

# **Press Freedom Report Republic of Moldova, 2015**



This report is a brief description of all the significant events for mass media in Moldova in 2015. It also includes a chapter dedicated to the media situation in the Transnistrian region. This report was developed by the Independent Journalism Center (IJC) with financial support from Civil Rights Defenders, Sweden and is available in Romanian, English and Russian. The opinions in this report are those of the IJC and not necessarily those of the donor.



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## **I. Review of year 2015**

### ● *Preliminary conclusions*

The year 2015 marked a decline for mass media in the Republic of Moldova; this explains the downgrading in international rankings. According to the Freedom House Report, media in Moldova retained its status as “partially free” but ranked 55th, a lower score than in previous years. According to the *Press Freedom Index* compiled by Reporters sans Frontiers (Reporters without Borders), Moldova ranked 72nd out of 180 countries and lost 16 positions compared with previous years. Among the Eastern Partnership countries in term of press freedom, Moldova along with Georgia and Ukraine were rated partially free.

This downgrade was mainly caused by country's political instability. The Republic of Moldova started and ended 2015 without sitting governments. On 10 December 2014, the Leanca government resigned after the results of parliamentary elections from 30 November 2014 were validated, and on 12 February 2015, parliament voted down the new cabinet proposed Leanca. The Gaburici government took office on 18 February. Four months later on 18 June, parliament approved the resignation of Gaburici government and a new government led by Valeriu Strelet was appointed in July. This government was brought down on 29 October by a no confidence motion supported by opposition parties, namely the Socialist Party (PSRM) and the Communist Party (PCRM), along with the support of the Democratic Party (PDM), an alliance partner. At the end of 2015 no new government had been instated

Politicians continued to interfere with the work of the media which appeared to be economically dependent on politics. Throughout the year, a large number of independent media outlets often acted as mouthpieces for political parties and their owners. Cases of political partisanship and/or limiting pluralism of opinions came to the fore especially during the local election campaign and were identified through monitoring undertaken by the IJC <sup>1</sup> as well as by other national and international institutions. One could notice that after the elections, the TV channels controlled by politicians adjusted their editorial policies to their owners' interests and to the detriment of pluralism of opinions. Media non-government organizations (NGOs) alerted the public about the political interference with press work and issued several declarations urging journalists to observe ethical norms.

Media organizations also revealed that members of the Broadcast Coordinating Council (BCC) and the Supervisory Board (SB) of public broadcaster Teleradio-Moldova (TRM) had been appointed by Parliament based on political criteria. In March, Parliament approved only 4 SB members from the 12 candidates proposed by the BCC for 6 available positions. By the end of 2015, Parliament hadn't managed to select the two additional SB members.

Civil society also criticized the contest for recruiting the TRM chairman organized by the SB on 4 and 5 June because the ad hoc regulation of the SB did not contain, "...measurable, precise and credible criteria for appointing the company's chair on the basis of the quality of the application."<sup>2</sup> On 5 June, the Chair of the national radio station was not chosen, and an interim director stepped in.

In November 2015, after the entry into force of Law No 28 on amendments and addenda to the Broadcasting Code of the Republic of Moldova, the statements about the beneficial owners of broadcast media were made public; they confirmed that monopolies in Moldovan media are an

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<sup>1</sup> <http://media-azi.md/ro/publicatii/raport-final-monitorizarea-mass-media-în-campania-electorală-pentru-alegerile-locale>

<sup>2</sup> <http://media-azi.md/ro/stiri/declarație-de-presă-co-al-ipna-compania-”teleradio-moldova”-mimat-exercițiul-democratic-de>

issue. It was revealed that of five TV channels with national coverage in Moldova, four belong to a single owner, politician and businessman Vlad Plahotniuc who also owns several radio stations. Civil society appealed for the adoption of a new broadcasting code that could also address the issue of media concentration.

