



Report on the Situation of the Press in Moldova in 2012



This report is a brief description of significant events that describe the situation of the media in the Republic of Moldova in 2012. A chapter dedicated to the media in the Transnistrian region is also included. The report is available in Romanian, English and Russian. It was prepared by Elena Candu for the Independent Journalism Center with the financial support of the Civil Rights Defenders, Sweden. The opinions expressed in this report are those of the Independent Journalism Center and do not necessarily represent those of the donors

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Developments and Trends in the Moldovan Press in 2012

- **Freedom of the press in Moldova according to international reports**

Regarding the freedom of the press, 2012 was not radically different from previous years. After the change in status in 2010 from “not free” to “partly free,”¹ the trend was to maintain it, though a certain stagnation and even regression were noted. Thus in 2012, Moldova lost two positions in the general rating by Reporters sans Frontiers (Reporters without Borders), ranking 55 out of 179 with a total of 26.01 points. In 2011, Moldova ranked 53.²

There were no major developments in the media market in 2012. The legislative framework was not improved, and print media are still facing one of their most pressing problems, namely the rise in prices for distribution, especially with the price adjustments made by the Post of Moldova.³ Also in 2012, there were several abuses committed mainly by individuals against journalists. In most cases, the perpetrators were identified, and criminal cases were initiated.

- **Political context**

In 2012, the situation of the media in Moldova did not change dramatically compared with the previous year, yet press freedom did not receive the special attention from the government it had received in previous years. Although when the Alliance for European Integration (AEI) came to power in the summer of 2009 they promised to harmonize the legislation on mass media with European norms, to adopt a new broadcasting code, to continue reforming the public broadcaster Teleradio-Moldova (TRM), and to encourage investment in local media, the Broadcasting Code adopted in 2006 is still in force, and the public broadcaster is still reforming.

Considered to be the year of overcoming the political crisis, 2012 brought some stability in this sense, a rather important change compared to the situation in 2011. Thus, in 2012 the President was elected after nearly three years of trying. Mr. Nicolae Timofti, who before being elected head of state had been chairman of the Superior Council of Magistracy, received 62 votes out of 101. The election of the President brought some tranquility into the governing alliance, while the situation in the opposition camp became tense due to the desertion of the Party of Communists of Moldova (PCRM) by some of its members. In 2012, Mr. Vadim Mishin, Mr. Ion Ceban, and Mr. Sergiu Sirbu, left the party seriously disrupting the main opposition party.⁴

In 2012 some other important events occurred that were relevant to political stability: the reform of the judiciary “recommended”; the reform of the Centre for Combating Economic Crimes and Corruption was initiated; and the Law on Equal Opportunities was adopted. Also, events of major importance occurred in foreign policy including visits by Angela Merkel, Federal Chancellor of Germany, Mr. Jose Manuel Barroso, President of the European Commission, Mr. Bronislaw Komorowski, President of Poland, and Mr. Jean Claude Mignon, President of the Parliamentary Assembly of the Council of Europe. According to experts, these visits were indicative of European

¹ Freedom of the Press 2011, Freedom of the Press 2012, reports published by Freedom House, available at <http://www.freedomhouse.org/report/freedom-press/freedom-press-2011> and <http://www.freedomhouse.org/report/freedom-press/freedom-press-2012>

² Press Freedom Index 2013, published by Reporters sans frontières, available at http://en.rsfs.org/spip.php?page=classement&id_rubrique=1054. The report is based exclusively on the events that took place between December 2011 and late November 2012.

³ <http://www.zdg.md/investigatii/posta-cu-handicap-killerul-ziarelor>

⁴ <http://www.zdg.md>

support for integrating Moldova into the European Union. Another landmark foreign policy event was the repeal by the United States of the Jackson-Vanik amendment, which had been in force since 1974 and restricted trade with countries in the Communist bloc.

For the Autonomous Territorial Unit of Gagauzia, 2012 also was an important year marked by elections to the People's Assembly, which for the first time ever enjoyed increased attention from politicians in Chisinau.

Although 2012 was marked by important political events, we cannot say that the political situation in Moldova has seen great improvement. Thus, according to the Freedom House report, in terms of politics as well as in terms of freedom of the press, Moldova advanced only one point from 19 in 2011 to 18 in 2012. In the fields of justice and the economy, the situation remained the same as in 2011, i.e. 17 points for justice and 19 points for the economy.

Relations between mass media and politicians also evolved somewhat despite still appearing to be deteriorating in some areas. It should be noted that for the first time the Parliament of Moldova invited media NGOs to attend plenary sessions and sought information from them about the freedom of the press in Moldova.

- **Mass media in election campaigns**

The year was a quieter one in terms of electoral campaigns. The only events were elections in Gagauzia and several new rounds of local elections in various regions of the country.

In Gagauzia in September, elections were held for the 35 members of the Fifth People's Assembly (Halk Topluşu). A total of 163 candidates participated in the elections (83 from political parties and 80 independents). Both rounds of elections were declared valid as the rate of participation in the first round was 50.65% and in the second was 50.96%. The new People's Assembly includes 7 members of the Party of Communists, 2 members of the Liberal Democratic Party, 1 of the Socialists, and 25 independents.⁵ According to some assessments, this election was about the struggle for political control over the region and resulted in defining separate areas of political influence in the territory. According to one opinion, Chisinau politicians used these elections to prepare the field for the upcoming national electoral battles.⁶

According to the interim monitoring report of the public association Pilgrim-Demo in Gagauzia,⁷ during the election campaign the media in the region partially complied with the provisions of the Regulations on Media Coverage of the Campaign for the Election of the People's Assembly (Halk Topluşu) of Gagauzia (Gagauz Yeri) of 9 September 2012, with the provisions of Moldovan legislation, and with journalistic ethics.⁸ Thus, media outlets funded from the public budget of the autonomous region and private media outlets regularly reported on the activities of the Central Electoral Commission (CEC), informing the public mostly in news items and interviews about how candidates registered, the creation of constituencies, the number and political affiliation of registered candidates, and other events related to the organization of the election.

⁵ <http://www.alegeri.md/>

⁶ <http://tribuna.md/2012/12/29/comentariu-anul-politic-2012-o-analiza-la-rece/>

⁷ Public Association Youth Center "Pilgrim-Demo" from the ATU Gagauzia

⁸ <http://www.e-democracy.md/files/elections/gagauzia2012/interim-report-pilgrim-demo-gagauzia-2012-ro.pdf>

Nevertheless, not all items providing direct or indirect coverage of the People's Assembly elections were listed under the heading "Elections-2012" as required by the regulations. The media outlets monitored published material that contradicted the principle of objective and unbiased coverage of the elections, and some reports were clearly campaigns for certain candidates or political groups.⁹

According to the same report, the newscasts of the public broadcaster Teleradio-Gagauzia were relatively balanced, although they also broadcast news items that favored certain candidates and political parties.¹⁰

The regional public newspaper *Vesti Gagauzii* published the decisions of the CEC on the organization of the election, including the lists of registered candidates and constituencies; however, it also published information that shed a positive light on some sitting members of the People's Assembly who were running for a new term, thus indirectly promoting them. The newscasts of the private TV station Eni Ay TV (Comrat) during the election period clearly favored certain candidates.¹¹

- **Media market**

In 2012 the media market continued to grow at the same pace as in the previous year, and in some cases even faster. Over the past two years the print press seemed to be losing ground, but this year with several new publications emerging we can say that it is recovering. As confirmation, in 2012 the Ministry of Justice registered 10 new periodicals, 3 more than last year. Although 2012 was a difficult year for print media given the postage increase by the public company Post of Moldova, more periodicals were registered.

New TV and radio stations and new online portals also started up. Thus, in 2012 the Moldovan media market continued to diversify its offerings, modifying grids and content in such a way as to attract as many consumers as possible.

As in previous years, TV stations were in constant competition, and some journalists migrated from one TV station to another. In 2012 Ms. Natalia Cheptene left her position as newscaster with the station Pro TV Chisinau to launch her own show with the station Acasa in Moldova.¹² At the end of the year, Ms. Natalia Morari, host of the show "Fabrika" on private station Publika TV left as did Ms. Mihaela Gerasim, host of the shows "De facto" and "Replica" on private station Prime.

We can say with certainty that broadcast media have been expanding annually and that the interest of consumers is growing. This fact has been demonstrated by the report of the National Regulatory Agency for Electronic Communications and Information Technology (ANRCETI),¹³ according to which the number of subscribers to retransmissions of television programs (multichannel TV services) grew compared to the previous year. The largest growth was registered among subscribers to digital multichannel TV. Also, according to the Barometer of Public Opinion in Moldova

⁹ Ibidem

¹⁰ Ibidem

¹¹ Ibidem

¹² <http://unimedia.info/stiri/video-lansare-acasatv-in-moldova-natalia-cheptene--fata-televiziunii-54829.html>

¹³ <http://www.anrceti.md/news30112012>

conducted by the Institute for Public Policy, the main source of public information continues to be television (88%), and it is also the source of information in which 67% of the population has the greatest trust.¹⁴ As for the TV stations that inform the adult population, according to the Barometer of Public Opinion the situation is as follows: Prime TV (49%), Moldova 1 (45%), Pro TV (26%), Jurnal TV (15%), TV7 (14%), Publika TV (12%).

