

September 2021

# REPORT ON MEDIA FREEDOM IN MOLDOVA 2020



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### *Media Freedom in Moldova 2020*

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## METHODOLOGY

This aggregate report on Moldovan media incorporates analysis from Freedom House's annual *Freedom in the World* and *Nations in Transit* publications covering 2020.

## ON THE COVER

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*The Solidarity March on World Press Freedom Day, May 3, 2018*  
Photo by the Independent Journalism Center of Moldova

## Executive Summary

The media sector in Moldova is diverse. Dogged investigative reporting plays a vital role in public life. However, the legal framework governing the sector is unstable and underdeveloped. In 2020, much of the country's political class treated the independent press with hostility, viewing journalists as obstacles to rather than partners in managing the COVID-19 pandemic. Financial sustainability continues to elude the sector. Many outlets are captured by and serve as mouthpieces for political interests, and the fallout of the pandemic has exacerbated the precarity experienced by the independent press.

## Key Developments for Media Freedom in 2020

- In March, as the COVID-19 pandemic reached Moldova, the authorities undercut media freedom through a series of decrees that blocked websites spreading purportedly false news, required journalists to cite only “official” sources, and tripled the timeframe for responding to freedom of information requests.
- In June, the Supreme Court of Justice (CSJ) annulled the Law on Access to Information, although it reversed itself in October.
- Journalists faced continued harassment and intimidation during the year, while broadcast networks provided politically biased coverage and Socialist Party (PSRM)-affiliated outlets engaged in smear campaigns during the presidential electoral period.
- In December, lawmakers repealed a measure which had effectively restricted rebroadcasts of pro-Russian propaganda.

