow them to do, but rather from a suspicion that things in the media market of Romania were different from what the media bosses were saying.

“People started creating their own magazines because the commercial magazines treated (and still treat) them as statistics to sell to advertisers”, Cristian Lupșa, editor and founder of *DoR* and of *The Power of Storytelling* wrote. These five people did not think that their audience was stupid and wanted only a show; they did not think that narratives were just a niche for rappers and wanted to check whether or not the independent press had a future in Romania. They were inspired by big names in American narrative journalism, the place where this kind of writing and focus on individual stories started.

“The greatest potential—not yet fulfilled, I believe—of narrative journalism is to communicate the most crucial information. Stories can vitally and powerfully present the big failures of governments and industries, class inequalities and fractures in the infrastructure of opportunity in our country. They can involve the general public, almost against its will, in issues of meritocracy and social justice,” journalist and author Katherine Boo wrote in *Telling True Stories*, one of the fundamental books for those who want to understand narrative journalism. She proved this principle herself when she published the book *Behind the Beautiful Forevers* about poverty in the neighborhoods of India and how state mechanisms do nothing but maintain the status quo. She documented the story for four years, conducted hundreds of interviews, presented the experiences of children from a Mumbai neighborhood and was nominated for a Pulitzer Prize (she had already won one several years before). This is what *DoR* tried to do from the very beginning: talk about the serious problems of society (poverty, discrimination, corruption) presenting individual cases that were documented over long periods from which the public could extract profound meaning about the world we live in.

* * *

After launching the first edition in the autumn of 2009 with over 500 people in a club that could not accommodate all of them and a lot of encouraging messages convinced them to continue the magazine, the *DoR* team (that gradually increased) started considering other ways to produce impact in the country, namely bringing top speakers from all over the world to teach and inspire the Romanian public to tell better stories.

With the help of a teacher from the Missouri School of Journalism where Cristian Lupșa received a Master’s degree in news editing, *DoR* brought four respected journalists to the first Power

of Storytelling: Laurie Hertz (editor at the *Star Tribune*), Pat Walters (producer of the famous program *Radiolab*), Alex Tizon (winner of a Pulitzer Prize) and Jacqui Banaszynski (teacher at the Missouri School, Pulitzer winner and the person who was to attend all seven conferences who is also called the fairy godmother). That first experience, with an audience of over 100 people ready to absorb as much as possible from the speakers' lessons, with warm feedback from the participants and from the four speakers (three of whom came back to later conferences) and with a waiting list full of people who did not manage to buy tickets for the event, showed the *DoR* team that there was a demand and a need for such an initiative and that their little conference had to become something regular.

While the first topic was journalism, since 2012 the event has been addressed to both media professionals and to people who tell stories in other areas: advertising, public relations, business, arts, etc. Extending the participants' pool happened naturally for the growing team whose members were writing stories, finding ways of fostering them, looking for funds for the survival of the magazine or managing the growing community of subscribers. They operated as a full-scale organization in which everyone had several roles to fill, sometimes simultaneously, and knew better and better the market of Romania. "The public has become more mature and the traditional forms of advertising are no longer credible. Companies should treat us differently, get closer to our human experiences which requires a new way of communication," Cristian Lupsa said two years ago. Stories turned out to be the link between businesses, nongovernment organizations, IT experts, musicians, illustrators and journalists.

"We think that stories are for everybody. This event derives from a profound commitment to narrative and intimate journalism, but I want us to look at the concept of storytelling from several perspectives," the organizers said in 2015.

As a result, the conference acquired both amplitude and visibility and diversified its list of speakers. It started in 2012 with Evan Ratliff, founder of *The Atavist*, a platform for digital storytelling, and Travis Fox, a videojournalist who had received an Emmy. Then the Swedish composer and explorer Jens Lekman and director of documentary films Mona Nicoara followed in 2013, after which Jonah Sachs (author of bestsellers and marketing expert); Wendy MacNaughton (illustrator and author of bestsellers); photographer Richard Koci Hernandez (multimedia producer, visual journalist, Emmy winner and teacher at the University California, Berkely); Dan Perjovschi (one of the most valued Romanian artists); Colin Meloy (singer from the American band The Decembrists) and Carson Ellis (illustrator and author of bestsellers) participated.

Journalists have not been forgotten. The conference had participants like Walt Harrington (journalist at *The Washington Post* for 15 years), Chris Jones (journalist at *Esquire USA* and ESPN, winner of the National Magazine Award), Mike Sager (journalist and editor at *Esquire*, *Rolling Stone Magazine*, *GQ* and *The Washington Post*), Robert Krulwich (host of the podcast *Radiolab*, winner of two Emmy awards for audio journalism), Amy

O'Leary (former reporter at *The New York Times* and editor of *UpWorthy*) and Lisa Pollak (radio journalist and Pulitzer Prize winner).

The conference has sold out about one month before the event each year although it has continued to grow both in terms of number of participants and in terms of duration and has looked for ways of including as large and as diverse a group of participants as possible. A solution for the past two years has been to organize previews several months before the official date in which the organizers bring one important person in storytelling into the country.

* * *

At the end of July 2016, the American writer and comedian David Sedaris came to Bucharest to read passages from his next book for the first time, and last August the legendary expert in design and branding Debbie Millman, host of the successful podcast *Design Matters*, drew 500 people to the Bucharest National Theater when she spoke about how we can all build successful, creative lives. In addition, in 2014 and 2015, *The Power of Storytelling* was extended geographically by holding sessions not only in Bucharest but also in Cluj.

"All our sessions so far have sold out. I think that the range of people we attract both as speakers and as participants demonstrates not just the need to learn from professionals but also the fact that there is a community of writers, producers and communicators who can wisely incorporate storytelling into what they do," Cristian Lupsa added.