In 2015, Moldova failed to meet the deadline for completing the transition to digital television that was set for 16 June 2015 under the international Geneva 2006 agreement. Several media experts claimed that Moldova unnecessarily delayed the digital switchover and did not prepare the groundwork for the transition. Therefore, some regional/local broadcasters were not ready for the transition; the BCC might have to provide them financial support to avoid their closing down.<sup>3</sup> Thus, the Broadcasting Code was amended by Law No 167 of 31 July 2015 that pushed the switchover deadline back to 31 December 2017.

In 2015, due to a lack of legislation on protecting national information space, Moldova faced a large wave of foreign propaganda. In May, the BCC suspended the broadcasting license of Russian TV channel Russia 24. The broadcasting regulatory authority found that the informative and analytical programs broadcast/rebroadcast from the Russian Federation through this TV channel "poisoned the national public media space."<sup>4</sup> In December, however, the same institution issued a license to TV channel NTV Moldova that will rebroadcast some informative and analytical programs from Russian TV channel NTV. The BCC ignored the stance of media NGOs on this matter that was expressed in a declaration in which they pointed out the negative consequences of such a decision given that no law on securing national information space existed.<sup>5</sup> Under pressure from civil society and media NGOs, Parliament designed several legislative initiatives that turned into two draft laws for amending and supplementing the current Broadcasting Code.

Media organizations carried out several activities designed to decrease public manipulation via the media. Notable among them were the media campaign "StopFakes!" and the IJC study "Measuring the Perceptions of Social and Political News by the Media Audience in the Republic of Moldova" based on the findings of research conducted by the Institute for Marketing and Polls. Several long-term media strategies were approved including one on the implementation of media literacy projects among media consumers. In 2015, the IJC promoted media literacy through extensive programs in schools and universities, and according to the incumbent Minister of Education, Corina Fusu, a media literacy course may be introduced in the school curricula.<sup>6</sup>

### ● *Key events in mass media*

During the first Association Council meeting between the European Union and the Republic of Moldova that took place in March, the participants acknowledged the importance of political and economic reforms in Moldova, and they highlighted the need to step up efforts to prevent and fight corruption, to reform the justice system and also to urgently address weaknesses in the financial sector.<sup>7</sup>

Corruption among top authorities was the main issue covered by the independent media outlets in Moldova. The investigative reports (published by *Ziarul de Garda* through the Investigation Project RISE Moldova) brought to the forefront corruption cases in justice, business and politics. This year's Press Freedom Days organized by the IJC and the Press Freedom Committee were carried out under the slogan "Stop Corruption!". IJC set up a Roll of Shame entitled "Enemies of the Press" in

<sup>3</sup> [http://mediaforum.md/upload/help/FORUM\\_massmedia\\_2015\\_proiect\\_Foai\\_e\\_de\\_parcur\\_s\\_FINAL.pdf](http://mediaforum.md/upload/help/FORUM_massmedia_2015_proiect_Foai_e_de_parcur_s_FINAL.pdf)

<sup>4</sup> <http://cca.md/files/D.%2018-86%20din%2027%20mai%202015.pdf>

<sup>5</sup> <http://media-azi.md/ro/stiri/ong-urile-de-media-cer-cca-sa-intreprinda-masuri-imediate-si-energice-pentru-depoluarea>

<sup>6</sup> <http://media-azi.md/ro/stiri/cetatenii-au-nevoie-de-mai-multa-educatie-mediatica-in-conditiile-in-care-presa-este-dominata>

<sup>7</sup> <http://infoeuropa.md/files/prima-reuniune-a-consiliului-de-asociere-republica-moldova-uniunea-europeana.pdf>

front of Parliament to draw MPs' attention to the fact that democratic society can not exist without free media.<sup>8</sup>

