



EaP Media Freedom Watch

MOLDOVA

Sixth Reporting Period

July–September 2014

The Media Freedom Index, report and expert recommendations have been edited as part of the ENP East Media Freedom Watch project implemented by the Independent Journalism Center (IJC) in partnership with Internews Ukraine and with financial support from the European Union.

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Contents:

- 1. Introductory Note**
- 2. Panel of Experts**
- 3. Brief Overview**
- 4. Media Freedom Index**
- 5. Conclusions**
- 6. Roadmap**



1. Introductory Note

The Media Freedom Index and expert recommendations provided in the report are the product of the ENP East Media Freedom Watch project implemented with support from the European Union (EU). The two-year project focuses on rating media freedom in the six Eastern Partnership countries (EaP) based on quarterly questionnaires on four broad topics (politics, practice, broadcasting and Internet and new media) completed by media experts in each of the six countries. The experts rate 55 indicators from 0 to 30 for a possible total of 1,650 points. Based on the total, each country is ranked from 1 to 7 on the Index. The project is intended to contribute to media freedom and to freedom of expression by increasing regional and international awareness about the state of press freedom and journalists' rights in all EaP countries.



2. Panel of Experts

1. **Petru Macovei**, Director, Association of Independent Press
2. **Ludmila Andronic**, Chair, Press Council
3. **Ion Bunduchi**, media expert, Electronic Press Association APEL
4. **Nadine Gogu**, Director, Independent Journalism Center
5. **Olivia Pîrțac**, media law expert
6. **Doina Costin**, media law expert
7. **Lucia Bacalu**, Director, *Expresul* newspaper
8. **Vladimir Soloviov**, Editor-in-chief, *Newsmaker.md*
9. **Alina Radu**, Director, *Ziarul de Garda* newspaper
10. **Ion Terguță**, Director, *Mir TV* channel



3. Brief Overview

This analysis of the general political, economic and legal conditions influencing mass media is organized by the chapter headings in the questionnaire.

Chapter 1: Politics

Despite coinciding with summer time, the reporting quarter (July–September 2014) was full of important political and social events that directly or indirectly influenced the situation on the media market of Moldova. The intensity of events was mainly due to the closeness of parliamentary elections (30 November 2014), which Moldovan and foreign politicians and experts appreciated as being crucial for the democratic development of Moldova and for continuation of its European course. The signing of the Moldova-EU Association Agreement in June 2014 led to the intensification of political clashes between the parties that declare themselves pro-EU and those that promote closeness to Russia and the Customs Union. Accordingly, disputes on these topics dominated the agenda of media outlets, and there were some rearrangement on the media market in connection with the nearing elections.

On 4 July 2014, after a week of monitoring several local televisions that rebroadcast information and analysis programs from the Russian Federation, the Broadcasting Coordinating Council (BCC) decided¹ to suspend for six months the rebroadcasting of the *Rossia 24* channel in Moldova. Two outlets that rebroadcast the *RTR* and *Ren TV* Russian televisions were penalized with maximum fines, and the outlets that rebroadcast *Pervy Kanal* and *NTV* received public warnings for failure to comply with the national legislation on broadcasting. The BCC monitoring identified frequent violations of the principles of social and political balance, neutrality and objectivity in the information programs of Russian channels rebroadcast in Moldova, elements of aggressive propaganda, manipulation by means of text and images, etc. A similar monitoring concerning the tendencies of manipulation through mass media, produced by the Association of Independent Press (AIP) almost simultaneously with the BCC, also found² that the Russian channels rebroadcast in Moldova use methods of manipulation and disinformation in materials on the conflict in the Eastern regions of Ukraine.

Before the Parliament's vacation, MPs voted in the first reading some important draft laws, on the adoption of which the civil society insisted over the past several years, but which were slowed down by politicians for different reasons. These draft laws included the draft law on modifying and supplementing the Broadcasting Code, developed by the Independent Journalism Center (IJC) and registered as legislative initiative by a group of MPs representing the Liberal Democratic Party. The draft provides for introduction of a number of modifications into the Broadcasting Code and obligates broadcasters to make public the information on their owners and end beneficiaries, thus ensuring media ownership transparency. The Parliament voted for the draft law in the first reading on 21 July 2014, and politicians promised to adopt it in final reading after the Parliament's vacation, but it did not happen, because MPs did not have a plenary meeting after the vacation.