The community of supporters—participants, volunteers and sponsors—has helped to extend the conference into a number of events. In the past two years, the weekend of stories that everybody has got used to (called "Christmas in October") has been preceded by book presentations by some speakers, presentations of films they produced or acted in and discussions and debates with the public. In fact, 2017 was the most ambitious year to date with eight events in the week before the two-day conference and the most important lineup so far including moving to a new and larger venue in the Radisson Blu Hotel in the center of Bucharest. The people who were on stage in October were not just journalists with multiple awards but also directors nominated for Oscars, experts in virtual reality, Emmy winners or photographers awarded by World Press Photo.

In addition, since events that occurred in 2016 in the world surprised and worried many people from the refugee crisis, to Brexit, to growing nationalism and the election of Donald Trump as president of the USA, the organizers of *The Power of Storytelling* selected an appropriate topic for the most recent session: Closer. Most stories we hear lately are about chaos, fear and unwanted changes. These stories are sometimes spread by forces that benefit from people's uncertainty; they highlight the threat of terrorism, the need for isolation, the impossibility of integrating the "Other." "We, *The Power of Storytelling*, believe that stories should not build fences and alienate people from one another. On the contrary, good stories can create communica-

tion bridges, can bring us closer, can give us a common mission,” the organizers explained when asked about their choice of topic.

* * *

Since nothing can say more about the success of *The Power of Storytelling* than the lessons learned from the speakers, here are some inspiring examples from those who spoke in 2017.

Finbarr O’Reilly: photoreporter ex-Reuters, winner of World Press Photo 2006

“The challenge for me was not to fall into the trap of the clichés we often see about Africa. The challenge was to show the pluck and survival skills of people who live there. I wanted to catch the spirit that made me feel humble and share a rich and balanced perspective, show that life goes on despite these conflicts.”

Nikole Hannah-Jones: reporter at *The New York Times Magazine*, winner of the MacArthur 2017 scholarship

“I have never agreed that the journalist must be an unbiased observer. I am not and some of us are not. Every decision we make, the people we talk to, the way we structure a story, the place we select for it in the newspaper, the decision whether we allocate 30 seconds or 5 minutes for it—all these are biased decisions, value-based judgments.”

Jenna Pirog: editor in the Virtual Reality Department at *The New York Times*, winner of two Emmy awards

“We are more connected than ever. We can maintain contact with all those we meet due to these small smartphone screens. It is now time for virtual reality (VR) to make its entrance. VR promises do not lead to isolation but take us to places we cannot reach and help us witness events we couldn’t otherwise see.”

Paul Browde: co-founder of *Narativ.inc* and co-creator of the show *Two Men Talking*

“The stories were my personal need. I was an HIV-infected person in a world where it was impossible to speak about that. This was important to me and contributed to my health. It is, probably, why I am still alive. I let the immense anxiety I lived with go away.”

Murray Nossel: co-founder of *Narativ.inc* and co-creator of the show *Two Men Talking*, nominated for an Oscar

“Remember your heritage, your origins. There is something in this process of claiming your heritage, all the people who were here before you and created the space so that you can be who you are, so that you can open your heart. If we are not interested in opening our hearts, I don’t understand why we are still telling stories.”

Elie Gardner: photojournalist, finalist for Pulitzer Prizes

“I told the story of a Syrian refugee who crossed Europe to Norway and of the people who accompanied him on this journey. Often, we forgot about the seriousness of their situation on the way there. It is not the things they carried in backpacks that helped them to go on, but their mentality. Even though they had lost almost everything, this gave them a goal, depth and a focus on what mattered in life. They believed in the strength of their own stories.”

Thomas French: journalism teacher, winner of a Pulitzer Prize

“I know one thing: the world is an impossible place, more wonderful and more terrible than we could imagine. As storytellers our duty is to capture at least a small part of the vast and unimaginable nature of the world through our work. Every time we go out, we leave our offices or houses, we need to be open to what is waiting for us.”

Ioana BURTEA

Freedom on the Internet in Russia... Till Where, till When?

Right to freedom

Imagine that you are writing an email to a friend. You access a website. You talk to your parents on Skype. Everything is perfect so far, nothing unusual. These are actions that are covered by Article 19 of the Universal Declaration of Human Rights: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

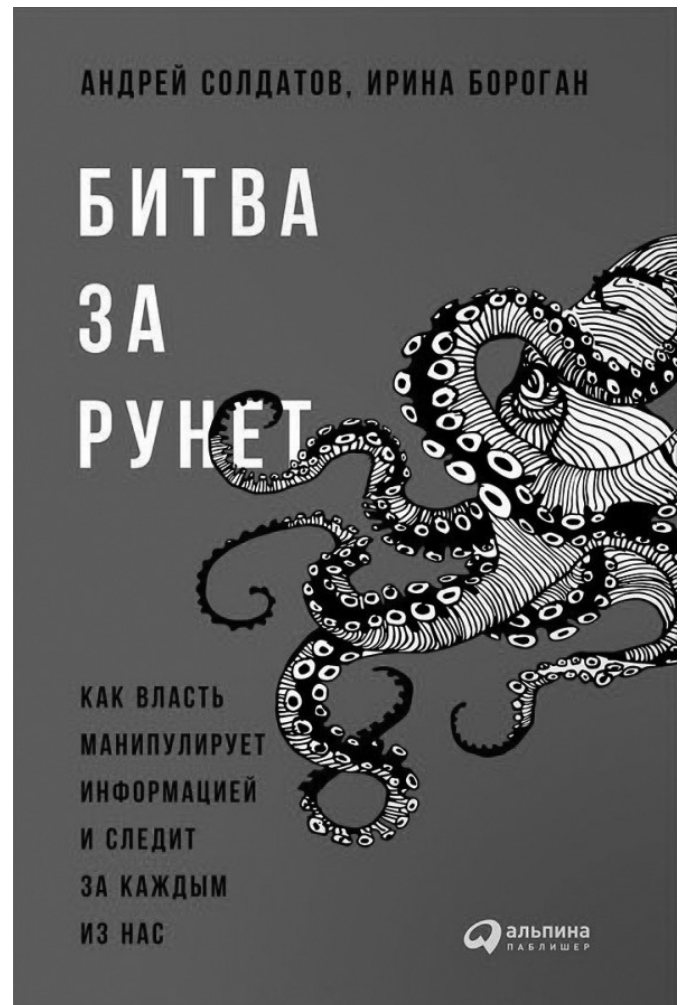
Now, imagine that your email is read, the website you accessed is monitored and the Skype conversation is listened to by a third person or institution without your knowledge. In other words, a “big brother” is keeping an eye on you. He, the brother, says that this is for your sake and that he is protecting you, but what about the right stipulated in Article 19?

