

MEMORANDUM
ON THE FREEDOM OF THE PRESS IN THE REPUBLIC OF MOLDOVA

3 May 2020–3 May 2021

On the occasion of World Press Freedom Day celebrated annually on 3 May, non-governmental media organizations signed this Memorandum:

- Highlight that free, independent and pluralist media is an essential component of a democratic society;
- Reiterate that maintaining and strengthening the freedom and independence of media must be a priority for a state aspiring to implement democratic changes;
- Emphasize that free and independent public media plays an essential role in strengthening democracy, maximizing civil society's involvement in public debates and in the democratic participation of citizens;
- Note that Moldovan journalists continue to face numerous obstacles and impediments while performing their mission to inform citizens on issues of public interest;
- Report that during the pandemic, the public authorities that ensure the implementation of the state health policy were reluctant to ensure bilateral communication with media representatives;
- Regret that media is frequently used as a traditional propaganda tool and that the principle of editorial independence and institutional autonomy from political parties and interest groups remains illusory, particularly in public media;
- Believe that the trend of media ownership concentration in conglomerates is a threat to the freedom and pluralism of the audiovisual media;
- Underline that impunity affects not only the freedom of the press but journalists' daily work as well, creating a climate of fear and self-censorship;
- Note the reluctance of public authorities to counter and sanction illegal practices of physical and verbal intimidation of journalists.
- Insist on the need to urgently prepare and implement a plan of measures in order to:
 - ✓ curtail the influence of politics on the work of the media;
 - ✓ facilitate effective implementation of the National Concept on Media Development;
 - ✓ ensure fair and transparent competition among media outlets to protect them against the danger of going bankrupt and disappearing;
 - ✓ decrease the current gap between media market demand for journalists and the number that educational institutions are preparing;
 - ✓ develop real media pluralism in line with the new legal requirements, including by encouraging the emergence of new thematic audiovisual media services at the local/regional levels and by tapping into the potential of non-linear media services;
 - ✓ strengthen institutional capacity and professional skills to avoid, expose and/or counteract propaganda, disinformation and fake news.

THE DECLINE IN PRESS FREEDOM IS AT A RECORD HIGH (3 May 2020–3 May 2021)

From 3 May 2020 to 3 May 2021, the state of press freedom in the Republic of Moldova continued to degrade and ultimately reached alarmingly low levels. The pandemic crisis superimposed on the political instability and economic crisis in the Republic of Moldova has generated serious repercussions in the media sector dramatically exacerbating the problems of past years.

Economic deadlock decreased the possibility for media outlets to ensure their financial sustainability thus enhancing their vulnerability to political “bidders.” The electoral campaign in the autumn of 2020 fueled the politically partisan press and started information battles against the opposition, civil society and independent media.

The inability of the authorities to inform citizens correctly and promptly resulted in the deliberate contamination of the information space with fake information about the pandemic. The government’s lack of concern about improving the legislation and the inadequate implementation of the legal provisions in force undermined journalists’ rights and freedoms.

Terrestrial frequencies that are a national public asset continue to be used to the detriment of the national interest as the local audiovisual space continues to be invaded by foreign media products, some of which are clearly toxic.

In addition to the increase in cases of verbal and physical aggression against journalists, during the reference period the press became the target of legal actions brought mainly to intimidate investigative reporters. At the same time, the alarming frequency of hate speech by high-ranking officials against the press in addition to public threats fueled journalists’ state of insecurity.

This assessment of the state of the media is supported by the [2020 Moldovan Press Status Index](#) which revealed alarming indices and a decidedly negative trend in the state of the press over the last five years.

CONDITIONS OF PRESS (IN)SECURITY

Journalists—Beneficiaries of Illusory Guarantees

The steady decline in journalists' security is due to increased attacks, threats and intimidation against journalists by politicians and civil servants. Concurrently, the lack of an adequate response to these cases by law enforcement bodies is the determining factor in perpetuating these practices. Journalists do not enjoy effective protection, and impunity can encourage new attacks on media professionals. The following are some cases that demonstrate that in general, journalists cannot be completely safe doing their jobs in the Republic of Moldova.