During the parliamentary vacation (31 July – 5 September), many of the MPs prepared for the electoral campaign, although the official electoral period began only on 15 September. One of the potential electoral contestants (the Democratic Party of Moldova, whose first deputy

¹ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=353796>

² http://www.api.md/upload/editor/Raport_nr_1_monitorizare_tendinte_de_manipulare.pdf



chairman Vlad Plahotniuc is the owner of a media trust that includes at least four televisions with national or quasi-national coverage) organized primary party elections in September, preceded by an information campaign titled “You are choosing your candidate”. This activity was massively supported by the media resources of the trust controlled by V. Plahotniuc, while his political opponents criticized it, accusing organizers of electoral campaigning outside the framework of the electoral campaign and of using administrative resources.

On 17 September 2014, the Division for Civil, Commercial and Administrative Cases of the Supreme Court of Justice adopted an irrevocable decision³, declaring inadmissible the appeal of a group of 13 broadcasters on annulling a decision of the BCC, adopted back in 2012, which established the share of local programs in broadcasting services, obliging broadcasters to air their own programs in the amount of at least 30% of weekly airtime, including half in the hours of maximum audience in the Romanian language. This decision ended a year and a half long dispute between the broadcasting regulator and some broadcasters (especially the ones that rebroadcast foreign products and are directly supported by some politicians, including the chairman of the parliamentary commission for culture, research, youth, sport and mass media).

The Teleradio-Moldova public company continued to work without a Supervisory Board (SB), which had been non-functional since December 2013, after the specialized parliamentary commission failed to propose for the vote by the plenum of the Parliament six candidates out of the 12 that passed the contest conducted by the BCC. On 10 July, media NGOs asked the Parliament to appoint the members of the SB before leaving for vacation⁴, but this appeal was not heard by MPs. Deputy Chairman of the parliamentary commission Valeriu Saharneanu later recognized that the Parliament sabotaged the work of the SB, and the blocking occurred because of the political affiliation of the BCC members⁵.

During the reporting period, conflicts around the public broadcasting company of the Gagauz autonomy (GRT) continued. Thus, after examining the case initiated by the former GRT president Ecaterina Jekova against the Supervisory Board (SB), the Comrat court decided that her dismissal had been illegal and blocked the company’s accounts until the former president is paid about 40 thousand lei representing her salary for the period when she had been removed from performing her duties and a compensation. Then, on 22 September 2014, from three candidates the SB chose Stepan Piron to the position of director of the region’s public television, but the other two candidates challenged the SB decision in court, which ruled on suspending Piron’s appointment. He accused the current GRT president Ana Harlamenco of organizing a campaign for his denigration.

During the reporting period, some relevant changes occurred on the media market of Moldova. Thus, in the second half of June, the print version of the *Adevarul Moldova* newspaper (property of Romanian businessman Dinu Patriciu) stopped being issued. The newspaper had been issued in Moldova since 2010, and it used to be appreciated for the quality of journalistic materials, especially investigative articles. Since May 2014, this newspaper had been in the process of insolvency, and the suspension of its publication was announced as temporary. But on 1 September 2014, Editor-in-chief Alina Turcanu and the majority of journalists announced about their resignation. After a break of several months and some reorganization, the print issue of *Adevarul Moldova* was resumed around the time of the parliamentary elections.

The Russian-language news portal Kommersant.md, which had been working in Moldova since 2010 and was appreciated for publishing objective information, stopped working during this period, too. According to official information, the website was closed because of financial difficulties, although the media wrote that the Russian publishing company

³ http://jurisprudenta.csj.md/search_col_civil.php?id=12827

⁴ <http://media-azi.md/ro/stiri/ong-urile-de-media-cer-parlamentului-s%C4%83-numeasc%C4%83-%C3%AEn-func%C8%9Bie-membrii-consiliului-de-observatori>

⁵ <http://www.ipn.md/ro/special/63733>



“Kommersant” prohibited to the Moldovan website to use its name. In any case, since 1 August 2014 the journalists of this website launched a new online media product in the Russian language, Newsmaker.md, which has positioned itself as an independent source of information.