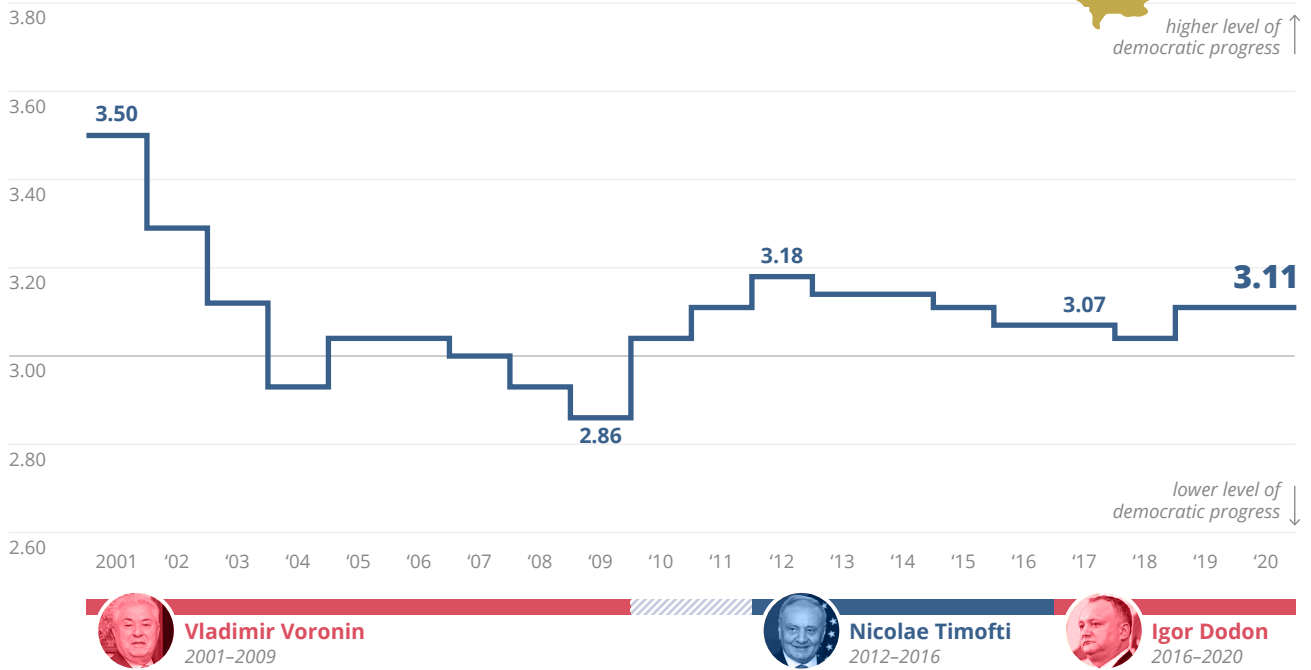
# Moldova

Transitional or Hybrid Regime

The data relates specifically to the NIT report

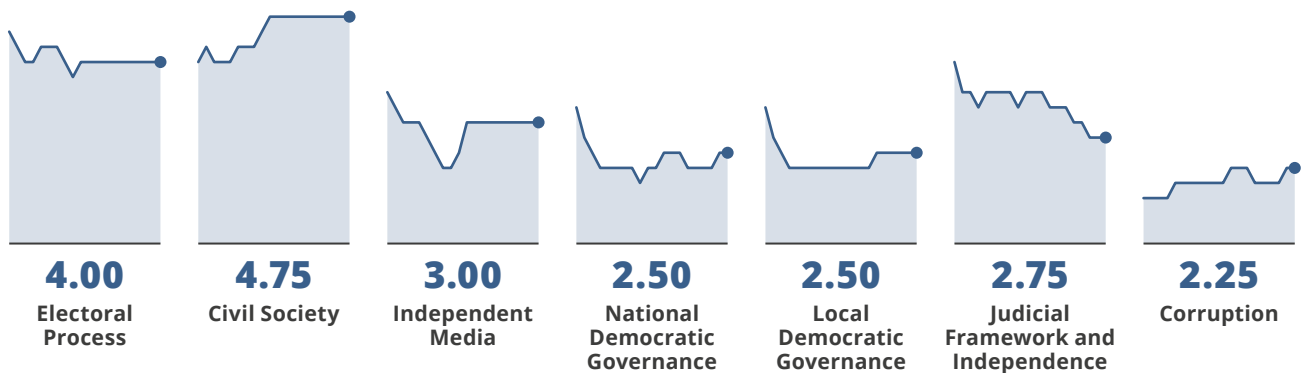


**Democracy Score**  
**3.11 / 7**  
 35.12% / 100



## Category Ratings

The ratings are based on a scale of 1 to 7, with 1 representing the lowest and 7 the highest level of democracy



## Legal Environment for Media

- On paper, Moldova offers strong protections for media freedom. The constitution safeguards freedom of expression and the right of access to information.<sup>1</sup> Under the Law on the Press, the state “guarantees the defense of the journalist’s honor and dignity, [and] protects... health, life, and property.”<sup>2</sup> However, this statute is outdated in several respects: for example, it restricts foreign investment in certain types of media. Under the Law on Freedom of Expression, “no one may prohibit or prevent the media from disseminating information of public interest, except in accordance with the law,”<sup>3</sup> while the criminal code prescribes fines for obstructing the work of journalists.<sup>4</sup> However, these protections are not robustly enforced in practice.
- Defamation and insult have been decriminalized since 2009,<sup>5</sup> but are still listed as offenses in the contravention code. If journalists are found guilty of these offenses, they may be punished by community service, fines, and, in the case of defamation, “deprivation of the right to hold certain positions or the right to carry out certain activities.”<sup>6</sup>
- In a May 2021 report, civil society groups including the Independent Journalism Center (IJC) noted that the misuse of the contravention code to “abusively sanction journalists for defamation” was an ongoing “law enforcement challenge” during their 2020–21 reporting period. In one high-profile May 2020 case, then president Igor Dodon filed a defamation lawsuit against independent newspaper *Ziarul de Gardă* for its reporting on his vacations.<sup>7</sup> The civil society report noted: “In practice, people who believe they were defamed in a publication opt for filing a complaint with the police rather than in court. This option becomes an easy and comfortable mechanism for exerting pressure on the media as people acting in bad faith can influence official examiners, particularly at the local level.”<sup>8</sup>
- The groups also noted that the “national legal framework regulating media work was neither complemented with new laws nor adjusted to sector needs.”<sup>9</sup> However, in 2020, the authorities took administrative decisions in the context of the COVID-19 crisis that negatively impacted media freedom:
  - In March, the Commission for Emergency Situations extended the deadline to respond to freedom of information requests from 15 business days to 45 during the COVID-19-related state of emergency.<sup>10</sup> This state of emergency was in effect from mid-March to mid-May and was followed by a “state of emergency in public health,” which remained in place through the end of September.<sup>11</sup>