- In a speech during the plenary meeting of Parliament, Deputy Speaker Vlad Batrancea [accused journalists](#) of committing certain illegalities and expressed his dissatisfaction with media outlets contacting the staff of healthcare facilities when documenting articles on the Covid-19 pandemic and the state of emergency. Media NGOs described the MP's speech as defamatory and inciting hatred against the media outlets.
- Ion Chicu, former Prime Minister of the Republic of Moldova, [launched denigrating messages against mass media in the public space](#), particularly against Pro TV. Previously, Vitalie Dragancea, former adviser of Ion Chicu, also made [inadmissible declarations against journalists of Ziarul de Garda](#).
- Natalia Cebotari, journalist from the regional newspaper *Znamea*, [was subjected to criminal accountability](#) after she published information regarding several violations of decent working conditions for employees committed by an employer.
- The Nordnews.md portal team [was not allowed access](#) to the headquarters of the District Council of Drochia where President Igor Dodon was meeting with the representatives of local public authorities although reporters from a TV channel affiliated with PSRM had unhindered access.
- Instead of responding to questions asked by TV 8 journalist Natalia Ghetu, MP Anatolie Labunet from the Socialist Party [used indecent language](#) that impinged on her honor and dignity.
- Employees of the State Protection and Guard Service (SPGS) exceeded their duties by [using physical force to obstruct](#) TV 8 reporter Mihaela Dicusar from approaching President Igor Dodon, Parliament Speaker Zinaida Greceanii and Prime Minister Ion Chicu to ask questions after the ceremony of laying flowers at the monument of Stephen the Great and Holy.
- When journalists Viorica Tataru and Andrei Captarenco were performing their professional duties in the proximity of Molovata Noua village, they were [intimidated and assaulted](#) by one of the troops assigned to a security post on the Nistru River. He hit Viorica Tataru, confiscated her phone and deleted several files from it. After the journalists boarded a ferryboat to cross the Nistru River, three peacekeepers forced it to halt in order to arrest them. Along with the other passengers, the journalists were detained until a police unit arrived.
- SPGS employees working in the security service of the President of the Republic of Moldova, [blocked the access of journalists](#) to the exit of the Central Electoral Commission to prevent them from questioning Igor Dodon who was there to register for the presidential election.

- SPGS employees [treated a PRO TV reporter roughly](#) while the journalist was trying to ask Igor Dodon some questions at a rally held in support of his candidacy in the presidential election.
- Journalists Viorica Tataru and Andrei Captarenco [were blocked](#) by military peacekeeping forces when crossing the Nistru River at Gura Bacului village. The peacekeepers were disturbed by journalists taking videos of them performing their professional duties and asked them to delete all of them, threatening them with arrest.
- TV8 reporter Catalin Gorias visited a locality where citizens from the left bank of the Nistru River were voting and [was illegally apprehended](#) by representatives of the Tiraspol administration. They deleted the photos he had managed to take on his phone.
- While doing their jobs at a farmers' protest in front of the parliament building, Jurnal TV reporter Iulia Sarivan and a Pro TV camera operator became—along with some of the protesters—[victims of a tear gas strike by law enforcement](#).
- Larisa Calic, author of a compilation of interviews with young people who had completed their military service, was [accused of extremism](#) in the Transnistrian region,

This list is not exhaustive but serves to highlight the state of press insecurity. We emphasize that newsrooms and journalists have to document and cover sensitive issues at their own risk without effective government protection as these and other reprehensible cases of harm to the media continue to be ignored by law enforcement.