In early September, the media informed that *Euro TV* and *Alt TV* channels allegedly became property of businessman Ilan Shor, who is also known for funding some parties and politicians. The BCC was subsequently informed that since 2 September 2014 these televisions had become property of the “Klassika Media” company, which allegedly belongs to Shor.

During the reporting quarter, there was a conflict between the publishers of periodicals and the “Posta Moldovei” (Post of Moldova) state-owned enterprise, which is the main distributor of print press at the national level. After “Posta Moldovei” informed publishers, on 5 September 2014, about the need to transmit newspapers for distribution packed for every post center in the country and offered to publishers to pack newspapers for a fee of 15 bani per copy, a group of publishers and the Association of Independent Press (AIP) asked for an urgent involvement of the Government and of the parliamentary commission for mass media in order to exclude abuses in the tariff policy of “Posta Moldovei”⁶. On 26 September, publishers announced about their refusal to sign the distribution contract for 2015 and asked for exclusion of the request of separate packing of newspapers for every post center in part and creation of a working group for the negotiation of a new contract. After negotiations and repeated appeals, the publishers’ requests were accepted.

During the reporting period, Moldovan authorities did not take any actions that might have endangered media freedom and the right to free expression, and experts even noticed some positive tendencies in this regard: the first indicator gathered a total of 27 points out of 30 possible, which is a 5-point increase to the previous report (22 points).

The situation with access to information of public interest did not change in this quarter when compared to previous periods, so experts maintained the same score for the second indicator – 21.

The indicator concerning areas with limited access to information also received a score similar with the previous period. Since regulatory documents do not establish these areas exactly and in practice legal norms can be interpreted and access to information can be limited unjustifiably, the total score for this indicator is relatively low – 19 points out of 30 possible.

Although defamation was decriminalized in Moldova back in 2004, experts marked the indicator concerning this aspect with only 26 points, which is 4 points less than for the previous period. It can be explained by the different perceptions of experts about the legal practice in the cases initiated against media outlets for defamation.

Experts noticed some positive changes in the registration of print media outlets, licensing of broadcasters, official censorship, and the score slightly grew after the previous quarter: 16, 22 and 30 points, respectively.

On 17 July 2014, the Parliament of Moldova adopted in the first reading the draft law on combating extremism, although some of its provisions were harshly criticized by the Moldovan online community, mass media and civil society representatives for the reason of it being considered as limiting Internet freedom. Media NGOs asked the Parliament not to adopt the document without additional public consultation with the representatives of the online community and of the civil society⁷, and the OSCE Representative on Freedom of the Media Dunja Mijatović said at a press conference that “*draft laws modifying the law on combating extremism in Moldova might threaten freedom of expression in the Internet*”. For these reasons, the last indicator of the “Politics” section obtained only 22 points, which is 5 points less than in the previous report.

⁶ <http://api.md/news/view/ro-sos-pentru-presa-scris-653>

⁷ <http://www.api.md/news/view/ro-ong-urile-de-media-solicita-parlamentului-sa-nu-admita-ingradirea-libertatii-internetului-565>



Overall, experts gave 183 points to this section of the questionnaire, with an increase of 4 points compared with the previous score. It is indicative of the fact that public policies in the field of mass media did not improve significantly, but they did not worsen, either.

Chapter 2: Practice

- *Assaults, threats, arrests*

Fortunately, Moldova has never had cases of killings of journalists for their professional activities, and for this reason experts attributed the maximum score of 30 points to the first indicator in this section.

During this period, there were also no cases of kidnapping, arrest, apprehension or violence involving journalists in connection with their professional activities. At the same time, there were several cases when journalists were threatened after publishing some materials. Thus, in August, the investigative journalists of RISE Moldova (the local branch of the RISE international project, which reveals corruption schemes, money laundering and organized crime at international level), notified about threats from some persons referred to in the investigation titled “Russian washhouse: Moscow–Riga via Chisinau”, which showed money laundering schemes in Eastern Europe. The *Ziarul de Garda* weekly investigative newspaper also made public, in September, a case of threats and pressure after the publication of the article titled “The luxury house and the woman behind His Eminence Vladimir” about the property and travels of the Metropolitan of Moldova. Contrary to expectations, authorities and law enforcement bodies did not take notice of these cases, or, at least, the public was not informed about it.