RuNet: The online map of Russia

This right is the topic of the book written by the Russian investigative journalists Andrei Soldatov and Irina Borogan, *The fight for RuNet: How the authorities manipulate the information and watch each of us*. It was published for the first time in 2015 in English (it is clear why!) and was then translated into Russian and other languages. It reads like a detective book. It describes in lots of detail and with well-documented examples how the Kremlin is trying to impose a monopoly on information and on the accumulation and especially the dissemination of information. The Internet serves as a battlefield where the so-called “agents of information control” (the authorities and the special services), on the one hand, and the “agents of freedom of expression” (journalists and those who fight for access to information), on the other hand, fiercely oppose each other. The authors worked for almost 20 years on this book, and as Soldatov said in one interview, it is still being written. The fight for the freedom of the Internet continues, or more precisely, it has just started.

Synopsis

The book starts in the 1940 when the Internet was a fantastic idea. In Marfino close to Moscow in a building located in a secure area, a group of political detainees—so-called “people’s enemies”—created the technology for tapping telephones and voice recognition that would later inform the creation of the System for Operative Investigative Activities (SORM) that was used in the USSR to intercept telephone conversations (SORM 1) and later in the Russian Federation (SORM 2 and SORM 3) to control and monitor the Internet by the FSB, alias KGB, of course.



The recent story in the book is built around two meetings of Vladimir Putin with the online community of the Russian Federation (companies providing Internet services and on-line media institutions). The topics were: What do we do with the Internet and how do we regulate it? At the first meeting in December 1999, the online community was convincing the recently appointed Prime Minister of the Russian Federation that the Internet must continue to be managed by the companies providing Internet services without interference from the state. Obviously, Putin had just begun his tenure as a top official, did not understand many things about the Internet and did not realize what the importance and impact of the Internet might be. At the second meeting in June 2014, President Putin came with lessons learned and with the “Big Brother Law” on the table and informed the online community about the decision taken. Thus,

before 2012 the online sector (RuNet) developed naturally and was not an “interest” of the government, but when Vladimir Putin became president again he declared the Internet a “national interest.”

To impose control over RuNet, Putin and his technicians Vladislav Surkov and especially Vyacheslav Volodin (the architect of SORM 2) set out several “rules”:

1. Control over Russian online space (RuNet) was imposed through intimidation (LiveJournal, Mail.ru and Yandex), direct attacks and replacing owners (Lenta.ru), forced take-overs (Vkontakte) or “warning” media companies or institutions (Kaspersky Lab).
2. International companies and institutions (Google, Facebook, Twitter) were forced to move their servers to the Russian Federation so that their traffic on Russian territory was always available to the Kremlin. If they didn’t, they risked having the same problem they had in China when they refused to follow this order and were banned.
3. Bloggers with more than 3000 followers were required to register as media institutions.
4. The Russian organization Roskomnadzor was allowed to ban online platforms claiming reasons like “fostering extremism or terrorism” or “fighting child pornography.” At present, there is a black list of several hundred and even thousands of online platforms that are prohibited. This list is updated “as needed.”
5. Companies providing Internet and mobile telephony services are required to store their data and information for 12 hours and to provide it for examination at the request of the security forces. The FSB has thus been given a new tool for reading everyone’s emails or for viewing any website accessed by a politician or civic activist.

The book also reminds us of the Edward Snowden episode. The irony, as the authors say, is that one of the most important “apostles” for access to information became a captive in a country where this right is at the bottom of the list of all the other rights.

We also find out how powerful social networks are as they can barely be controlled or cannot be controlled at all. The example given is the Facebook mobilizations in 2011 and 2012 of meetings at Bolotnaia or the protests organized by the civic activist Alexei Navalny.

We should also mention the Russian troll factories where workers comfortably sit in fancy offices in St. Petersburg and get \$900

for placing pro-Putin posts on international online platforms (*The Guardian*).

“The Lives of Others,” Moldovan version

Imposing control over the Internet refers to enforcing the above mentioned “rules” that are justified by the state as the means to fight against “extremism and terrorism” or “child pornography.” In fact, these initiatives underpin the development of the classic concept of “Big Brother” identified by journalists and civil society.

The name of the concept and some of Putin’s “rules” seem familiar to you, don’t they? The adventures of “Big Brother” in the Republic of Moldova follow the same scenario as they did in the Russian Federation. The first attempt of the government to justify and establish the idea was in 2015–2016, but journalists and civil society managed to thwart that initiative. The authorities did not, however, give up and there are voices saying that 2018 will highlight again the “usefulness” of the concept. So, we are expecting a second attack. The Kremlin succeeded on its second attempt. We shall see what will happen in the Republic of Moldova.