In terms of trust in the objectivity of TV stations, the top ranking remains unchanged.¹⁵ These data are confirmed in the audience report of the Independent Journalism Center (IJC) of April 2012.¹⁶ The most listened to radio station in the country is Radio Noroc, followed by Russkoe Radio and Radio Moldova.¹⁷

As in previous years, in 2012 the media market in Moldova saw new outlets, including the launching of several new private radio stations and new television stations. In addition, the Broadcasting Coordinating Council (BCC) granted licenses to five radio stations and eight television stations.

The most important newcomers in 2012 included Canal 3, which began broadcasting in August. Initially, it broadcast news only in Russian, namely Russian films and productions, but it soon started also broadcasting news in Romanian. In an offline session with Moldovan bloggers organized in May, the Prime Vice President of Parliament, Vladimir Plahotniuc, said that Canal 3 is part of the Prime Group holding that he administers.¹⁸ Just a few months after its launch, Canal 3 and another private TV station that is part of the same holding won rights to rebroadcast Champion's League matches in Moldova. Thus, exclusive rights for the league matches were granted to Canal 3, while those for semi-finals and finals went to Prime.¹⁹

Another media newcomer in 2012 was TV station Acasa in Moldova, which offered a new local product hosted by Ms. Natalia Cheptene. The station is a branch of the station Acasa TV Romania and broadcasts on the same frequency several hours per day and is part of the Media Pro family.²⁰ They have also launched themselves online.

The Center Studio (Chisinau) of the Meridian Association of Regional Broadcasters has produced two daily regional newscasts in Romanian and Russian since September 2012 from the televised items sent to it by the regional broadcasters that are members of the association. The newscasts are posted on the website canalregional.md and are broadcast on the same day by association members.

Radio Zum Chisinau also started up in 2012 and broadcasts on the frequency 93.3 FM. The mission of this radio station according to its Facebook page is to accommodate consumer desires and visions.

Publika TV station broadcasts via satellite, but it also acquired terrestrial frequencies by means of transfers in several districts including Straseni, Ocnita, Floresti, Briceni, Cantemir, and others.²¹

¹⁴ http://www.ipp.md/public/files/Barometru/Rezumat_de_presa_BOP_20_11_2012.pdf

¹⁵ Ibidem

¹⁶ http://www.ijc.md/Publicatii/sondaj/Raport_TV_MediaMas_1203.pdf

¹⁷ Ibidem

¹⁸ <http://unimedia.info/stiri/permalink-50989.html>

¹⁹ <http://unimedia.info/stiri/permalink-53401.html>

²⁰ <http://perfecte.md/article/howto/natalia-cheptene-asa-cum-nu-ai-mai-vazut-o-pana-acum-ce-surpriza-ti-a-pregatit-vedeta-video.html>

²¹ Decision on the transfer of broadcasting licenses, no. 111 as of 19 July 2012, *Monitorul Oficial* no. 181-184/1088 as of 31 August 2012.

Among the 10 periodicals newly registered at the Ministry of Justice (*Basarabia Literara*, *Gazeta Basarabiei*, *Ora Moldovei*, etc.), 2 are local—*Adevarul de Stefan-Voda* and *Curierul de Causeni*. We can also mention the Independent Press Agency IDC PRESS, which was registered for the purpose of disseminating impartial, unbiased news while complying with the Journalist's Code of Ethics. According to the register, the director of the agency is Mr. Vasile Grozavu, whose name also appears as editor-in-chief of another periodical, *Favorit de la inima la suflet*, registered a month earlier.

As for online media, according to the data provided by AdWeb, websites protv.md and unimedia.md are the most visited news portals in Moldova.²²

In 2012, while some new media outlets started up, some existing ones disappeared. The BCC withdrew the broadcasting license of TV station NIT that was affiliated with the Communists. The station has challenged the BCC decision in court, and is currently active only online at www.nit.md.²³ Also this year, public TV station Moldova International stopped broadcasting. The decision was made by the TRM Supervisory Board in October 2012, following the motion put forward by TRM president, Constantin Marin, who justified his request by citing the money to be saved.²⁴

²² <http://unimedia.info/stiri/permalink-46506.html>

²³ Further details about the case of *NIT* see in the following chapters.

²⁴ http://www.noi.md/md/news_id/15783

II. Public Broadcasting

- **Broadcasting Coordinating Council**

In 2012, three BCC members left the institution after their terms expired. Gheorghe Gorincioi, Corneliu Mihalache, and Ludmila Vasilache were replaced by three new members appointed by Parliament for a term of six years.

On 9 October 2012, the Parliamentary Committee on Culture, Education, Research, Youth, Sports, and Mass Media announced a competition for the three vacancies, and on 7 November 2012 it elected three candidates to be confirmed by Parliament. Twelve persons stood for the three vacancies. This time, as previously, the media speculated about the new members' political affiliations. On 15 November, Parliament appointed the new members with the support of the MPs representing the AEI, while Communist MPs abstained from voting on the grounds that the candidates were politically engaged. Mr. Iurie Colesnic, who had been recommended by the Writers' Union, Ms. Olga Barbalata, lecturer at Moldova State University, and Ms. Cristina Matu, former head of the Public Relations Section of the Department of Penitentiary Institutions, are the new BCC members.

It should be noted that Gheorghe Gorincioi who had been president of the BCC for over four years and had resigned from that position in March 2011 after reaching retirement age remained a member of the BCC until the investiture of the three new members. Notwithstanding the provisions of Article 43 of the Broadcasting Code, he continued to be member for 15 months after Parliament declared his position vacant on 8 July 2011. The reason given by the MPs was the fact that the priority was to elect the President of Moldova.²⁵

Another event that tainted the image of the BCC in 2011 and in 2012 was the involvement of former BCC chairman Mr. Gorincioi and of another BCC employee in a corruption scandal. The two were prosecuted for bribery. While Terentie Cherdivara, former head of the administrative division of the BCC, was convicted for influence peddling, according to the Journalistic Investigations Center²⁶ the case against Mr. Gorincioi was suspended in August 2012 because he contracted a serious illness. Moreover, according to the decision of the extended penal board of the Supreme Court of Justice on 16 October 2012,²⁷ which sent the case of Mr. Cherdivara to the Court of Appeals, both the prosecution and the judicial investigation found that, "The actions of extorting money [...] were conducted at the initiative of Mr. Gorincioi, which was confirmed by the statements of witness [...], the defendant's statements, and wiretapped telephone conversations between them." Furthermore, according to the judgment, the prosecutor argued that the defendant stated that [...] was forced to execute the instructions of his superior, Mr. Gorincioi.

On 5 April 2012 the BCC adopted Decision no. 42 and withdrew the broadcasting license issued to the joint venture Noi Idei Televizate LLC for TV station NIT for repeated violations of the Broadcasting Code. It should be noted that under the current system for penalizing broadcasters under Article 38 of the code, the BCC had exhausted all means for punishing NIT for violations, the

²⁵ http://www.publika.md/deputatii-inca-nu-au-gasit-un-inlocuitor-pentru-gheorghe-gorincioi-la-cca--de-vina-a-fost-criza-politica-din-tara_1072901.html

²⁶ <http://anticoruptie.md/dosare-de-coruptie/gheorghe-gorincioi-nu-mai-este-cercetat-penal-pentru-corupere-pasiva-din-cauza-ca-s-a-imbolnavit-de-o-boala-grava/>

²⁷ <http://www.csj.md/admin/public/uploads/Dosarul%20nr.%201%20ra%20745%2012%20Cherdivara%20T.%20art.%20324%20CP.doc.pdf>

last being suspending its license for a period of five days adopted on 24 June 2011, the fairness of which was confirmed by the Supreme Court of Justice decision of 5 December 2012.²⁸ The decision to withdraw the license held by NIT had been contemplated for several years during which media NGOs repeatedly declared, based on numerous monitoring reports,²⁹ that NIT routinely violated the principles of fair, objective, and pluralistic media coverage. In the monitoring report that served as the basis for withdrawing the license, the BCC found that NIT, "...reflects exclusively the viewpoint of one party, the PCRM, openly campaigning in its favor, so that of the total number of political items covered in the main newscast "Curier" during the monitoring period (03 February–09 February 2012), the AEI received 46% of the coverage in only a negative context while the PCRM received 20% in neutral and positive contexts only."³⁰ Shortly after the decision on 5 April, NIT challenged it in court; the case is pending before the Chisinau Court of Appeals.