LEGAL REGULATORY FRAMEWORK

(Un)justified legislative interventions and inadequate implementation of the law

From 3 May 2020 to 3 May 2021, the national legal framework regulating media work was neither complemented with new laws nor adjusted to sector needs. The consequences of deficient regulation in some areas of media activity were strongly felt, particularly during the campaign for president in the autumn of 2020. Though previous general, local and parliamentary elections had revealed the need for adequate regulations for election coverage, solving these problems was not a priority for government stakeholders vested with the power to amend the law.

Instead, Parliament focused its attention on the Audiovisual Media Services Code. As a result, less than two years after the law entered into force, it underwent a series of ill-timed and dangerous amendments that are contrary to the commitments made by the Republic of Moldova in the European Convention on Transfrontier Television. Cancelling the prohibition on rebroadcasting propagandistic audiovisual programs and the exclusion of the mandatory quota of European work in audiovisual media services substantially diminished the quality of the current legal framework and demolished a safety mechanism protecting citizens from possible misinformation and/or manipulative information from outside as well as from media aggression against the Republic of Moldova.

During the reference period, interpreting and implementing media law—especially the law on the use and protection of the right of access to information—was extremely uneven in practice. Since

the Administrative Code entered into force, both information providers and information consumers have faced difficulties in determining which legal provisions to apply in emerging legal relationships. Moreover, contradictory judgements on violations of the right of access to information were issued in courts where consistent application of the law and the right of litigants to choose appropriate case management should be ensured.

For journalists, the state of emergency during the Covid-19 pandemic meant not just working under special security conditions, it also restricted their access to information of public concern. In addition to the lack of policies on proactively publishing public information about the pandemic, the reluctance of the authorities, particularly of the central public authorities, to deliver information of public interest reached its maximum. This was exacerbated by the extended legal period for obtaining information of public interest. On 18 March 2020, the Commission for Emergency Situations (CES) tripled the period from 15 to 45 calendar days, then doubled it to 30 days on 15 April 2021.

The incorrect interpretation of the law on personal data protection is another barrier hindering the work of the media with journalists facing many unjustified refusals to provide the information requested on the grounds of personal data protection. Providers' administrative practices highlight the incorrect use of the law, as "personal data protection" is a phrase invoked automatically as a pretext to decrease transparency in the work of certain authorities and public institutions.

Using Article 70 of the Contravention Code to abusively sanction journalists for defamation is another law-enforcement challenge. In practice, people who believe they were defamed in a publication opt for filing a complaint with the police rather than in court. This option becomes an easy and comfortable mechanism for exerting pressure on the media as people acting in bad faith can influence official examiners, particularly at the local level.

Although national law guarantees media the right not to disclose sources of information, the vicious phenomenon of pressuring journalists to force them to renounce this right increased during the reference period. Numerous summons and visits to newsrooms by police officers and prosecutors reveal a practice contrary to the law which prohibits obliging a journalist to reveal the identity of the source during a civil or criminal proceeding.

All these situations dramatically reduce the capacity of the media to accomplish its social mission in a democratic society.

POLITICAL CONTEXT

**Challenges faced by media deemed "inconvenient" to politicians:
threats, intimidation, nuisance lawsuits and
selective attitudes towards providing information**

The pronounced political instability in the country has had a significant impact on the ordinary and typical functioning of the media. The unfavorable political context for the independent press perpetuated the practice of inadequately informing voters during the presidential election as the politically affiliated press held sway. The government managed to transform numerous media outlets into sounding boards for their own messages while independent outlets were intimidated by political interest groups. Politicians were mainly interested in political gains at the expense of ensuring the political stability favorable to proper media activity.

Estimations by the Promo-LEX Association show that the number of hate messages in the 2020 elections increased by over 40 percent compared with 2019. The situation grew even more critical as most of those messages, including those against journalists, were from leading government officials.

The political context in 2020 allowed for pressure and discriminatory treatment by politicians towards media outlets or journalists at the central and regional/local levels and encouraged the widening war between media outlets belonging directly or indirectly to various politicians. Orchestrated attacks were launched in the latter against a number of non-governmental media organizations and also against independent media and journalists “inconvenient” to those in power.