* * *

Let’s go back to the book written by Andrei Soldatov and Irina Borogan. It presents the reader a pessimistic story according to which the government sees the Internet as a very efficient tool for controlling and/or intimidating individuals (see Evgeny Morozov for more details about cyber-optimists and cyber-pessimists). Nevertheless, the authors conclude that the Internet is a horizontal structure that has never been and will probably never be controlled by official entities (the state, the government, the authorities, call it what you want) which are vertical structures that are based on a strict hierarchy. The authors also provide a very good example: social networks that cannot be controlled no matter how much the FSB or the Intelligence and Security Services want to. It is the social networks that made an “Arab Spring” possible in Egypt or, why not, a “Twitter Revolution” in Moldova. In fact, the former, according to Soldatov and Borogan, is an example of mobilization that in general gives Putin and the FSB a headache, especially when they consider the outcome: the change of power in Egypt and/or the physical elimination of Muammar al-Gaddafi in Libya.

P.S. The Internet is like heating milk, you can watch it as closely as you possibly can, but one day it will boil over anyway.

Victor GOTIȘAN

An Ongoing Process for an Informed Consumer and Media Managers

Media education is a relatively new concept for the Republic of Moldova. It was promoted in our country due to the constant efforts of the Independent Journalism Center (IJC) that, with support of the US Embassy in Chisinau, launched the project Promoting Media Literacy among Moldovan Citizens four years ago.

Since April 2014, the IJC in partnership with station Radio Free Europe has focused their media expertise on young media consumers aiming to contribute to the consolidation of democracy by cultivating critical thinking among them. It is the children and young people who are most exposed to the risks of manipulation, propaganda and other negative effects the researchers have warned us about.

The IJC experts and journalists of Radio Free Europe discussed the press and its role in society with 2137 high school pupils. They presented various examples of professional or unprofessional journalism in the form of case studies, and together they watched and analyzed several video clips produced about the IJC and the quality of media products, access to information and freedom of expression. As part of this project, the IJC also trained teachers who launched and conducted media awareness-raising activities in their schools.

As a result of this dialogue with young media consumers and their teachers, the experts realized that in order to have a well-informed citizenry ready to correctly and critically digest the offerings and the products of both traditional and new media, it is important to offer them media education that meets the new challenges in this sector. The sporadic approach to media subjects through various extracurricular activities, radio and TV programs and products disseminated on the Internet produced by other organizations like the Media Center for Young People, is useful and complementary, but it is insufficient if there is no systematic, formal instructional approach.

In addition, media education in schools is limited in most cases to an illustrative-informative dimension as support for teaching activities.^[1] Teachers and parents are not sufficiently prepared to guide their pupils/children in this complex, varied initiative that has positive effects as well as many traps and negative effects^[2] or to help them consume relevant, qualitative and useful information and distinguish between manipulation and truth. The

impact of the consumption of media products, especially audio-visual ones, is growing with numerous immediate or latent, direct or indirect, predictable or unpredictable implications for the emotional health and personality development of pupils.

The media, and lately the multimedia, present events from the perspective of building the difference between reality and its representation and the virtual world,^[3] an environment pupils relate to constantly^[4] without being prepared. Under these circumstances, it is necessary to build the skills needed to relate to environments through value-based selection involving analysis and a critical attitude towards the messages transmitted. The development of these skills in pupils starting at the primary level then moving on to the secondary level is a key aspect in their active and responsible behavior as future citizens. As community members, pupils must be able to search for and use information and to communicate freely and openly without being afraid to face a reality they are not prepared for.^[5]

To develop a media culture among consumers, at the beginning of the third millennium it became necessary to apply a systematic approach in compliance with all international provisions on this issue. Such an intervention was supposed to form media competence in pupils at the very start of their enrollment.^[6] This competence is defined by the European Commission as the capacity to access, analyze and adopt critical thinking and attitudes towards the media and the capacity to use sounds and images to communicate in different contexts.

To conclude, all children and all categories of people must have media competence throughout their lives to be able to practically and creatively use the media. Media education should in our

[1] Șpac S. *Media education of pupils at the primary education level. Methodological Guide*. Chișinău, 2014, Tipogr. Primex COM.

[2] Huesmann L. R., Eron L. *Violence on TV*. <http://www.ucla.edu/cufrec...ne/violence/iid.htm>.

[3] Cf.: Dussy R.A. *The Child and the Computer* <http://semy@semya.tv> (Accessed 13.06.16); Hodge B., Tripp D. *Children and Television*. Cambridge: Polity Press, 1986. <http://internews.org/our-stories/project-updates/media-literacy-course-will-reach-public-schools-across-armenia> (Accessed on 12.06.16).

[4] Crăciun C. *The media as an educative factor*. www.c-cultural.ro/tradiții/mass-media.pdf, 2009 (Accessed on 10.06.16).

[5] Cf.: Cucu G. *Education and the media*. Bucharest: Printing House Licorina, 2000; *Informal Education and the Media*. Coordinators: Gh. Bunescu, El. Negreanu. Bucharest: Institute of Education Sciences, Education Theory Laboratory, 2005, <https://dorinpopa.files.wordpress.com/.../educatia-informala-si-mass-med...> (Accessed on 18.07.2016).

[6] Fedorov A. V. *Media Education and Media Literacy: Russian Point of View*. LAMBERT Academic Publishing, 2010, 364 p.

view^[7] be on the list of optional subjects starting at the primary level as well as part of the formal education of all students. In teacher training programs, it should be included in compulsory modules that the State Pedagogical University Ion Creangă is already developing with the financial support of Deutsche Welle Akademie. On the initiative of this partner, Ion Creangă University; the Media Center for Youth; the IJC and the Ministry of Education, Culture and Research that are implementing the new curriculum in pre-university institutions and in universities met on October 27, 2017 to discuss these issues for the first time at the conference Media Education in the Republic of Moldova: Achievements and Prospects.