There were many reactions to the decision to withdraw NIT's license. Media NGOs did not criticize the BCC but requested the authorities, "...to use the same assessment standards for all broadcasters and to treat them equally, penalizing those who fail to ensure diversity of opinions in news according to the law."³¹ The Union of Journalists of Moldova considered the withdrawal decision correct while accusing NIT of "propaganda and promotion of hatred and xenophobia."³² On the other hand, some condemned the BCC for adopting this decision "overnight," implying that it was a political act.³³

There were also reactions from international institutions. The United Nations Mission in Moldova was the first to respond to the withdrawal of the NIT license, saying it was concerned about the decision and urging the authorities to immediately restore the license.³⁴ The Council of Europe expressed similar concerns in this regard.³⁵

In 2012 the BCC issued broadcasting licenses for five radio stations—Bugeac, Radio Moldova Tineret, Radio Nova, Datina FM, VV Radio—and for eight TV stations—TV Bizim Dalgamiz, TV Calarasi, Gold TV, OTV, Gurinel TV, RTR Moldova (by air), RTR Moldova (via satellite), and REN Moldova. The Electronic Press Association (APEL) analyzed the quality of the competition for radio frequencies organized by the BCC on 4 May 2012 and found that the BCC held the contest, "...without expressly producing requirements for program services for the radio and TV stations in the contest; without developing clear, accurate, and measurable criteria for distribution; and without giving convincing reasons and explanations to justify the voting results."³⁶ TRM participated in the contest on 4 May 2012 to obtain the frequency for Radio Moldova Tineret, but it was rejected in favor of a private radio station. Subsequently, the TRM administration sent a protest letter to the BCC in which it requested the BCC, "...to favor and allocate it the broadcasting frequencies of Radio Moldova Tineret in keeping with the strategy of covering national territory with broadcast program services (2011—2015) which would allow further structural and institutional reforms and the full accomplishment of Teleradio-Moldova tasks for 2012."³⁷

²⁸ <http://www.csj.md/admin/public/uploads/Dosarul%203r-2272-12%20NIT%20vs%20CCA.pdf>

²⁹ See annual reports on the freedom of the press published by the IJC in previous years.

³⁰ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=342710>

³¹ http://www.ijc.md/index.php?option=com_content&task=view&id=691

³² <http://www.jurnal.md/ro/news/uniunea-jurnali-tilor-retragerea-licen-ei-nit-este-corecta-218492/>

³³ <http://www.europalibera.org/content/article/24543691.html>, <http://npopescu.yam.md/2012/04/05/nit/#more-2848>

³⁴ <http://www.jurnal.md/ro/news/onu-cere-autorita-ilor-rm-sa-intoarca-urgent-licen-a-nit-218420/>

³⁵ http://adevarul.ro/moldova/actualitate/consilul-europei-ingrijorat-retragerea-licentei-nit-1_50ae80fc7c42d5a6639d5be9/index.html

³⁶ http://www.apel.md/public/upload/md_Studiu_de_caz_CCA_2012.pdf

³⁷ <http://www.trm.md/ro/comunicate/compania-teleradio-moldova-isi-exprima-dezacordul-fata-de-decizia-cca/>

The increase in the professionalism of the BCC in terms of its relations with civil society, its operational and decision-making transparency, and the quality of its monitoring among others in 2012 were notable. The few examples are worth mentioning to encourage this regulatory authority to take larger steps. Of course, not all BCC efforts were received with enthusiasm by the subjects involved, and sometimes the BCC even showed excessive zeal. Thus, the amendment of Article 38 (8) of the Broadcasting Code adopted by Parliament on 13 April 2012 was declared unconstitutional by the Constitutional Court of the Republic of Moldova. According to the amendment, the penalties adopted by the BCC enter into force when they are agreed and become binding upon being communicated to the broadcaster. The Constitutional Court found the provision of penalizing by suspension and withdrawal of the broadcasting license unconstitutional.³⁸

In the same context, one should also mention the initiative of monitoring the programs edited by broadcasters for correct use of the Romanian language in partnership with the Academy of Sciences of Moldova. We note here the excessive zeal of the BCC when it considered it necessary to establish the broadcasters' obligation, "...to abide by the orthographic, orthoepic, morphological and syntactic norms of the official language,"³⁹ which is more of a citizen's duty than a statutory/legal obligation, the violation of which the BCC is not competent to penalize. It should also be noted that the regulatory authority was more relaxed and transparent when through its chairman it transmitted public reaction on the matters discussed in society that required taking a public position.⁴⁰

- **The Public National Broadcasting Company Teleradio-Moldova (TRM)**

The year 2012 was tumultuous for TRM, particularly with regard to its management. After resigning in December 2011 as Director of TV Moldova 1, Ms. Angela Sirbu withdrew her resignation, but she finally took that step in March 2012. Ms. Sirbu said in an interview in *Jurnal de Chisinau* that the reason for her resignation was the lack of support from company leadership in reforming the station adding that, "The leadership, instead of encouraging reform with a nice word at least was mainly concerned about the comfort of those who opposed the reform for the sake of their convenient jobs."⁴¹

Following the resignation of Ms. Sirbu, TRM president Constantin Marin was questioned in Parliament. According to the Unimedia news portal, "Mr. Constantin Marin was summoned to Parliament at the request of unaffiliated MP Mr. Mihai Godea, who was dissatisfied with TRM. He said that the resignation of the Moldova 1 director confirmed that there were serious problems at the institution."⁴² During the hearings, Mr. Marin denied that the resignation of Ms. Sirbu, "...was the result of blocking reform at TRM."⁴³ Also, Mr. Marin said that "reforms are not made overnight," adding that "any departure from the team is painful, but the company has been reforming for over two years; it is a long process and cannot be done overnight."⁴⁴

³⁸<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=346093>

³⁹ Article 11 (10) of the Broadcasting Code, introduced by Law no. 165 as of 11 July 2012, Monitorul Oficial no. 190-192 as of 14 September 2012, Article 640.

⁴⁰ For example, reaction of the BCC chairman, who criticized the connection that MP Mr. Sirbu made between the decision of the Constitutional Court regarding the unconstitutional nature of Article 38 (8), which concerns the suspension and withdrawal of broadcasting licenses, and the withdrawal of the broadcasting license of the TV station *NIT*; press conference organized by the BCC on the issue of quality of the Romanian language in the programs of broadcasters; the press release of the BCC regarding the legality and correctness of the decision on withdrawal of the broadcasting license of *NIT*, etc.

⁴¹ <http://ziar.jurnal.md/2012/03/23/angela-sirbu-%E2%80%99Etrebuie-sa-candidez-in-2010-la-functia-de-presedinta-a-trm%E2%80%9D/>

⁴² <http://unimedia.info/stiri/deputatii--nemultumiti-de-activitatea-trm-o-televiziune-provinciala-45202.html>

⁴³ *Ibidem*

⁴⁴ *Ibidem*

Less than a month after the director of Moldova 1 left, she was followed by the Director of the News Department, Ms. Liliana Vitu, who said she acted in accord with the decision of the Moldova 1 director. “My project of professionalizing and modernizing the News Department, and implicitly reforming Moldova 1, has finished. That does not mean that I could not do more of what I intended. Reform cannot be done only with enthusiasm; it requires a lot of will and courage from the entire leadership of the institution,” said Ms. Vitu in justifying her resignation.⁴⁵

The two departures destabilized the situation at Moldova 1. It took more than six months for the Supervisory Board (SB) to elect a new director for the TV station. In fact, the competition was quite difficult. On 16 March 2012, the SB announced the first contest, which failed because no competitor managed to obtain the majority of votes. On 29 June the SB announced a new contest that ended the same way the first one did. Another new contest for the position was announced on 3 December to take place on 14 December. Finally, the SB managed with five votes in favor to appoint Mr. Mircea Surdu as director of Moldova 1. Since 2004, Mr. Surdu had been coordinating editor and presenter at the station and had been employed at Teleradio-Moldova since 1985.