Also, Russian-language newspaper *SP* from Balti municipality signaled in August that it will bring a case to court against Balti Mayor Vasili Panciuk, who allegedly publicly offended and denigrated the newspaper’s image by unfounded accusations and misinformation.

Taking into consideration these cases of improper attitude and attacks against journalists and media outlets and comparing them with cases from the previous period, experts marked the section of assaults, threats and arrests with a total of 275 points, which is 20 points more than in the previous report. Thus, the situation in this regard returned to what it had been in the first quarter of the year.

- *Justice*

Although in the period of July–September 2014 there were no essential changes in this regard, no new cases were initiated against mass media and no major incidents involving journalists were noticed, the general perception of experts is that the situation slightly worsened, and the total score of 128 points is five less than in the previous quarter.

- *Access to information*

During the reporting period, access to the information of public interest slightly improved, and data about businesses became available online on the portal of open data www.date.gov.md. Thus, the total score for this area improved with 7 points in comparison with the previous quarter, making up 92 points.

- *Censorship and self-censorship*

Cases of media censorship or confiscation of media products were not identified, so the score remained nearly the same – 59 points, one point less than the previous time.

Experts admitted that self-censorship exists in some Moldovan media outlets, both public and private, and that the choice of topics for coverage is specific to mass media controlled by certain persons related to politics or business. The indicators in this regard show a slight increase



of the score: self-censorship – 12 points in contrast with 9 in the previous quarter; taboo topics – 29 points in contrast with 24 in the previous quarter. Overall, the section of censorship and self-censorship scored 100 points, which is 7 points more than in the previous report.

- *Monopoly*

The situation with monopolies in mass media has not changed a lot. Although there is no state monopoly in this field, the media market has been liberalized and there are no restrictions in the publishing and printing industry, the market is still dominated by some companies, because authorities did not create favorable conditions for the development of alternative entrepreneurship. Thus, experts gave a modest appreciation to the degree of demonopolization of the print press distribution market and found that the media ownership and owners transparency is very small.

At the same time, during the reporting period a draft law that might ensure media ownership transparency was voted in the first reading. Experts also mentioned that the representatives of the parliamentary and extraparliamentary opposition parties had access to public and private media outlets, and that they were highly visible in the media in the period of July–September 2014.

Overall, this section obtained 108.5 points, i.e. 11.5 points more than in the previous quarter.

- *Economic conditions*

The first two criteria in this section – the impact of the fines applied by courts or regulatory institutions to media outlets on their further economic activity and the impact of the checks conducted by fiscal or other bodies – again obtained high scores. It happens because the recent years' practice indicates on the fact that sanctions are not severe enough and do not usually have a dramatic influence on the economic situation of mass media.

Furthermore, experts reiterated that Moldova has no programs for the support of mass media; a legislative initiative in support of print media was registered last year, but it still has not been adopted.

Overall, the section on economic conditions obtained 197 points – two points less than in the previous report, meaning that the situation remained nearly the same.

The total results for the “Practice” chapter are better than in the previous quarter – 900.5 points in contrast with 857 points for the period of April–June 2014, or 43.5 points more. The situation apparently improved after a spectacular fall of 56 points in the previous quarter compared with the first quarter of 2014. However, journalistic practices are not backed by a climate of full freedom and lack of internal and external pressures on the journalistic activities for public interest.

Chapter 3: Broadcasting

During the reporting period, the work of the Teleradio-Moldova (TRM) public broadcasting company was still marked by the absence of a functional Supervisory Board (SB) able to conduct public control and assessment of the company's performance and to guarantee fulfillment of the public interest and political pluralism in the period of preparations for the coverage of the electoral campaign. During the same period, TRM finished the implementation of a project of re-technologization and technical re-equipment of a modern studio, which will be used to produce four TV programs. The project was financially supported by several donors.



The regional public broadcaster, Teleradio-Gagauzia (TRG), kept struggling with internal conflicts, which were mainly caused and stimulated by the local politicians that make up the People's Assembly. The company's SB, whose members had been appointed by the regional legislative body based on political criteria with the clear intention of political control before the elections of the autonomy's governor (bashkan), worked with deficiencies, and some of its decisions are contrary to the national and local legislation. As a consequence, lawsuits were initiated to annul these decisions.