The initiative to develop a curriculum and to introduce the optional subject “Media Education” at all educational levels was launched by the IJC in 2015. Exhaustive research on international and national practices for introducing media education in schools^[8] has confirmed that we have a debt and need to pay it. Countries like the United Kingdom, Australia, Finland, Denmark, Sweden, Netherlands, Germany and the USA among others have included this either as a compulsory or as an optional subject since the 1970s. Four case studies (Romania, Ukraine, Armenia and Russia) helped us identify a number of useful aspects of media education that can be applied in Moldova.

In Romania, the optional course “Media Competence” has been taught at the high school level since 2004 and is to be updated. It is suggested that it become compulsory.

In 2010, Ukraine launched the Concept for Introducing Media Education in Ukraine through a decree by the Administrative Board of the National Academy of Pedagogical Sciences.^[9] The main idea is to foster the creation of an efficient media education system and to contribute to the general training of children and young people through safe and efficient interaction with the modern media system. The document includes a pilot phase (2010–2013), gradually introducing the requirements for media education and standardizing the implementation of media education in schools (2014–2016) and developing and finalizing course implementation (2017–2020).

In Armenia, the optional course “Media Education”^[10] has been taught since 2013 in several classes and as an extracurricular subject.

In Russia^[11], there are several experimental programs, courses and even standards for media education in pre-university education. For higher education, various university courses have been developed and a new specialization in media education was introduced in 2002 (no. 03.13.30) in pedagogical institutions. In addition, the academic magazine *Media Education* has been published since January 2005, and the portal Information Literacy and Media Education <http://www.mediagram.ru/about/> was launched in 2007.

Discussions were held on our study “Developing a Media Culture through Adequate Media Education” at a public event in July 2016 organized by the IJC and the Ministry of Education with a number of stakeholders in education and journalism to decide how to implement this initiative in the Republic of Moldova. They have resulted in the decision by the ministry to include this course starting in 2017 in the package of optional subjects at the primary level to prepare pupils for life.

It should be noted that the course content we started discussing at the institutional level three years ago has been stipulated in documents developed and promoted by UNESCO since 1950 under the title “Education for Communication and Media” along with other initiatives/components or with new content, e.g., environment, health, democracy, equal opportunity, intercultural education, family education and economic education, that arose as a response to the challenges of modern world issues.^[12]

The Paris Agenda adopted by UNESCO in 2007 contains 12 recommendations for media education including to integrate it into the initial training of teachers, to develop appropriate and evolving pedagogical methods and to mobilize all stakeholders in educational and social services among others.^[13]

The European Parliament Resolution on Media Literacy in a Digital World adopted in 2008 is another reference document that stipulates that media education should be part of the formal education of all students and should be included in compulsory modules for teacher training programs.^[14]

National documents like the Code of Education of the Republic of Moldova (2014) and the Education Development Strategy for

[7] Handrabura L. *Media Education: Pros for a new Optional Curriculum*. In the volume of the Institute of Education Sciences: *History, Performances, Personalities. Materials of the International Scientific Conference Dedicated to the Celebration of 75 Years of Activity*. Ch., 2016, p. 206-208.

[8] Handrabura L. *Developing a Media Culture through Adequate Media Education*. Ch., 2016, p. 46, <http://media-azi.md/ro/publicatii/dezvoltarea-unei-culturi-media-printr-o-educa%C8%9Bie-media-adevat%C4%83> (Accessed on 15.XII.17).

[9] Media Literacy for Pupils. It is possible to educate all... mediakritika.by/.../mediagramotnost-dlya-shkolnikov-vozmozhno-obrazovat-vsyu-be (Accessed on 11.06.16).

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[11] <http://www.mediagram.ru/about/> (Accessed on 12.06.16).

[12] Guțu VI. *Pedagogy*. Chișinău: CEP USM, 2013, p.144-168; Cristea S. *Education for Media and Communication*, Section “Dictionary”. In: *Theory and International Practice Magazine of the Educational Center “PRO DIDACTICA”*, no. 2 (24), 2004, p. 68.

[13] *Paris Agenda or 12 Recommendations for Media Education* (2007)). We also recommend other UNESCO documents, like *Towards Information Literacy Indicators*. Paris: UNESCO, 2008, 46p.; Recommendation “Youth Media Education”. UNESCO, Seville, 15-16 February 2002.

[14] *European Parliament resolution of 16 December 2008 on media literacy in a digital world* (2008/2129(INI)). 16 December 2008–Strasbourg. See also: *Recommendations of the Parliamentary Assembly of the Council of Europe on Media Education; Media education. Recommendation of Council of Europe* (2000)).

2014–2020 “Education 2020” (2014) also have as general objectives ensuring the sustainable development of the educational system with a view to forming integral, active, social and creative personalities including by harnessing strategic directions and priority actions for facilitating the creation of networks of communication and exchanges of best practices, the development of digital skills in education, efficient parental education and the promotion of partnerships for education including with the media.

The introduction of “Media Education” in schools was thus absolutely necessary. The support for this initiative by the line ministry in the person of Minister Corina Fusu for all educational levels acknowledges the input of the media^[15] in establishing an individual’s social-cultural code.

Guided by this understanding, in 2016 authors Natalia Griu, Silvia Spac and the undersigned developed the first optional curriculum, the only one of its kind at the primary level that covers three areas (social-human education, language and communication, arts and technology) and that suggests assessing skills in line with the Methodology of Criteria-Based assessment through Descriptors in Primary Education (2015). It was conceived as part of the new reference Framework of the National Curriculum.

In 2017, the same authors wrote the *Teaching Auxiliary Guide for Teachers and Pupils: Media Education* (grades 3 and 4) as

part of the Building the Freedom of Opinion in the Republic of Moldova Project with the support of Deutsche Welle Akademie and of the German Federal Ministry for Economic Cooperation and Development. On the basis of this manual that is distributed free to educational institutions and includes the Teacher’s Guide, teaching cards for six modules, a summative assessment (assessment criteria recommended for teachers and success criteria for pupils), 53 teachers from 46 schools were trained in a three-day workshop. Twenty-two of them teach the optional media education course while the others conduct learning activities at parents’ meetings, teachers’ meetings and methodological conferences with teachers from a district or from a region.