### Legal Decisions Taken by Moldovan State Bodies in 2020 that Threaten Media Freedom



- Later in March, the Audiovisual Council (CA), the body responsible for regulating broadcast media, instructed journalists to cite “competent public authorities” as the “only reliable, truthful, impartial, and balanced sources” on the COVID-19 crisis.<sup>12</sup> Bowing to pressure from media industry and watchdog groups, the CA reversed itself two days later.<sup>13</sup>
- In June 2020, the CSJ ruled that the Law on Access to Information was obsolete in light of the country’s administrative code, which has been in force since 2019 and also governs the right of access to information.<sup>14</sup> Local media freedom groups assailed the ruling, noting that the administrative code articulates a far narrower view of this right than the Law on Access to Information.<sup>15</sup> In October 2020, the court reversed itself.<sup>16</sup> Though welcome, this reversal did not address inconsistencies between the two sets of rules, which continue to muddle the right of access to information.
  - In addition, the authorities often obstruct freedom of information requests in practice “by supplying incomplete or confusing information, invoking the Law on Personal Data Protection... [or] imposing prohibitive fees for accessing information,” according to a March 2020 report commissioned by Freedom House.<sup>17</sup> The bureaucratic hurdles involved in filing freedom of information requests, and the negligible penalties for ignoring them, further diminish this right.
  - A survey of journalists conducted by the IJC found that the Health Ministry was the least responsive Moldovan state institution to freedom of information requests in 2020.<sup>18</sup>
- In December 2020, legislators from the PSRM, the Șor Party, and the Pentru Moldova (Pro Moldova) group annulled the so-called antipropaganda law, a provision of the 2018 Audiovisual Media Services Code that effectively curtailed radio and television broadcasts from Russia.<sup>19</sup> This step threatens to increase the dominance of Russian programs and providers in the Moldovan market, crowd out local independent media, and contribute to increased levels of disinformation – further eroding overall media pluralism and citizens’ ability to access unbiased information.
  - The legislators behind this change proposed other potentially deleterious amendments, including one which would have introduced limits on the confidentiality of journalists’ sources. However, Parliament did not approve these proposals in response to criticism from civil society and the international community.<sup>20</sup>
  - Also in December, Parliament registered—but did not approve—a package of long-overdue reforms to the legal framework regulating the press.<sup>21</sup> These reforms were drawn up in consultation with civil society groups like the IJC and Association of Independent Press (API).

*“The authorities often obstruct freedom of information requests in practice “by supplying incomplete or confusing information, invoking the Law on Personal Data Protection... [or] imposing prohibitive fees for accessing information.”*

## Political Environment for Media

- Hostility characterized the government’s attitude toward the press in 2020. Throughout the year, officials avoided questioning from independent outlets. At the beginning of the COVID-19 crisis, as Freedom House’s *Nations in Transit 2021* report observes, press conferences were “replaced by online briefings to which journalists were denied access. In early May, the government started to organize online conferences where journalists were able to ask questions. However, in September the government ‘temporarily’ suspended press conferences again, and at year’s end they had not resumed.”<sup>22</sup>
  - In a representative incident, State Protection and Guard Service officers physically restrained TV8 journalist Mihaela Dicusar to prevent her from questioning then president Dodon in early July.<sup>23</sup>