The three attempts to elect a director exposed several problems faced by the SB. First, since October 2010, the SB had functioned with six members, not nine as required by the Broadcasting Code. Then the BCC suggested two candidates for the vacancies to the Parliamentary Committee on Culture, Education, Research, Youth, Sports, and Mass Media: Mr. Alexandru Grosu, former director of Moldova 1, and Ms. Doina Deleu, an economist. In April 2011, after the mandate of another member of the SB expired, the BCC suggested journalists Alexandru Popovici and Petru Grozavu to the parliamentary committee. Finally, in July 2011 the BCC suggested Valeriu Turcanu and Larisa Calugaru to fill the third vacancy.⁴⁶

On 19 October 2012, Parliament confirmed Ms. Calugaru, Ms. Deleu, and Mr. Grozavu, with the votes of AEI MPs, for the three vacancies as members of the SB. According to former SB chairman Eugeniu Ribca, “The SB worked without problems with six members as the vacancies were not significant, but in early May 2012, when the contest for the position of director of Teleradio-Moldova failed, the need to fill these positions emerged.”⁴⁷

The two-year delay in appointing the three missing members of the SB and their final election by the parliamentary committee and confirmation by Parliament within a short time after the contest (within the parliamentary committee) suggests, according to media experts, that the election and appointment of new members was delayed intentionally. As they did with the delayed election of new members to the BCC, the members of the parliamentary committee blamed the failure to elect the country’s President and the early elections for the delay.⁴⁸ On the other hand, Communist MPs claimed that a political game was responsible for it and that the AEI could not reach a consensus regarding the candidates.⁴⁹ At the same time, Mr. Iurie Bolboceanu, the secretary of the parliamentary committee, expressed the opinion that politics were involved in the work of the SB.⁵⁰ Furthermore, after the director of the public television station was elected on 14 December, Mr. Ribca resigned from the position of chairman of the SB. In an interview with Radio Free Europe, he

⁴⁵ <http://unimedia.info/stiri/ultima-ora-Sefa-departamentului-stiri-de-la-moldova1--liliana-vitu--si-a-depus-demisia-45811.html>

⁴⁶ <http://www.zdg.md/politic/de-ce-deputatii-lasa-moldova-1-fara-director>

⁴⁷ <http://politik.md/?view=articlefull&viewarticle=13745>

⁴⁸ <http://www.zdg.md/politic/de-ce-deputatii-lasa-moldova-1-fara-director>

⁴⁹ *Ibidem*

⁵⁰ *Ibidem*

explained the reason behind his resignation. The attitude of the former SB chairman, who could not accept the appointment of Mr. Mircea Surdu at Moldova 1 despite the fact that in principle it is a democratic election by majority vote, was indicative of disagreements within the SB and of “undemocratic” details known only inside the SB.

The reforms started in 2011 at Teleradio-Moldova continued in 2012 with small steps. Constantin Marin, president of the company, told the newspaper *Adevarul* that changes stalled because, “Some employees accept changes painfully and are unsatisfied with how they are paid. At the radio station, transformation reached 90%. It was easy because employees wanted it as well. Reform demands sacrifices too, so we must do things we do not like,” he added. He also said that only 52 employees had been discharged over the course of three years and that the company currently had 881 employees while the reform plan provides for a maximum of 750.⁵¹

In 2011 the SB adopted a plan to radically restructure TRM involving profound, bold, and significant changes: a new building with production facilities equipped with modern technology, integrated management, clearly defined quality criteria for public services, outsourced services, new sources of funding, such as subscription fees, and considerable income from advertising. It should be mentioned that APEL monitored the pace of reforms at Teleradio-Moldova in 2012 and, at least in terms of publicity, which is the most easily attainable goal of those listed above, APEL found that the station, “...insufficiently capitalizes on the time legally allowed for advertising, which cannot contribute significantly to the diversification of funding sources and, implicitly, to strengthening the independence of Teleradio-Moldova.”⁵²

In 2013, TRM aims to achieve full institutional reform, to apply effective management in implementing the new organizational chart and job descriptions, and to diversify funding sources and modalities including by securing at least 15% of the budget with its own resources. It should be mentioned that the latter objective was also in the task specifications for 2012 along with the objective of promoting the idea of a subscription fee, which is missing in the specifications for the current year. The budget of Teleradio-Moldova for 2013 has been estimated at MDL 117 million, nearly MDL 40 million less than for the previous year.

- **The Regional Public Broadcasting Company Teleradio-Gagauzia**

In the autumn of 2012 the People’s Assembly of Gagauzia registered a draft amendment to the Law on Radio and Television. Other changes in the draft law, mostly designed to assign control over the media in the region to the People’s Assembly, include several amendments regarding the Supervisory Board of Teleradio-Gagauzia. Thus, according to the draft law, members of the board will be appointed and dismissed by a majority vote of the People’s Assembly; its rules of organization and operation will be approved by the People’s Assembly; the board will dismiss the president of Teleradio-Gagauzia if the latter commits violations of the law that damage the Gagauz budget; the People’s Assembly will approve the salaries of Teleradio-Gagauzia employees; the Teleradio-Gagauzia president will be elected for a term of four years and bear “personal responsibility” to the board; the Teleradio-Gagauzia president will be remunerated in the amount of

⁵¹ http://adevarul.ro/moldova/actualitate/reforma-teleradio-moldova-scart-nemultumiri-1_50aed23e7c42d5a663a0ee88/index.html

⁵² http://www.apel.md/public/upload/md_Raport_Publ_IPNA_Final_2012.pdf

MDL 4,500 per month, while radio and television directors will receive MDL 4,000 each, which will be the only form of remuneration for their duties.⁵³

According to Vitali Gaidarji, director of regional public television, “The draft law implies total control over the public broadcaster by the People’s Assembly: from the election of Supervisory Board members to the approval of the remuneration system and penalties in accordance with Gagauz law and not Moldovan law, although television and radio stations in Gagauzia operate under licenses issued by the BCC.”⁵⁴ Regarding the quorum necessary for the appointment and dismissal of the members of the Teleradio-Gagauzia Supervisory Board provided by the draft law, Mr. Gaidarji said categorically that it means, “a peaceful takeover of power,” since “fewer votes mean fewer arguments, no need to convince colleagues, problems can be solved ‘between them’ quietly.”⁵⁵

The project was not subject to public debate or expert review by national and international specialists. Moreover, it appears that the authors of the draft law themselves did not consider the recent document regarding Teleradio-Gagauzia that was drafted in May 2012 by international expert Boris Bergant as part of a joint program of the Council of Europe and the European Union. The “Strategic Directions of the Development of Public Broadcaster Teleradio-Gagauzia (2012–2016)”⁵⁶ is the document that discusses the need for a stable and predictable legal framework. “The first goal would be to identify solutions and changes in case the formulation and interpretation of the legal framework of Gagauzia differ from the similar legal acts of the Republic of Moldova and the legal obligations arising from international/European legal framework,” the strategy states. However, the legislative proposals regarding the Supervisory Board contradict the Broadcasting Code of the Republic of Moldova, European standards, and the document prepared by Mr. Bergant. According to the strategy, “The system for electing Supervisory Board members must be improved in order to exclude the establishment of political control. [...] The role of the Supervisory Board should be better defined. It must ensure, like the governing bodies in the rest of Europe, a link between citizens and the public broadcaster’s groups of interest...”

The “Strategic Directions of Development of Public Broadcaster Teleradio-Gagauzia (2012–2016)” suggest a better model for financing the broadcaster. In order to ensure financial independence, the law should state the exact amount of state subsidy for the company, namely 1.5% of the total budget. The expert’s proposal was not, however, included in the legislative proposals on amending the Law on Radio and Television.

⁵³ <http://gagauzinfo.md/index.php?newsid=6125>

⁵⁴ <http://gagauzinfo.md/index.php?newsid=6153>

⁵⁵ *Ibidem*

⁵⁶ http://coe.md/images/stories/Articles/JP_Regional/Media/strategy_teleradio_gagauzia_en.pdf

III. Freedom of Expression and Defamation in 2012

- **Legislative developments**

In 2012, the Broadcasting Code was amended by three laws: no. 84 of 13 March 2012, no. 111 of 17 May 2012, and no. 165 of 11 July 2012. According to the new regulations:

- The decision of the BCC to apply a penalty shall be motivated and enforceable from the date of its adoption and communication to the relevant broadcasters and service providers by registered letter with subsequent publication in *Monitorul Oficial* (the Official Gazette of the Republic of Moldova) and on the website of the issuer.
- The notions of “local programs” and “product placement” were introduced.
- The provisions regarding broadcasting time devoted to advertising and the manner of advertising and teleshopping placement were amended.
- Product placement relating to alcoholic beverages, tobacco products, health products and treatments, the activity of casinos, electronic gaming and financial gains was banned.
- Only local productions can be sponsored, while political programs and newscasts may not be sponsored.

By adopting a draft law on 27 December 2012, Parliament extended the period during which service distributors must cover advertising and teleshopping, so that Article 19 (3) of the Broadcasting Code is drafted as follows: “Beginning on 1 July 2013, service distributors shall cover advertising and teleshopping on the accounts of the services of foreign programs transmitted.”

On 27 December 2012, the Moldovan Parliament passed a draft decision on the status, organizational structure, and maximum number of employees of the BCC, according to which it will be reformed and will have 22 new employees. After reorganization, the BCC will have 64 employees, including 11 persons responsible for the technical maintenance of the office. In addition to the chairman, there will be a vice-chairman, and the council will have seven divisions and seven services.