The usefulness of this course for pupils as well as for teachers and parents was reconfirmed at the assessments held in October when teachers presented projects on activities already conducted. The conclusions confirm first of all the professional and personal growth of the teachers trained who had developed their own media competence by teaching the full subject or parts of it. Suggestions to introduce this course at the secondary level comply with IJC activities for the coming years. The curriculum for Media Education (grades 7-8) is already developed; we hope it will be in schools in the academic year 2018–2019 along with the manual requested by pupils as well as parents, grandparents and older siblings.

Loretta HANDRABURA

[15] *Media education in a Digital Environment*. Recommendation, 2009. http://europa.eu/legislation_summaries/inform (Accessed on 18.07.2016).

The Perception of the Population of False and Distorted Information in the Media

(Fragment from the IMAS survey produced in October 2017 at the request of the Independent Journalism Center as part of the Media Campaign against False and Tendentious Information STOP FALS!, conducted by the Association of Independent Press (AIP), the Independent Journalism Center (IJC) and the Association of Independent TV Journalists of Moldova (AITVJ).

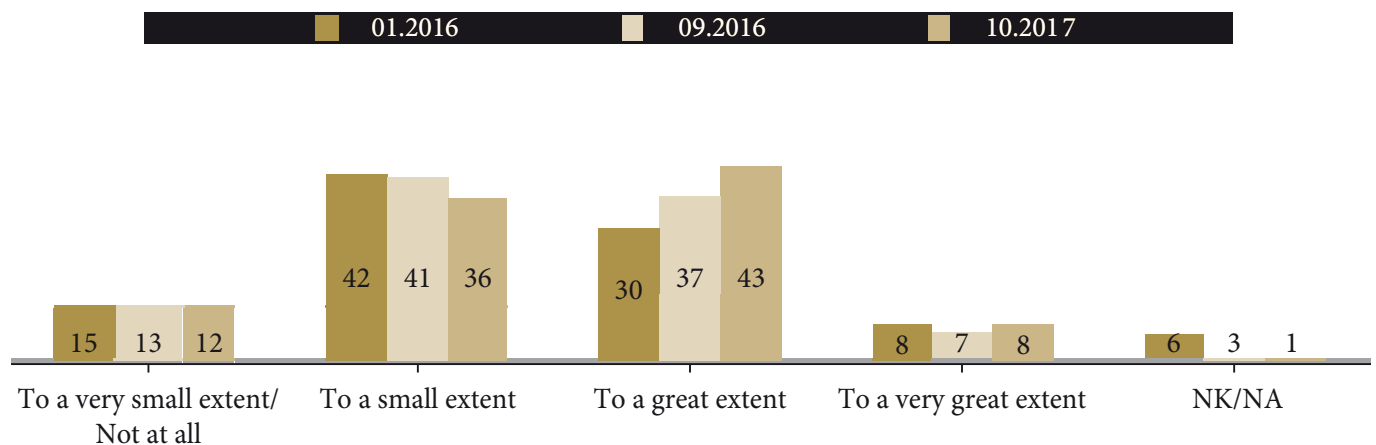
extent remains at a very low level of 8% (7% in September 2016, 8% in January 2016); however, as we can see in Chart 1, there are also some good signs. Despite the fact that 48% of respondents thought national media lacked responsibility in 2017, (54% in September 2016, 57% in January 2016), we see a consistent improvement in this indicator from 30% to 43% over two years.

Main conclusions

Overall climate

The share of persons interviewed who said that media in the Republic of Moldova behaves responsibly to its audience to a great

Chart 1. To what extent do you consider that Moldovan mass media institutions are responsible to their audiences?



Perceptions on information remained relatively similar to previous measurements at just over half (53%) stating they were satisfied with the information they had about what was happening in the Republic of Moldova.

Television continued to decline significantly among respondents' preferences in terms of socio-political news, reaching 52% in October 2017 from 65% in early 2016. In parallel with this phenomenon, more and more categories of people (young people, middle-aged persons; those with higher education and those with secondary education) were going online for information; the increase over the past two years was from 24% to 37%. Television remained increasingly preferred by those over 55 years of age, the poorly educated, the unemployed and predominantly rural residents.

Manipulation and its forms

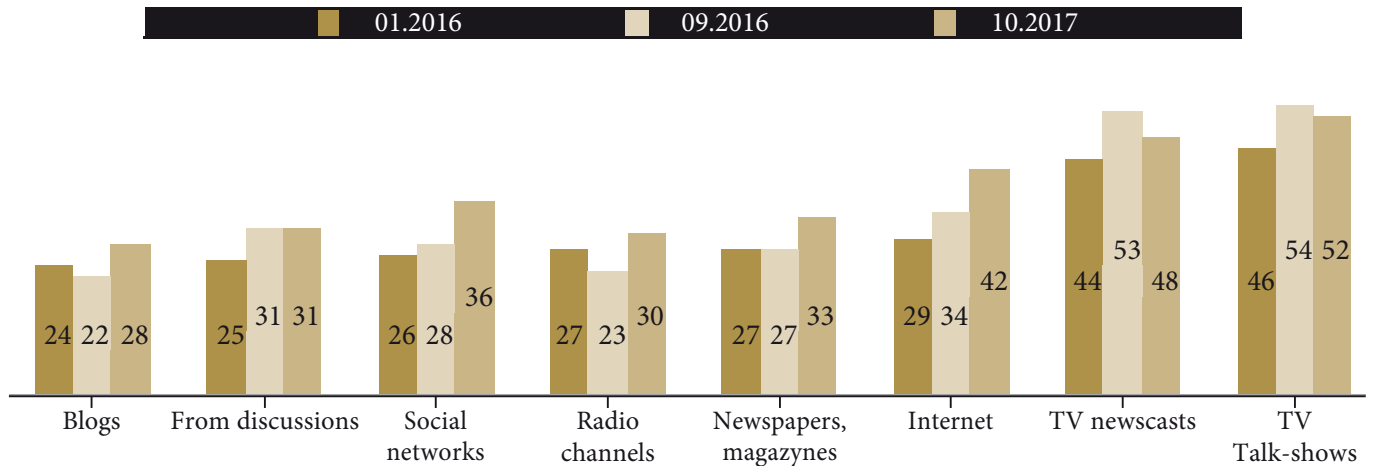
Those who believe that they possess to a great extent or to a very great extent the skills and abilities needed to decide whether a news item is manipulative/propagandistic increased from 51% to 60% in 2016; the current survey registered 56% in October 2017. While this survey reveals a worrisome phenomenon relating to false information throughout mass media, the only significant changes occurred online. As far as blogs are concerned, at the beginning of 2016, 24% of respondents believed there was false socio-political information on them; that share increased to 28%. For social networks this indicator grew from 26% to 36%, and for Internet sites it grew even more from 29% to 42% (Chart 2).