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- In an unprecedented March 2020 move, the Security and Intelligence Service (SIS) ordered the blocking of 52 websites that allegedly spread COVID-19-related disinformation.<sup>24</sup> Several more websites were later blocked on SIS instructions. These website blocks were not well grounded in law<sup>25</sup> and drew criticism from media freedom watchdogs,<sup>26</sup> although none of the websites appeared to be legitimate news outlets and all of them appeared to disseminate disinformation or misinformation about COVID-19. The blocks remained in place for the duration of the state of emergency.<sup>27</sup>
- As noted in *Nations in Transit 2021*: “politicized appointments to media regulatory institutions continued in 2020. In July, the governing PSRM-PDM [Democratic Party] coalition in parliament confirmed the appointments of three new members to the Audiovisual Council. The opposition accused the governing coalition of engaging in a purely political recruitment process; one of those chosen, Ala Ursu-Antoci, was a PSRM member and a journalist at Accent TV, the media outlet owned by PSRM MP Corneliu Furculiță. In December, following the resignation of Dragoș Vicol, Ursu-Antoci was elected as the new president of the Audiovisual Council.”<sup>28</sup>
- According to monitoring conducted by the IJC, the public broadcaster, Teleradio Moldova (TRM), evinced a progovernment and pro-Dodon bias in its coverage throughout the year.<sup>29</sup> During the November presidential run-off contest, TRM’s Moldova 1 television station covered Dodon “more favourably than [winning candidate Maia] Sandu with 25 percent of coverage dedicated to him in positive tone, compared to 10 percent” for Sandu, per monitoring conducted by the Organization for Security and Co-operation in Europe (OSCE).<sup>30</sup> Private media outlets are more openly biased in favor of their political patrons, who see them as weapons to be used in the political arena.

- As noted in *Nations in Transit 2021*: “Cases of intimidation and harassment of journalists and whistleblowers grew more intense during the year. Several verbal attacks were directed against independent media outlets like Ziarul de Gardă, Pro TV Chişinău, and TV8 by [then] President Dodon, [then] Prime Minister [Ion] Chicu, and his former adviser Vitalie Dragancea. In September, the PSRM sued Pro TV Chişinău and journalist Lorena Bogza for defamation, citing Bogza’s discussion of an investigative report published by Rise.MD regarding an offshore bank transaction that implicated PSRM members and a media company owned by Furculiţă.”<sup>31</sup>
  - Overall, the London-based Justice for Journalists Foundation recorded 68 attacks against Moldovan journalists in 2020, although some of these incidents took place in the breakaway region of Transnistria.<sup>32</sup> Just five of these incidents (four of which occurred in Moldova proper) were physical in nature. The two most targeted outlets were TV8 and *Ziarul de Gardă*.
- In 2020, the deluge of “disinformation, false conspiracy theories, and fake news, especially related to the pandemic, reached new levels,” as noted in *Nations in Transit 2021*. “A report published by the Romanian Centre for European Policies (CRPE) in July showed that Moldova was one of the European countries most affected by external disinformation campaigns, specifically from Russia, whose content is taken up and promoted by pro-Russian media outlets, politicians, and representatives of the Orthodox Church within Moldova. The final months of the year, before and after the presidential election, were rife with disinformation, information manipulation, and smear campaigns, primarily orchestrated via PSRM-affiliated media.”<sup>33</sup>