On 28 December 2012, the BCC adopted a decision under which broadcasters in Moldova will have to ensure domestic programming of not less than 30% before 1 April 2013. Also, broadcasters that have less than 30% of production in the official state language will be required to submit an amended general concept before 1 March 2013.

Although it has been more than two years since the adoption of Law no. 64 on the Freedom of Expression, according to a study on the impact of the law from October 2010 to July 2012⁵⁷ conducted by the IJC, during the first two years of implementation it had little impact due to the lack of information about its existence among judges and litigants. Meanwhile, many cases in which the parties and the court knew the provisions of the new law were returned or removed from examination due to the failure to follow the preliminary procedure or the nonpayment of the state tax. The study’s authors noted that Law no. 64 did not substantially change judicial practice since

⁵⁷ http://www.ijc.md/Publicatii/studii_mlu/Impactul%20legii%20cu%20privire%20la%20libertatea%20de%20exprimare.pdf

courts ruled under the provisions of Article 10 of the European Convention on Human Rights, most of which are found in the text of the new law. Even so, many new provisions of Law no. 64 related to immunity in cases of defamation, release of liability, the burden of proof, and the effect of rebuttal could change judicial practice when they become known and applied. To ensure greater impact, the plenum of the Supreme Court of Justice produced a draft decision on the law's implementation in the fall of 2012. After this explanatory decision is adopted, the impact of Law no. 64 will increase, as its provisions will be communicated and explained not only to judges and lawyers, but also to the general public.

On 12 July 2012 the Parliament of Moldova adopted Law no. 192 to supplement some legislative acts, by which it amended Article 3 of the Law on the Freedom of Expression as follows: "...shall be supplemented with paragraph (41) reading as follows: '(41) Under the provisions of paragraph (3), the promotion and/or use for political purposes of symbols of the totalitarian communist regime (hammer and sickle and any props bearing these symbols), as well as promotion of totalitarian ideologies (actions punishable under the laws in force), shall be prohibited.'" This amendment came into force on 1 October 2012.

The Law on the Freedom of Expression prohibits censorship in public mass media, and intentional illegal preclusion of mass media activities entails criminal liability. Although the draft law on the freedom of expression was accompanied by a draft supplement to the Criminal Code, the latter was submitted in a separate legislative initiative that has not yet been approved by Parliament in a final reading. On 29 November 2012, Parliament adopted a draft law on amending the Criminal Code of Moldova, under which preclusion of mass media activities and cases of censorship in public media shall be qualified as criminal offenses. According to this draft law, intentional illegal preclusion of mass media activities or intimidation of a person for criticism shall be punishable with a fine of 150 to 500 conventional units with (or without) deprivation of the right to hold certain positions or to practice certain activities for a term of up to two years. Meanwhile, the same actions committed by using an official position shall be punishable with a fine of 300 to 500 conventional units and the deprivation of the right to hold certain positions or to practice certain activities for a term of one year to four years. The draft law also provides for penalizing those who use violence against journalists or who take away or damage a journalist's materials or equipment. These actions shall be punishable with a fine of up to 2,000 conventional units with (or without) deprivation of the right to hold certain positions or to practice certain activities for a term of two to five years. The legislative initiative also stipulates penalties for censorship of journalistic products. Thus, the managers of public media outlets who require unjustified distortions of reports or articles or unjustifiably prohibit disseminating certain information shall be punished with a fine of 300 to 500 conventional units and deprivation of the right to hold certain positions or to practice certain activities for a term of two to five years.

Indications of restrictions on editorial activity of media outlets or their staff or any form of precluding the duplication or dissemination of information from a civil servant or a person holding an important public office shall be punishable with fine of 300 to 1,000 conventional units and deprivation of the right to hold certain positions or to practice certain activities for a term of two to four years.

Lawmakers also adopted another draft law in the first reading that provides for penalizing decision makers in public media outlets for undue interference in the work of their employees with fines of MDL 4,000 to 8,000 and deprivation of the right to hold certain positions for three years. The draft law provides for criminal sanctions for civil servants who interfere in the work of mass media as well. It also provides for penalizing civil servants with a fine of MDL 6,000 to 12,000 and deprivation of the right to practice certain activities for a term of up to five years.

According to another draft law submitted by unaffiliated MP Mr. Godea as a legislative initiative and approved by the government, the owners of media outlets risk fines of MDL 4,000 to 8,000 and deprivation of the right to hold certain positions for a period of three years for censorship in the press.

At the same time, illegally hampering the work of media outlets or their employees by persons holding positions of responsibility by preventing the spread of information or influencing its content shall be fined with MDL 6,000 to 12,000 and deprivation of the right to hold certain positions for a period of three years.⁵⁸

In August 2012, the Ministry of Economy subjected the draft government decision on approval of the draft law on supplementing Law no. 121-XVI of 04 May 2007 on the Management and Privatization of Public Property to public debate by placing it on its website, www.mec.gov.md, and on the www.particip.gov.md. It was prepared in accordance with the provisions of Article 17 of Law no. 221 of 17 September 2010 on Privatization of Public Periodicals, which according to its text, aims to produce the list of public periodicals referred to in Article 1 letter c) of the Law on the Privatization of Public Periodicals.⁵⁹ This draft proposes to include a new chapter in the annex “List of goods not subject to privatization” to Law no. 121-XVI, namely “List of public periodicals,” composed on the basis of the proposals made by central and local public authorities that manage public periodicals. The list proposed by the Ministry of Economy included specialty publications issued by various central public authorities, as well as publications edited with public money by district and municipal councils. In a letter to Mr. Vlad Filat, Prime Minister of the Republic of Moldova, and to Chiril Lucinschi, chairman of the Committee for Culture, Education, Research, Youth, Sports, and Mass Media, the Association of Independent Press expressed its opinion regarding this project: “In our opinion, some of the provisions of this draft law contradict the Law on the Privatization of Public Periodicals no. 221 as of 17 September 2010, limit private initiative, and create conditions for unfair competition for public funds in mass media.”⁶⁰

A relevant event for this report is also the production in autumn 2012 by the IJC of the study “Media Ownership Transparency in Moldova,” according to which Moldovan legislation covers the issue of transparency superficially and ineffectively, and for this reason the public cannot be informed about who is behind media outlets. Since the lack of transparency regarding media ownership leads to the concentration of mass media in the hands of several groups of interest, it jeopardizes pluralism, the consumers’ right to information, and the freedom of opinion. The authors of the study developed

⁵⁸ <http://unimedia.info/stiri/permalink-51840.html>

⁵⁹ <http://particip.gov.md/proiectview.php?l=ro&idd=428>

⁶⁰ NOTE on the draft law for the supplementation of Law no. 121-XVI as of 04 May 2007 on the Management and Privatization of Public Property as of 26 September 2012, Association of Independent Press

amendments to the Broadcasting Code in order to supplement it with clear provisions on improving mass media transparency, including the following:

- Supplementing the Broadcasting Code with provisions requiring broadcasters and service distributors to provide to the BCC information about their legal owners and beneficiaries, both when submitting files to participate in licensing contests and annually after obtaining a broadcasting license or authorization for retransmission;
- After submitting the application, the information in the documents submitted by the applicant shall be published on the website of the BCC so that the general public has access to the information regarding the statute and the constituent act of the applying legal entity, i.e. information on the applicant's structure of ownership;
- Introducing liability for failing to ensure the transparency of broadcasters, etc.

The study and amendments were made public on 20 November 2012 at a roundtable attended by the chairman of the special parliamentary committee Mr. Chiril Lucinschi, the chairman of the BCC Mr. Marian Pocaznoi, representatives of the government, media NGOs, international organizations, and media outlets.

The IJC is to collect proposals on amendments to the Broadcasting Code and present them for public discussion.

In December 2012, the Gagauz People's Assembly adopted new regulations on accrediting journalists. According to representatives of this institution, the new regulations indicate an improvement in the interaction between mass media and the representative body of Gagauzia. One of the new requirements is that media outlets must submit, in addition to a set of documents, a copy of the license for broadcasting in electronic media (this requirement also applies to Internet portals). Moreover, a freelance journalist cannot obtain accreditation, since the set of documents required includes the registration certificate of an outlet and a freelance journalist can only present membership in the national associations of journalists and no registration certificate.

- **Lawsuits against the media**

For some media outlets 2012 was another quite restless year as both individuals and legal entities pressed charges against them. The courts have a large number of cases against the media under examination; however, information on trials involving journalists or media outlets is not readily accessible given that not all courts have online databases, the courts that do have such databases fail to ensure accessibility of information, and the online databases of the courts that regularly update information are difficult to search for cases by file name or category.

The most important lawsuits against media outlets include the cases in which the IJC provides free representation in court. Thus, in 2012 the ICJ provided legal assistance in three defamation cases all involving the *Ziarul de Garda (ZDG)* newspaper, against which several lawsuits had been filed in recent years.