Telecasts of talk shows (52%) and newscasts (48%) were considered the most affected by the phenomenon of manipulation;

this gloomy situation was only slightly relieved by the relative stability of this indicator. Deteriorating trends were also record-

ed with respect to radio broadcasts as well as newspapers and magazines.

Chart 2. Respondents who believed socio-political information in (source name) is false to a very great extent or to a great extent



There are several ways to manipulate information produced and disseminated by mass media: by spreading completely false information, by presenting half-truths (lying through omission), by exaggerating unimportant facts and by quoting a person inaccurately or partially, among others.

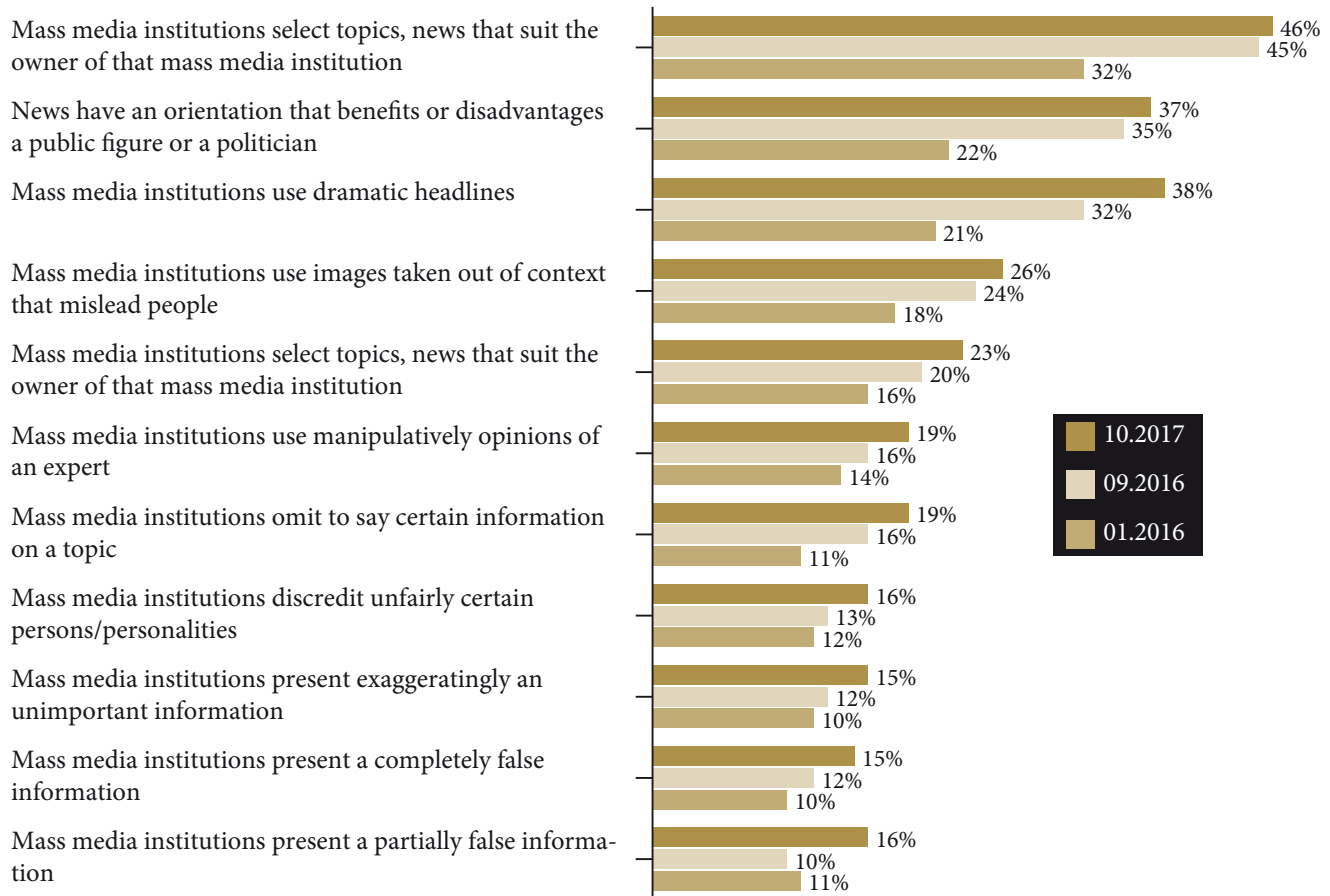
The first observation in this respect is that we witnessed an intensification of the phenomenon of manipulation in 2017, at least that is what the participants in this survey perceived. Each indicator shown in Chart 3 experienced increases both compared to the autumn of 2016 (during a full election campaign) and to the results recorded at the beginning of 2016.