In this context, actions revealing the damaging situation for the local press include the following:

- the biased attitude of information providers towards journalists;
- intimidation of the media through numerous unjustified summons to court in defamation cases most of which had a favorable outcome for journalists which indicates that the lawsuits were filed to put pressure on the media;
- filing complaints with the police for alleged defamation by journalists;
- denigrating messages issued by high-ranking officials about media outlets;
- using the Broadcasting Council (BC) politically to control criticism from particular television stations and to tolerate violations by providers who serve politicians.

Note that the unbalanced reaction by the authorities to journalistic investigations into illegalities reveals the imperviousness of some political stakeholders. When media disclosures refer to politicians from the opposition, law enforcement bodies use the material to file cases, but when investigations reveal illegalities committed by high-level politicians in power, the authorities do not react.

ECONOMIC ENVIRONMENT

Financial vulnerability of the media to political bidders

The economic crisis intensified by the pandemic and social and political instability has had a severely negative impact on the functioning and development of media as a business. The fragile economic independence or lack thereof of most media outlets in turn has affected their editorial independence.

The main determinants of the fragile financial sustainability of media stakeholders include:

- shortage of relevant skills among media managers;
- lack of a coherent training policy for media managers;
- limited managerial capacity in media outlets resulting in chaotic development, including an over-representation of media outlets in the capital city compared with rural areas;
- lack of a functional institutional framework ensuring fair competition and preventing dominant positions in shaping public opinion;
- lack of policies encouraging internal and external investment in media development;
- non-transparent management and economic activity in the media sector;
- lack of legal provisions supporting the media, particularly local/regional outlets, resulting in the closure of media outlets due to the crisis, thus limiting citizens' access to information;
- delays and failures of the transition to digital terrestrial television;
- lack of an operational national body to coordinate media management policies.

In addition to the numerous problems causing economic precariousness in the media, there have also been attempts to sabotage the economic activity of media outlets founded by NGOs by passing Law No 86 on Non-profit Organizations. The legal prohibition for non-profit organizations to provide (free or paid) services to candidates during elections has limited media outlets' opportunities to earn income from broadcasting paid political advertising. This prohibition was removed by the Constitutional Court decision of 8 October 2020.

During the reference period, print media had to cope with additional problems because Posta Moldovei temporarily suspended the distribution of periodicals since it had to prioritize delivering pensions and social benefits to citizens during the pandemic. Newspaper stalls also had to shut down because of the pandemic. The authorities showed no concern, however, about lack of information for citizens or about the potential bankruptcy of periodicals.

Although the Audiovisual Media Services Code (AMSC) contains additional provisions aimed at strengthening the editorial independence of national public media providers, they do not work. This is not due to the insufficient legal framework but rather to obsolete administrative practices.

MEDIA INDEPENDENCE

Transforming media outlets into sounding boards for political parties

From 3 May 2020 to 3 May 2021, the quality of information in the Moldovan media space continued to degrade, mainly due to the interference of interest groups in the work of the media. The lack of legal protection to counteract political interference with editorial policy resulted in the contamination of the information space with misinformation and manipulative messages intended to either improve political ratings or discredit opponents.

Concentration of media ownership is one of the main factors that undermines the principle of media pluralism. Even if the law states that a single owner may have only two broadcast licenses, this legal norm has a negligible impact. The Competition Council which was mandated to annually assess the media market to prevent or address potentially dominant positions is not fulfilling this duty. Thus, we do not know the real situation in the market.

During the reference period, the consolidation of holding companies affiliated with former President Igor Dodon and other leading members of the PSRM (Primul in Moldova TV and Accent TV, NTV Moldova and Exclusiv TV) continued. Two other holding companies—one governed by Vlad Plahotniuc, the former leader of the Democratic Party (Prime TV and Publika TV) and the other by Ilan Sor, leader of the Sor Party (Televiziunea Centrala that changed its name to TV6 and Orhei TV)—continued to work, despite the fact that their patrons were outside of the country.