Gheorghe Straisteanu v. ZDG: The plaintiff brought an action against *ZDG*, demanding MDL 600,000 for non-pecuniary damages for publishing false and defamatory information against him, also requiring *ZDG* to publish a rebuttal on articles published on 28 July 2005 and 5 July 2007 in the

same column and page. He stated that the articles “The bag of an MP” and “A convicted ex-MP” violated his rights, since he is a public figure. The plaintiff invoked the provisions of the Civil Code and of the Law on the Freedom of Expression. At the hearing held at the Chisinau Central Court, the IJC lawyer requested that the action be dismissed due to the plaintiff’s failure to appear at the hearing. The court considered the request to be founded and admitted it. Thus, the action was dismissed. The plaintiff has the right to appeal according to general requirements.

Larisa Focsa v. ZDG: on 21 July 2012 Ms. Larisa Focsa, previously convicted of multiple frauds, appealed in court against ZDG demanding rebuttal of information published in an investigative article on 24 May 2012 and compensation for non-pecuniary damages in the amount of MDL 100,000. The disputed article depicted several persons who were pardoned by the President of Moldova. The case is pending before the Chisinau Central Court.

Rodica Gheorghita v. ZDG: on 21 July 2012 Ms. Rodica Gheorghita, previously convicted of a series of frauds, who had founded an NGO aimed at providing assistance to persons with disabilities, brought an action in court against ZDG requesting the rebuttal of information published in an investigative article regarding the dubious pardon of some persons, including the plaintiff. She also requested compensation for non-pecuniary damages in the amount of MDL 300,000. At this moment, the case is pending before the Central Court.

The series of lawsuits brought against media outlets includes the case of the newspaper *Adevarul* that was challenged in court by Moldindconbank, which accused the editorial board of defamation and violation of dignity in one of its articles. As reported by Ms. Alina Turcanu in the editorial titled “Mr. P. attacks *Adevarul*,” the summons to court was a result of an investigation published in September 2012 that revealed that the family of the chairman of the Court of Appeals, Mr. Ion Plesca, was favored by two banks to obtain loans amounting to millions. The apartment of the Plesca spouses had been pledged several times, and the total amount of loans was several times larger than the value of the apartment. The magistrate denied the allegations, claiming that they were only lies. Subsequently, the editorial office received two prior requests from Victoriabank and Moldindconbank with complaints that the newspaper had defamed the banks and that their reputations had been harmed. The requests demanded rebuttal, public apology, and MDL 250,000 for moral and material damage. On the same day, Moldindconbank representatives challenged the publication in court, arguing that the information in the article, “...is partly not true and partly incomplete,” and demanded compensation in the amount of MDL 200,000.⁶¹

In 2011, two lawsuits against the media were on the agenda of several media outlets, namely C.C. and C.I. versus ZDG and V.B. versus *Panorama*.⁶² In both cases, the first and second courts ruled in favor of the plaintiffs. In the case against ZDG, the Chisinau Central Court gave a judgment that partially upheld the plaintiffs’ requests and ordered the newspaper to pay MDL 250,000 as compensation for non-pecuniary damage, and on appeal, the Court of Appeals partially upheld the application and modified the judgment of the Chisinau Central Court regarding non-pecuniary damages, reducing the amount to MDL 10,000 for each plaintiff. In the case of *Panorama* newspaper, the Chisinau Central Court partially upheld the action, demanding that the newspaper rebut the information published without indicating the text of the rebuttal and obliging the

⁶¹http://adevarul.ro/moldova/actualitate/editorial-mister-p-ataca-adevarul-1_50ae3f877c42d5a6639b0aca/index.html

⁶² http://www.ijc.md/Publicatii/mlu/RAPORT_FOP_2011_rom_final.pdf, page 18.

newspaper to pay MDL 5,000 as non-pecuniary damage. Upon appeal, the Court of Appeals upheld the judgment of first instance; however, in 2012, following appeals in both cases with the Supreme Court of Justice, the judgments of lower courts were reversed, ruling in favor of the publications. Thus, for the first time, the Law on the Freedom of Expression was fully applied, and the judgments in these cases should serve as precedents for cases regarding defamation.

Other lawsuits involving media outlets are the cases of the private TV station NIT and of the news portal Unimedia.

In April 2012 the BCC withdrew the broadcasting license of TV station NIT. The decision passed with a majority of votes as a result of repeated violations of several legal provisions, including failure to provide pluralism of opinion in newscasts. On the day of withdrawal, NIT challenged the decision of the BCC in court. On 6 April the decision to withdraw the license was published in the *Monitorul Oficial*, and the broadcasts of the TV station stopped.

According to the multimedia news agency OMEGA, on 12 November, “The fourth court hearing of the case NIT v. BCC took place, which has been running since 2 July 2012. Judge Domnica Manole, who transferred every hearing, has been invoking requests of the BCC representatives or saying that she has too many files to examine, thus justifying the delay in examining the case of resonance.” The hearing was adjourned until 10 January 2013.⁶³

According to a Unimedia press release, two lawsuits were filed against the news portal by the management of Publika TV station which, “...solicited criminal proceedings against the founders of our news portal in order to remove them from the number of shareholders but also from the management of the business.”⁶⁴ On 1 October 2012, following a new hearing between the company managed by Mr. Dumitru Tira (Newsmedia Group LLC) and the founders of Unimedia, the requests of the company managed by Mr. Tira to exclude one of the associates from the majority group (Unimedia) were rejected. The court admitted only the request for the annulment of a document concluded by the former administrator.⁶⁵

- **Cases of violation of journalists’ rights**

Although journalists were safer this year than in previous years, the media reported attacks. During this period, there were several cases of violations of journalists’ rights, but they were far fewer than in previous years and not so serious. Most of them related to the restriction of journalists’ access to events of public interest.

- On 23 March 2012, the President of the Republic of Moldova, Mr. Nicolae Timofti, was sworn into office. Journalists were forced to stand in a corner of a room in the Palace of the Republic and were not allowed to go out into the hall. According to media representatives, the situation was created by the State Protocol Service of the Ministry of Foreign Affairs and European Integration and by the Protection and Guard Service, empowered to ensure the safety of the President and participants at the event.

⁶³ http://www.nit.md/index_md.php?action=news&id=10268

⁶⁴ <http://unimedia.info/stiri/-15073.html>

⁶⁵ <http://unimedia.info/stiri/video-verdict-in-primul-dosar-impotriva-fondatorilor-unimedia-judecatorul-respinge-solicitarile-firmei-administrata-de-Tira-52782.html>

- On 8 April 2012, the office of Elita TV station, which broadcasts in five cities in central Moldova, was vandalized. Most of the equipment used for broadcasting was destroyed, and some of it was removed from the office. The administration of the local TV station claimed that vandalism was the result of their refusal of proposals that came from several persons involved in politics who wanted to buy the station. Moreover, the station had problems after it broadcast several stories and was threatened that it would be made to suffer if it made public the names of some persons involved in a lawsuit. Following the acts of vandalism against the TV station, a criminal case was initiated and one person was arrested.
- On 1 May 2012, the National Confederation of Trade Unions allowed access to accredited journalists to a rally dedicated to International Workers' Day. Accreditation could be obtained at the entrance. This measure was interpreted by some outlets as limitation of access to public events.
- On 5 May Mr. Vladimir Vivici, cameraman for the multimedia news agency OMEGA, was beaten in the street by four men. The Ministry of Internal Affairs said that the four attackers had been identified.⁶⁶
- In July 2012, a crew from Prime TV station was attacked while reporting on the National Forest Fund in Soldanesti. The journalists were in the forest in Soldanesti which is public property. Two persons who declared themselves owners of that land prohibited the filming, attacking them physically and verbally and denying them access to the land on the grounds that it was private property. According to the central administration of the Moldosilva Agency, the land where journalists were reporting is public property. A criminal case was initiated, and the persons who attacked the crew of the TV station were identified.
- In August 2012, journalist Victoria Ocara of Jurnal TV was attacked in Balti while performing her professional duties. She was hit with stones during demonstrations that were taking place in that city. Following the attack, the journalist was hospitalized with a head wound. A suspect in this case was arrested.

Also, Moldovan officials verbally attacked the media, undermining its role in a democratic society. After ZDG published the article, "The House of the Head of the National Commission of Integrity is Worth Millions," the President of the Moldovan Parliament Mr. Marian Lupu and Liberal Party leader Mr. Ghimpu made some public statements in which they tried to intimidate journalists, especially investigative journalists.