According to the respondents' perceptions, at 46% the most common means of manipulation used by media institutions is the selection of topics to suit the institution's owner which was

14% more than in January 2016. In all, 37% of consumers very often had the impression that this was done primarily to improve the image of a politician or of a public figure (15% more than in January 2016). Also, the use of dramatic headlines experienced a 17% spike compared to January 2016 as did using images out of context to mislead people (from 18% in January 2016 to 24% in September 2016, to 26% presently).

An in-depth analysis suggested that males had a higher perception rate for these means of manipulation than females did. This correlated with a higher interest in political information as men seem to follow it more often and to relate more critically to it than other categories of respondents. Other variables that account for these perceptions is the level of education and residence (with more acute perceptions in urban areas).

Chart 3. Respondents who believes that the following occurs in the mass media (almost) always



Who is manipulating Moldovans?

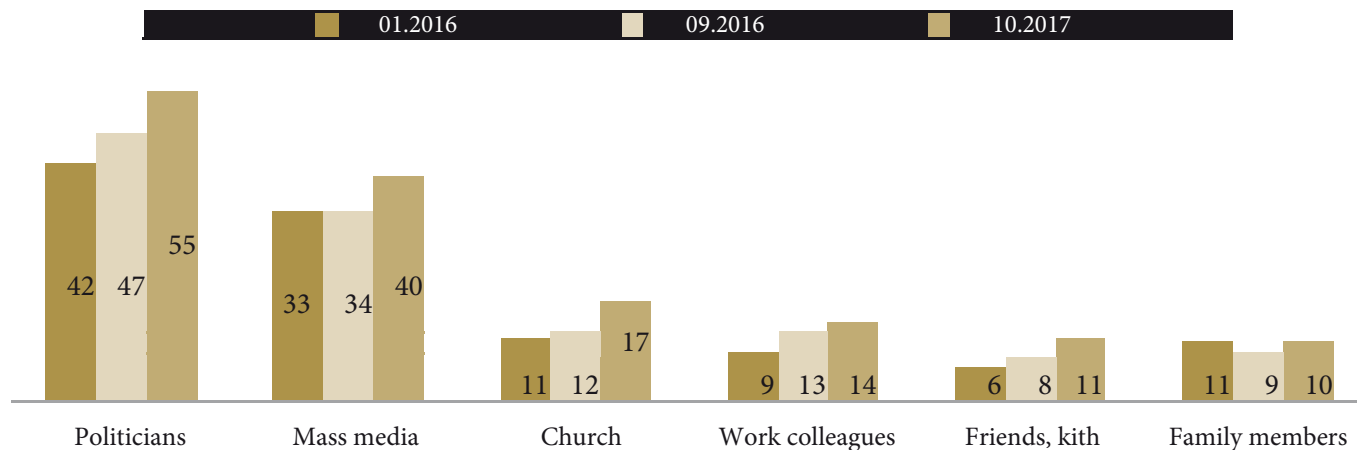
The share of persons who said they understood the concept of manipulation was approximately the same as in previous years: 74% in January 2016, 75% in September 2016, and 76% in October 2017. As in the previous studies, there were significant variations among socio-demographic segments. For example, the greater the age of respondents and the lower their level of education, the lower the percentage of those who said they understood this term. The same was true for persons who did not have a job and spent more time at home, especially for residents in rural areas.

Moreover, 20–21% of the total sample were aware there can be multiple forms of manipulation in mass media but nevertheless did not recognize all the forms listed in the table as such.

In another section of the report, we found a significant increase in the perception of false information presented online. This was also confirmed when manipulation by certain sources was presented. Overall, for each source the trend was the same: More and more people are trying to manipulate those who are less informed.

Of those respondents who said they knew the term manipulation, Moldovans most often felt manipulated to a very great extent or a great extent by the two main entities associated with it: politicians (55%) and mass media (40%). Even the church was cited at 17% while close relatives, friends and colleagues were relative pillars of trust.

Chart 4. The share of those who think to a very great extent or to a great extent that socio-political information coming from ... is false.



Preferences for socio-political issues

With regard to the number of hours, respondents said they spend searching for, reading or watching news on the socio-political situation, 48% spent up to 1 hour, 41% spent 2–3 hours while 11% spent more than 3 hours a day.

Respondents have the greatest interest in Moldovan media (97%), followed closely by Russian and Romanian media at 66% and 53% respectively. Media from other European countries were of interest to 47% of survey participants and 28% were interested in US media; both those indicators increased steadily since 2016 especially among respondents in urban areas.

When it comes to the credibility of media institutions from these countries, however, media from the Republic of Moldova and Russia were the least trusted at 29% and 34% respective-

ly followed by the media at 39%, Romanian media at 42% and the media from other European countries at 44%. It is worth mentioning that decreases in confidence compared to 2016 were significant except for Russian media.

All the TV channels included in the questionnaire recorded increases in the share of persons who considered that their newscasts were balanced with some registering rather steep increases compared to the beginning of 2016. Pro TV Chisinau (88%), Jurnal TV (84%), RTR Moldova (82%) and TV8 (23%) were the most highly rated; however, the last two channels have rather small audiences at 37% and 23% respectively of viewers in the total sample. The share of viewers who considered the news balanced on TV stations Prime TV, Canal 2, Canal 3 and Publika TV “belonging to those in power” (Vlad Plahotniuc) ranged between 71% and 78%.

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The opinions expressed in this publication
do not necessarily reflect the views of the IJC.

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Legea protecției martorilor

...când sunt corupți ordinii de peștit de
în aplicarea legii protecției martorilor. A
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Mari

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**Horizuri la nivel
internacional**

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...And
...de consolidare a sistem
...protecție a martorilor in c