Because of these and other considerations, experts maintained the score at the level of the previous period, 21 points, and said that although there are public broadcasters in Moldova, their editorial independence is marked by political interference.

Public authorities as a whole do not pressure private broadcasters in order to force them to cover certain events in the manner they find convenient, but the politicians' interference and control of their editorial activities is evident, since some of the politicians of the governing coalition are direct or indirect owners of some of the largest televisions. Therefore, experts did not find any reason to raise the score for this indicator, and maintained it at the level of the previous report – 20 points.

The assessment of the work of the national broadcasting regulator (Broadcasting Coordinating Council, BCC) also remained unchanged. Although some events allowed the BCC to strengthen its position of guarantor of public interest in broadcasting by means of publishing monitoring results and applying sanctions on the national companies that rebroadcast Russian televisions used for propaganda, this indicator obtained 21 points, like the previous time.

Parties' access to airtime during electoral periods and political campaigns was marked with a high score of 28 points – one point less than in the previous period. Experts noticed that political parties generally have equal access to the programs of the national public broadcaster, while private broadcasters do not always ensure balance in the presentation of political actors.

During the reporting period, the program of transition from analog to digital television, approved in early May, was still not published. According to the State Chancellery, the program was undergoing the technical procedure of repeated examination and adjustment. Although experts noticed the deficit of transparency in transitioning to digital television, which leaves the possibility for interpretation and suspicions about the existence of group interests in this process, they welcomed the approval of the program and the fact that some of the experts' proposals were taken into consideration by responsible representatives of the Ministry of Information Technology and Communications. Overall, this criterion obtained 16 points, which is 3 more than in the previous assessment.

Per total, the chapter of broadcasting obtained 106 points – 2 points more than in the previous report.

Chapter 4: Internet and New Media

There were no cases of arrests or other sanctions against Moldovan bloggers or other active Internet users for their opinions. Also, there is no State monopoly in Internet service provision and the prices for these services are acceptable. For that, experts gave maximum points to these sections of the questionnaire.

At the same time, experts noticed that some clauses of the draft law on combating extremist activities, adopted by the Parliament in the first reading in July 2014, were perceived by a part of the online community and by mass media as a threat to the freedom of expression in the Internet.

The total result of this chapter for the period of July–September 2014 is 132 points, or 12 points less than in the previous assessment. It is particularly explained by the initiation or adoption of regulatory decisions that, in experts’ opinions, are able to limit Internet freedom or introduce some mechanisms for its regulation.

Media Freedom Index

According to the methodology, each indicator is assessed by experts on a scale of 0 to 30 points, with 30 indicating the highest level of press freedom. All scores are summed up for every chapter. The country’s index for individual chapters is then calculated based on the ratings indicated in the following tables showing the scores for Moldova.

Chapter 1. Politics (8 indicators, 240 maximum points)

Rating (number of points)	Moldova’s score	Index
0–49		1
50–79		2
80–109		3
110–139		4
140–169		5
170–199	183	6
200–240		7

Chapter 2. Practice (37 indicators, 1110 maximum points)

Rating (number of points)	Moldova’s score	Index
0–179		1
180–329		2
330–479		3
480–629		4
630–779		5
780–929	900,5	6
930–1110		7

Chapter 3. Broadcasting (5 indicators, 150 maximum points)

Rating (number of points)	Moldova's score	Index
0–29		1
30–49		2
50–69		3
70–89		4
90–109	106	5
110–129		6
130–150		7

Chapter 4. Internet and New Media (5 indicators, 150 maximum points)

Rating (number of points)	Moldova's score	Index
0–29		1
30–49		2
50–69		3
70–89		4
90–109		5
110–129		6
130–150	132	7

Finally, the points for all four chapters are summed up to calculate the overall index.

Overall score (55 indicators, 1650 maximum points)

Rating (cumulative number of points for all 4 chapters)	Moldova's score	Index
0–250		1
260–470		2
480–690		3
700–910		4
920–1130		5
1140–1350	1321.5	6
1360–1650		7



4. Roadmap

Experts' recommendations for ensuring access to information

The majority of experts find that the Law on Access to Information no. 982 of 11.05.2000⁸ is generally good. However, its implementation and the attitude of officials towards their obligations under this law are still deficient. The law is general, with the same rules for all persons seeking information. Considering the specific role of journalists in a democratic society, in order to facilitate access to information for the workers of media outlets, it should be supplemented with provisions that would allow journalists to inform the public correctly, objectively and more quickly and efficiently.