⁶⁶ <http://www.jurnal.md/ro/news/cameraman-atacat-i-batut-in-strada-de-necunoscu-i-219728/>

IV. Freedom of the Press in Transnistria

Mass Media in Transnistria in 2012

The overall current situation regarding the freedom of expression in the media of Transnistria is disappointing. If at the beginning of the year the position of the new secessionist authorities on the media of all forms of ownership and the implementation of legal norms inspired moderate optimism, gradually the hopes for legally regulating media processes by observing democratic principles crumbled. By late 2012 a clear opinion was formed that the new unrecognized government had set even tougher limits on the freedom of expression and equal access to information and had sought to establish total control over the media, social networks, and Internet portals dedicated to sharing opinions.

- **Violations of journalists' rights**

According to Transnistrian “legislation,” every person has the right to receive and impart correct information in which he or she is interested, including information about public authorities, unless such information is a “state secret” or “secret information.” In practice, however, these rules are ignored, selectivity is applied to the media, and the real situation in some areas is concealed. The propaganda machine of the “state” has gained momentum, and an interesting fact is that amid apparent confrontation between the “legislative branch” (Supreme Soviet) and the “executive branch” (government), it is the latter that monopolizes access to the media and creates new obstacles to the emergence and development of independent and private media outlets.

Thus, according to the “legislation” in force, the registration of online media requires notification-permission; however, when trying to register such a media outlet (a portal of information and analysis), two journalists received a refusal without explanation. At the same time, another online source, Zercalo-TV, was granted the right to exist.

Also, private media outlets in Transnistria are denied accreditation for public events without explanation, for example, the refusal to accredit Televidenie Svobodnogo Vybor (Free Choice Television), the Russian news agency Novy Region and other media outlets to publicize the arrival in Transnistria of the Russian Deputy Prime Minister Dmitry Rogozin in February 2012.

The “state-owned” media outlets also were subjected to a “cleansing” of staff. Thus, the central newspaper of the region, *Pridnestrovie*, without solid or objective reasons dismissed all the journalists who used to provide impartial coverage of events. Instead, following an order by the head of the specialized department, it was to employ “necessary” persons, thus paralyzing the work of this publication.

Some journalists at the “state-owned” news agency Novosti Pridnestrovia (News of Transnistria, former Olvia-press) were dismissed unexpectedly in violation of the law. They were forced to sign the necessary documents although the law requires that employees be warned in advance of upcoming changes in the work of a public institution. In this case, there was a flagrant violation of

the rules of the Labor Code, while journalists lost their jobs and were subjected to immense psychological stress.

- **Violations of legislation**

During the year, along with the growing confrontation between the branches of power in Transnistria, all media outlets paid with public funds were instructed not to provide airtime on TV or radio nor the 300 lines per month in the relevant publications provided by the law to the deputies of the Supreme Soviet.

To monopolize broadcasting frequencies and strengthen propaganda positions by merging the region's public TV and radio stations, the Transnistrian "state-owned" broadcasting company was created, reporting directly to the leader of the region. Thus the idea of creating public television on the basis of the "state-owned" television was buried.

In addition to transforming "state-owned" media outlets, changes were made to the electronic media as well, including free platforms for the expression of opinions. Popular online social resources are controlled by the authorities. In particular, the Transnistrian social forum (www.forum.pridnestrovie.com), which contributed in 2011 to the coming to power of the current leader's team, is now subject to "cleansing." Topics discussing the errors of the new administration are removed. It has been repeatedly mentioned by participants active in the forum.

Among electronic media, the media outlets of opposition to the team of the Transnistrian leader were repeatedly subjected to DDOS attacks, and access to some Transnistrian websites was closed on the left bank of the Nistru. According to a representative of the sole provider, it was done at the behest of the authorities. To date, the websites of the Russian news agency Dnestr (www.dniester.ru) and of the political analyst Mr. Roman Konoplev cannot be accessed from Transnistrian IP addresses. He himself is actually hiding, according to some sources, in Russia. For criticism of Yevgeny Shevchuk, he was subject to pressure and prosecution by the state security committee of the Transnistrian region.

It is also forbidden and impossible to access the website of the news agency Lenta PMR (www.tiras.ru) affiliated with Mr. Dmitry Soin, MP and head of the party Proryv that was banned and liquidated in 2012.

The story of survival of the website of the news agency PMRInform is interesting and eloquent. It began to work actively in early 2012, offering the public an objective picture of events on the left bank of the Nistru; however, after a series of cyber attacks that according to experts were caused by the government team, access to the website was blocked, depriving the public of information. As a result, website managers requested a platform from a Ukrainian partner—www.vesti.ua. Thus, access to the blocked website was secured, but the story of this agency does not end here. Currently, the owners have created a new domain, www.prinform.com, which allows the work to continue and the public to be provided with information about events in Transnistria.

The website of the popular Transnistrian political analyst Andrei Safonov (www.safonovpmr.com) was also subject to repeated attacks and blocking. He has been critical of Transnistrian authorities

and is sure that what happens to his website is part of a strategy of “cleansing” Transnistrian mass media of unwanted information.

- **The situation of relations between Moldova and Transnistria in mass media**

There are still very few newspapers from Moldova in Transnistria. Experts have three reasons for this fact. First, there was previously a markup of 100% on Moldovan products, including newspapers and magazines, so the public on the left bank stopped buying (because of cost) publications from the right bank. Now it is difficult for Moldovan publications to re-enter the Transnistrian print media market. The second reason is the language in which publications appear. It is known that in Transnistria the Russian language is widespread, and Romanian in Latin script was replaced with “Moldovan” in Cyrillic script. The third reason is the relatively inexpensive and broad access to the Internet. Young people up to 35 years old prefer electronic media and virtual versions of publications as they are fast, convenient, cheaper, and easier to read.

As for broadcasting, as a trust-building measure in negotiations, Transnistria offered viewers free access (both via cable networks and Internet TV packages) to two Moldovan TV stations: one private, Publika.tv, and one state-owned, Moldova 1. According to a representative of the alleged ministry of foreign affairs of the Transnistrian region, there was an agreement on the mutual exchange of air times. Thus, it was expected that cable networks on the right bank would include TV stations from the Transnistrian region as well; however, no Transnistrian TV stations appeared in Moldova. In response, Transnistria removed Moldovan TV stations from the viewing grid: Publika TV ceased to be aired on 1 November, and Moldova 1 stopped on 1 December 2012, thus depriving Transnistrian residents of the opportunity to learn about events in Moldova via television. This fact, however, does not prevent Transnistrians from finding news from the right bank on the Internet, including by viewing the websites of Publika TV, Moldova 1, and other broadcast media outlets.

In addition to these measures, broadcast television in Transnistria is actively developing. A project was launched with the experimental title “People’s Television.” Within the next two years Transnistrian authorities will supposedly provide, as they state, a multiplex consisting of 12 to 16 TV stations. Viewers will be required to purchase a DVB-T decoder, which is already supplied in Transnistria by a private firm. A possible favorable political result might be a Moldovan TV station included in the multiplex.

- **Mass media trends in Transnistria**

Having observed the events in the information space of Transnistria, the region’s media experts find it necessary to formulate conclusions that may indicate trends that are emerging in the development of the media in the region.

Firstly, the media are clearly being divided into “our” (which are close to the current leader’s team and praise their actions) and “foreign” (criticizing unpopular and idealistic decisions).

Secondly, all public authorities (“ministries,” “departments,” and “public administrations”) are creating press services and websites. They did not exist previously. Journalists hope that in the

future such websites will contain information on budget expenditures and will enable participation in discussions on adopting decisions.

Thirdly, the concentration of the most influential information resources in the hands of the government is obvious.

Fourthly, in 2012 for the first time in the history of the region, the public service of telecommunications, information, and mass media tried to subject a new version of the law on mass media to open debate. The draft was sent to media representatives for examination and to formulate suggestions. Only time will tell if the suggestions of media practitioners will be considered in preparing the final version of the draft law.

Fifthly, free access to information became more difficult. All “state agencies” require a written request in order to obtain any information, a fact that delays the preparation of articles. Authorities sometimes give answers that are not related to the subject of the request. In this regard, the administration made the decision that public officials would be held accountable for late presentation of information and responses that are not related to the subject of the request, and this decision was approved by the head of the region. There have been no precedents so far. Journalistic practice will show whether this law will work or if it, like many others, will remain only on paper.

Conclusions

2012 was not a year of change for the media. The media market continued to develop at the same pace as during the previous year, facing the already traditional problems of lack of financial independence, deficiencies in the legal framework, or stalled reforms at the public broadcaster. Implementing the government program for 2011–2014 did not progress a great deal, and the problems mentioned in the program remain unresolved: reform of TRM, privatization of the press and demonopolizing the media market by revealing the owners and funders of media outlets and by establishing a legal framework in this regard. As for the print media, in 2012 they again faced the problem of distribution prices.

The only developments in legislation that can be specified are amendments to the Broadcasting Code that relate to advertising. It is also pleasing that abuses against journalists are decreasing and that judges began applying the Law on the Freedom of Expression.