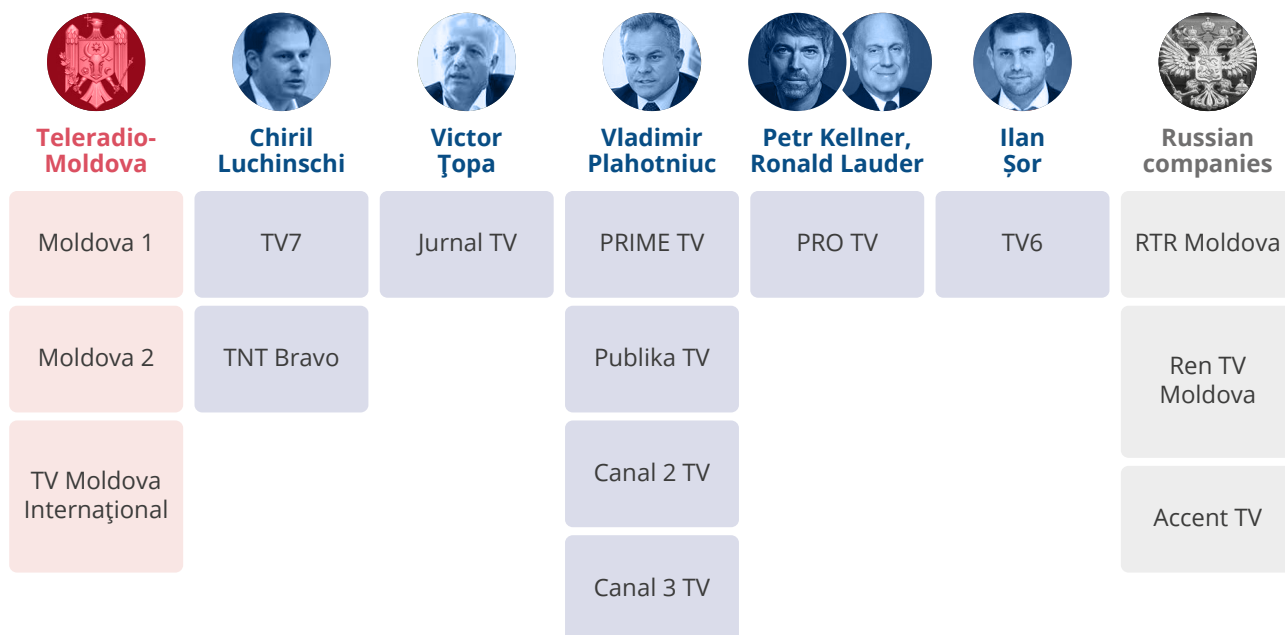
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## Economic Environment for Media

- Moldova is home to a relatively small media market in which private, oftentimes oligarchic interests play an outsized role. Independent outlets operate in precarious financial circumstances, which were exacerbated by the economic contraction brought on by the COVID-19 crisis. Overall, the economy contracted by 7 percent in 2020.<sup>34</sup> The market is overwhelmingly concentrated in the capital and largest city, Chişinău; less wealthy regions of Moldova do not sustain any local outlets.
- Television remains the dominant medium for news consumption, according to several 2020 polls.<sup>35</sup> Of the most popular TV stations—Jurnal TV, PRIME, TRM-operated Moldova 1, and PRO TV<sup>36</sup>—Jurnal TV and PRIME have ownership ties to exiled oligarchs Victor Țopa<sup>37</sup> and Vladimir Plahotniuc<sup>38</sup> respectively, while PRO TV is owned by the PPF Group, the business empire built by the late Czech billionaire Petr Kellner.<sup>39</sup> Other, less popular (but still influential) television stations are linked to various political parties as well as the Russian government. Exiled oligarch Ilan Şor, of the eponymous Şor Party, also operates several prominent television stations, including TV6, which won national broadcasting rights in 2020.<sup>40</sup>
- Online media outlets represent the second most important source of news for Moldovans. Many prominent digital outlets are affiliated with television stations and therefore susceptible to the same concerns about owners’ editorial influence. At the same time, independent outlets have the greatest presence on the internet when compared to other mediums.<sup>41</sup>
  - More news consumers turn to social networks than news sites. However, news content hosted on social networks cannot be directly monetized, placing financial strain on outlets. Furthermore, misinformation and disinformation are rife on social networks, undercutting the reach of professional journalists.