Thus, the Law on Access to Information should contain special rules on access to information for journalists, with criteria used to differentiate journalists from other persons that publish information. For example, easily accessible information should be offered to journalists in not more than 3 working days, and only for the information that needs archive searches or is difficult to obtain the term shall be 15 working days, like the current version of the law prescribes for all categories of applicants. Also, the article that establishes the terms for provision of information must be supplemented with different terms for different situations. So, for electronically accessible information that can be delivered in electronic form the term might be 3 days; for the information accessible only in print form – 15 days; for the information produced during the last year, the term must be minimum (3 days), for the information produced in the last 3 years – medium term (10 days), and for the information older than 3 years – maximum term (15 days).

The law must be adapted to the requirements of the digital era and to the newest practices of electronic government that are being implemented in Moldova. It would be good if the law encouraged registration of requests for information and the delivery of replies to these requests via the Internet, in order to save time and public money. The article of this law that requires payment for provision of information must be detailed, with eventual development of special regulations, in order to specify the payments that shall be made, depending on the categories of official information providers. At the same time, a system must be created to aid investigative journalists, who should receive any information from the “Cadastre” service and from the State Registration Chamber free of charge (simultaneously, a possibility must be identified to differentiate the journalists that conduct investigations or need information for public interest from other persons, who just publish different texts, including materials in tabloids or entertainment publications; this role could be attributed to the parliamentary commission on media, the Press Council or a joint group of experts).

Furthermore, experts believe that the legal rule on access to the data that are so-called trade secret should be detailed in order to avoid its abusive interpretation by the institutions that do not want to offer certain information.

⁸ <http://lex.justice.md/md/311759/>



Experts also believe that in order to efficiently ensure access to the information of public interest, a code of conduct for the employees of press services of public institutions should be developed and put into practice. This document could contribute to the development of a “culture” of openness and transparency of public institutions and would allow setting the priority of public interest over departmental interest. The work on such a code should be conducted together with journalists and press service employees. Thus, the interaction between journalists and public institutions would be more efficient, facilitating reception of information of public interest. It is necessary to organize specialized trainings for journalists and representatives of public institutions’ press services.

It is also necessary to review/improve the public institutions internal regulations’, so that they reject the “philosophy” of information classification in favor of promotion principles’ public control and departmental transparency. Experts noticed that one of the “sealed” (i.e. difficult to access) institutions is the Moldovan Parliament, which has recently restricted access of the media to plenary meetings. The Government of Moldova intends to stop the practice of direct broadcasts of its meetings, too.

Some experts believe that the public-private media strengthening working group should be restored (this communication mechanism between mass media and authorities existed in Moldova in 2009–2012) and that it should periodically address the problems of the press that directly depend on the action/inaction of authorities: access to information, distribution of the press, media access to the Parliament’s meeting room, etc.

7. Conclusions

In July–September 2014, experts found a slight improvement in some of the assessed segments, but concluded that the general situation of mass media in Moldova did not change in the 3rd quarter of the year when compared with previous periods. Overall, the four assessed chapters (policies in mass media, practices of the media, broadcasting, Internet and new media) gathered 1,321.5 points, while in April–June 2014 the score was 1,284 points. The growth was especially determined by the increase of the score for the chapter on practice (from 857 to 900.5 points), with modest progress in the chapters on policies (from 179 to 183 points) and broadcasting (from 104 to 106 points), while the score for the chapter on the Internet and new media decreased (from 144 to 132 points).

The overall growth of 37.5 points is not based on spectacular development of the press freedom situation or on beneficial changes in the practice of journalists and media outlets in Moldova. On the contrary, experts mentioned that journalism still does not happen in a climate of full freedom, that internal and external pressures on journalistic activities had not been overcome, and that, given the approaching electoral campaign, they will increase. At the same time, referring strictly to the assessed period (July–September 2014), experts noticed the declared openness of authorities to solve some problems in the field of mass media, but only some of these intentions materialized in concrete actions, and the sustainability of these actions was not ensured.