Note that all IJC monitoring reports on the elements of propaganda, information manipulation and violations of journalism ethics show that during 2020, the politically affiliated media favored, both directly and indirectly, the politicians and parties behind them. As a consequence, the public had access to almost identical editorial content that lacked diversity and pluralism of opinion and in some cases was manipulative and propagandistic.

The political affiliation of some important media outlets, their actions promoting certain political parties and discrediting political opponents continuously degraded the quality of media products.

The behavior of the media during the presidential election of 2020 proved the political commitment of many media outlets. Monitoring conducted by media NGOs revealed that some of the most-watched media, including national broadcasters, engaged in political partisanship, replacing journalism with propaganda. Politicians who own media outlets interfered extensively with their editorial policies encouraging self-censorship and disseminating biased, incomplete, often manipulative information to media consumers.

The national media information space remains insecure. In addition to the usual factors impacting the quality of media products, the reference period saw the emergence of new ones: the presidential election and the pandemic crisis. The situation worsened further after the so-called anti-propaganda law was annulled. It triggered the harmful influence of foreign propagandistic media content on the citizens of the Republic of Moldova.

Popular television broadcasters such as NTV Moldova, RTR Moldova, Primul in Moldova, REN TV Moldova, TNT Moldova, and CTC Moldova also continued to live off audiovisual programs retransmitted from the Russian Federation during the reference period, some of which were propagandistic. This did not contribute to strengthening information security but rather further weakened it.

The wire networks of the three main cable operators in the market are still dominated by Russian TV stations which account for a majority share. Although some of the retransmitted programs and some of the media services offered by distributors disregard AMSC requirements and undermine media security in Moldova, the attempts of the BC to change things were neither sufficient nor effective. In addition to the danger posed for information security, extensive broadcasting of foreign media products distorts the advertising market and all in all deters investment in local media production.

Press freedom in the Republic of Moldova: a priority for the state (?)

The media has an extremely important role to play in shaping the public opinion and consolidating democracy in the Republic of Moldova. The media helps to ensure that citizens are informed correctly, promptly and impartially on issues of public interest. Any functioning democracy implies guaranteeing the freedom of the press; the harmonious development of the media sector can be achieved only through a balanced alignment of social, political and economic factors with democratic mechanisms and by facilitating ethical relationships among them.

In order to encourage and protect the free media and to ensure the impartiality of media communication, we recommend that the government as the public authority that represents and exerts executive power and Parliament as the supreme representative body of the people of the Republic of Moldova and the sole legislative authority of the state, by virtue of their legal duties, develop, enact and implement democratic mechanisms to ensure the following.

- Prevent and suppress threats and/or aggression against the media and hold the offenders accountable.
- Monitor cases of intimidation and aggressive actions against journalists and inform the public on measures taken by law enforcement bodies.
- Enhance the activity of the Working Group on Improving Media Legislation established by the Parliament of the Republic of Moldova.
- Implement the National Concept Paper on Media Development in good faith.
- Implement public legal and economic policies focused on ensuring fair and transparent competition among media outlets that protects them from going bankrupt and disappearing.
- Promote the transparency of media funding sources as an important factor in media credibility.
- Curtail the influence of politics on the media by broadening the independent media sector.
- Decrease the current gap between media market demand for journalists and the number trained by educational institutions.

- Develop genuine media pluralism including by encouraging the emergence of new, thematic, local/regional audiovisual media services and by tapping into the potential of non-linear media services.
- Support and encourage investment into diversifying the media products offered to the public.
- Strengthen the institutional capacity and professional skills needed to avoid, expose or counteract media propaganda, disinformation and fake news.

Independent Journalism Center

Environment and Ecotourism Journalists' Association

Media-Guard Association

Association of Independent Press

Association of Electronic Press

Association of Investigative Reporters and Editorial Security

Access-Info Center

Center for Investigative Journalism

Press Freedom Committee