### Popular Moldovan TV Channels and Their Owners



Also based on: Nadine Gogu. *Who really rules the airwaves in Moldova?* via [opendemocracy.net](http://opendemocracy.net)

- In its *Vibrant Information Barometer 2021* report, IREX noted: “Economic sustainability continues to be a major challenge for the media. Political control over Moldova’s modest advertising market constrains its development and leaves independent media continuing to struggle financially.”<sup>42</sup> A three-year (and counting) effort to better regulate this market by rewriting the Law on Advertising has not yet succeeded.<sup>43</sup>
  - Two private entities dominate the advertising market for media: Casa Media, which is linked to Plahotniuc, and Exclusive Media House, which is owned by a PSRM member.<sup>44</sup> Several television stations have accused these brokers of colluding to manipulate the advertising market.<sup>45</sup> In August 2020, the Moldovan Competition Council fined Casa Media for abusive practices.<sup>46</sup>
  - Some independent outlets have turned to crowdfunding platforms like Patreon to fund their operations.<sup>47</sup> In 2020, a new advertising broker that will work exclusively with independent outlets opened its doors.<sup>48</sup> This company enjoys the support of international donors—the same actors on which many independent outlets currently rely.
  - The Law on Nonprofit Organizations, adopted by Parliament in 2020, initially barred independent outlets registered on a nonprofit basis from placing paid political advertisements during election campaigns, depriving them of an important revenue stream. However, the Constitutional Court annulled this provision in October.<sup>49</sup>

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- Nonprofit organizations operating in the media sector are further constrained by the Law on the Press, which sets registration requirements for print outlets that unduly burden resource-strapped organizations. This law also imposes limits on foreign ownership of print outlets, restricting pluralism.<sup>50</sup>
- As IREX notes: “Existing regulations meant to prevent concentrated or opaque media ownership are applied unevenly, if at all. The Competition Council, legally empowered to conduct annual assessments of Moldova’s media market to prevent the possibility of dominance by media conglomerates, does not honor this obligation. Meanwhile, the Broadcasting Council [CA] asserts that it does not have legal authority to verify the accuracy of media ownership disclosures.”<sup>51</sup> Concerns that political and business interests exert improper influence over these regulatory bodies abound. Furthermore, there are no ownership transparency requirements for either print or digital media.<sup>52</sup>

## Regional Comparisons

- In *Nations in Transit 2021*, Moldova received a score of 3.00 out of 7.00 on the survey's Independent Media indicator. The higher the indicator value, the more independent, diverse, and sustainable a media sector is judged to be. For comparison, fellow Eastern Partnership countries Armenia, Georgia, and Ukraine scored 3.00, 3.50, and 3.75, respectively, on this indicator. In Freedom House's *Freedom in the World 2021* report, Moldova received a press freedom indicator score of 2 out of a possible 4 (where 4 represents the freest media environment), as did Armenia, Georgia, and Ukraine.
  - All these scores remained static over the past year, with the exception of Georgia's score, which decreased from 3.75 to 3.5.
- All four countries are home to relatively pluralistic, albeit polarized, media environments in which independent outlets function as a check on public officials despite adverse economic conditions as well as occasional verbal, physical, and legal attacks.
  - While the COVID-19 pandemic saw the volume of disinformation and misinformation balloon in all four countries, information manipulation was already a preexisting phenomenon throughout.
  - Similarly, the economic fallout of the pandemic did not result in a qualitative deterioration in the already-beleaguered financial situation of independent media outlets in these countries.



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1850 M Street NW,  
11th Floor  
Washington,  
DC 20036

[www.freedomhouse.org](http://www.freedomhouse.org)  
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202.296.5101  
[info@freedomhouse.org](mailto:info@freedomhouse.org)

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