By the end of the year the phenomenon of media monopolies and concentration became more manifest, and next year it will affect the quality of journalistic products offered by the media. The true owners of media outlets still remain officially unknown, which favors a lack of pluralism and media monopolies.

Forecasts for 2013

Ion Bunduchi, Executive Director, APEL: “Expectations for 2013 remain high, but change will be late in coming as usual. If major changes occur, they will concern shape rather than content and essence. They cannot be of essence. The legal framework needs determined and courageous interventions that prepare the ground for the possibility to solve some serious problems that have been growing over years, such as monopolies in the media market, dangerous development of the commercial advertising market, vulnerability of the media in the face of political and economic interference, plurality of media outlets accompanied by a lack of diversity of media products, etc. However, changes in that segment will be most likely cosmetic and made in half measures.

The desire of the political factions to influence authoritarian decisions on regulations in broadcasting and the decisions of the supervisory board of public broadcasters will certainly not disappear.

Visible changes for better or worse are expected in broadcasting, including local/regional, and in new media (we might even understand what “online media” is).

I also believe that public broadcasting will evolve, but slowly given the accumulated arrears in the implementation of reforms and especially due to inadequate visioning at all levels of the role and mission of such a radio and TV service.

In 2013 the trend of mass media reaching people via all currently available means/channels will continue. The shape of a new media outlet simultaneously providing text, audio, video, and photo will be further delineated.

The sometimes forced steps of transition to digital terrestrial television will continue. The beginning of this process, however, will not give us full assurance that steps are taken correctly, i.e. for the purpose for which mankind chose the “digit.”

In terms of the situation of mass media, the year 2013 will not see spectacular developments that distinguish it greatly from previous years, which is not good, and I would like to be wrong in this regard.”

Mihail Sirkeli, Executive Director, Pilgrim-Demo Youth Center: “In 2013, Gagauz media will become more politically dependent. The amendments to the Gagauz Law on Broadcasting proposed by the Standing Committee for Human Rights, Legitimacy, and Public Order of the People’s Assembly of Gagauzia (PAG) will place under its control (in fact, the majority formed after the PAG elections in 2012) the public regional broadcaster Teleradio-Gagauzia (TRG) and undermine editorial independence. The Gagauz Law on Broadcasting has been flawed since its adoption by the PAG in 2007 because it assigned the PAG powers of control and supervision of TRG. If the PAG adopts the new amendments to the Law on Broadcasting, the Supervisory Board of TRG will receive additional powers to control the editorial and financial activity of TRG.

The situation of private broadcasters will remain unchanged. The financial vulnerability of private broadcasters makes them depend on various political forces active in the region.

Janeta Hanganu, lawyer: “In 2012 the press, and not only the press, continued to learn about the new Law on the Freedom of Expression, on the one hand offering broad protection to the press while on the other hand relying a lot on the professionalism and good faith of journalists. The diversification of the media certainly continued in 2012, along with exploring new depths for investigative journalism and discovering new extremes of interference with the privacy of public persons. In my opinion this year the press as the fourth estate has lost some of the public trust. At the same time, in 2012 I did not become more confident that in practical terms mass media and privacy are protected by law and justice.

The scandal with the “Royal Forest” reserve provided a “smooth” passage from 2012 to 2013, and in my opinion it marked the trends for this next year. With half of the current Parliament’s term already passed, it feels like unintentionally the media battle for “painting” a better image of politicians will continue in a less bright manner: some will turn the spotlight only on the beautiful face of Dorian Grey while others will fiercely seek his hidden picture. At the same time, I think it will be a period of multiple opportunities to learn and take lessons in maturity. I will watch with great curiosity the role that justice will be able to play in this battle: the role of arbitrator or of instrument.”

Alexandru Burdeinii, editor-in-chief, InfoMarket news agency: “In my opinion, in 2012 there was a slowdown in the turmoil that has existed in the past two years around news websites, as the public was tired of the constant pressure of news and a clarification of readers’ interests began. Whenever the press overloads readers with news of poor quality, it is inevitably followed by their increasingly clear reaction.

Often direct advertising (including political) is presented as news, and this trend begins to intimidate and scare knowledgeable readers. They wonder at one point whether or not they can fully trust information and on the other hand what it is that the media feeds them and whether or not they are interested in the continuous flow of news. In pursuit of quantity, quality and content are often ignored.

Decantation (not to be confused with filtering) is what I would call the gradual establishment of priorities of Internet users. The process became noticeable in 2012 and will apparently continue.

I should mention that television became more politically charged in 2012, which might or might not mean preparation for elections. Television independence is “drowning” in the promotion of political interests of owners. If in 2010 and 2011 there were at least attempts to create independent television, now the owners do not want to pay for it, as they need loyalty.

Freedom of expression often morphs into open insults, and it jeopardizes society’s respect for the media.

In my opinion, by the end of 2013 print media will consolidate its position on the Internet. Online media will most likely continue to develop according to the processes started in 2009 and 2010, but I would not expect significant progress, as many are affected by a lack of moral sense. We write about the one who pays (it has been characteristic of printed magazines for a while, too!).

Given the upcoming elections and the possibility of early elections, television will be increasingly colorful in terms of politics, and it will certainly affect online media. Integrity, honesty, and quality are not fashionable among Moldovan media today. Of course some journalists and some publications still abide by professional ethics and principles (and it is gratifying), but, unfortunately, they are very few and have little effect on the overall condition of current Moldovan journalism.”

Igor Guzun, director, URMA ta/ www.stiripozitive.eu: “I share the opinions of those who view positively Moldova’s 55th position in the Freedom of the Press ranking in 2013,⁶⁷ although some have insisted more on the loss of two positions as compared to the previous year. What I find worrying about the situation of mass media in Moldova is not its freedom, but the responsibility that is lost when following the number of views and ratings.

My forecast for mass media in 2013 is balancing between optimism and pessimism, and I will explain it. I am optimistic because it is impossible to be otherwise, and it is difficult to imagine how a country’s mass media might appear if it focused exclusively on politics and issues that distract people from the big problems and small successes of a society.

My pessimism is related to the fact that elections are approaching and the media will be pieces of the puzzle that the parties will use to make their images win. And perhaps such phenomena as attacks acted out via mass media, campaigns against others, and even mutual criticisms of publications and media companies will increase.

⁶⁷ <http://en.rsfs.org/press-freedom-index-2013,1054.html>

However, my hope for 2013 is about the same as what the media can say: ‘What does not kill us makes us stronger!’”

Vasile Spinei, Executive Director, Access Info Center: “Unfortunately, we cannot be optimistic about the development of our press, which has been sliding down the slope of declarative journalism, diverse fact, and coverage mostly of political and semi-political events geographically focused on the capital.

It is a disaster what is happening both in purely professional terms and in terms of ethics which cannot be separated from the first component. Today we cannot speak either of the media as the fourth estate, or of its role as watchdog of democracy, a phenomenon caused by a lot of factors and above all, poor material and financial standing of media outlets dependent on the pockets of parties, tycoons, and even adventurers, not to mention the ethical aspects of the profession. We should tell it as it is: the government is out of the rigorous, documented, and permanent control of the press, and there is a reason for what we have. On the other hand, the media have serious deficiencies in civic education that have been generating the passivity and indifference of the public.

In my view, there is a pressing need to review the media legislation completely and not sporadically on a case-by-case basis. I refer not only to the Broadcasting Code and to the Law on Mass Media, but also to the development of a national strategy for promoting pluralism and diversity and optimizing information and communication, especially at the local level. Local newspapers are randomly liquidated, which creates conditions for the development of party media of all colors of the rainbow and of the pocket press of our local tycoons.

I am sure we will come out of the general crisis which has stalled mass media as well if we strengthen as a guild. How? It is up to each of us.”

Doru Petruți, General Manager, IMAS-INC, Chisinau: “More and more people think that the media are controlled by businessmen who have influence in politics and that such media outlets are used for manipulation.

Evolving, the media as a whole are likely to strengthen their positions and even increase their credibility. Throwing light on facts such as those in the “Royal Forest” reserve increases the share and role of the media in society. By discussing certain names, many local media outlets can regress in terms of credibility depending on their editorial policy, more or less biased by political forces.

The power of penetration and generating currents of opinion is perhaps stronger now than it has been in the past 20 years. In our research we measured this influence, and even if people complain of a lack of trust and notice the control/influence of some political forces in the media, many highly trusted opinions are built from the information presented by a certain media outlet. The degree of coverage by a TV or radio station is still important when it comes to generating currents of opinion. If we are to talk about a “success story” in Moldova, it would be the Internet and its impact on social and political awareness. I will provide just one example. About 3 or 4 years ago, up to 3% of the population used to read blogs for information about current events. Today, we speak of over 15%.”