The press also took interest in the financial crisis of January and February that resulted in a sharp depreciation in the national currency.<sup>9</sup> The investigation conducted by Kroll Associates (United States [US])<sup>10</sup> that revealed the disappearance of \$750 million from Banca de Economii, Banca Sociala and Unibank got both Moldovan and foreign coverage. According to the Kroll Report that was published in the beginning of May, following several complex transactions among the three banks with the involvement of the so-called Shor Group, a holding company that in 2014 according to the press consisted of 39 companies belonging to businessman Ilan Shor,<sup>11</sup> between 24 and 26 November 2014 Banca Sociala transferred Moldovan lei (MDL) 13.5 billion (US \$750 million) to five Moldovan companies that was further transferred to Lithuania to the accounts of several offshore companies registered in Great Britain and Hong Kong.<sup>12</sup> The report revealed that on 30 November 2014 when the National Bank of Moldova (NBM) appointed special management teams at the three banks, their debts amounted to MDL 18 billion ( 1 billion euros [EUR] at the NBM exchange rate on that day).<sup>13</sup> Currently, society is looking forward to hearing the results of the second phase of the Kroll Report. In October 2015, NBM signed a contract with Kroll; investigations in the second phase were supposed to last 16 weeks.<sup>14</sup>

In June 2015, general local elections took place in Moldova. Ilan Shor who, according to Kroll Report, was the main beneficiary of the illegal transactions conducted by the three banks<sup>15</sup> intended to run as a candidate for mayor of the town of Orhei. On 6 May, however, he was arrested on charges of abuse of office and was placed under home arrest for 30 days. Nevertheless, on 21 May, the Orhei Election Commission registered him as a mayoral candidate on behalf of the political party Movement Ravnopravie. On the next day the restraining order was challenged in court which concluded that home arrest was illegal according to the provision for immunity for electoral candidates. On 14 June, Ilan Shor won local elections with 62% of the votes and became Mayor of Orhei. Another surprise was that Renato Usatii, leader of the political group Our Party (PN) gained 72% of votes and became mayor of Balți municipality. Both of these political figures are businessmen and millionaires; they also have strong links with Russia. According to the results of the Barometer of Public Opinion carried out by the Institute for Public Policies, Renato Usatii and the party he leads are among the top preferences of the public.<sup>16</sup>

The year 2015 was different from previous years due to the large number of massive protests. People took to the streets demanding that those responsible for the "Heist of the Century" be held to account. Spontaneous protests took shape as an organized civic movement called Dignity and Truth (Demnitate și Adevăr or DA). Hundreds of supporters of DA set up tents in the main square of Moldova's capital, the Piața Marii Adunări Naționale (PMAN), demanding the immediate resignation of the ruling authorities and early elections. Groups of DA supporters held demonstrations in front of the General Prosecutor's Office, the Ministry of Justice, the Ministry of Internal Affairs, Chișinău City Hall and the offices of the Central Election Commission (CEC), the

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<sup>8</sup> <http://www.civic.md/stiri-ong/28259-cji-lanseaza-panoul-rusinii-inamiciei-presei.html>

<sup>9</sup> <http://www.dw.com/ro/leul-moldovenesc-se-prabușește-angajații-primesc-salarii-simbolice/a-18263769>

<sup>10</sup> <http://deschide.md/ro/news/politic/13961/Candu-sparge-secretomania-A-publicat-RAPORTUL-KROLL.htm>

<sup>11</sup> <http://agora.md/stiri/8408/kroll-numarul-firmelor-lui-shor-a-crescut-de-la-10-la-39-in-doar-trei-ani>

<sup>12</sup> [http://www.realitatea.net/raportul-kroll-despre-furtul-secolului-din-r-moldova-unde-a-disparut-un-miliard-de-dolari\\_1690754.html#ixzz3tS0nr3Z1](http://www.realitatea.net/raportul-kroll-despre-furtul-secolului-din-r-moldova-unde-a-disparut-un-miliard-de-dolari_1690754.html#ixzz3tS0nr3Z1)

<sup>13</sup> <http://www.cursbnm.md/curs-valutar-30-noiembrie-2014>

<sup>14</sup> [http://stiri.tvr.ro/jaful-secolului-compania-kroll-incepe-a-doua-etapa-a-investigatiei-in-sectorul-bancar\\_66153.html#sthash.9ioskUjo.dpuf](http://stiri.tvr.ro/jaful-secolului-compania-kroll-incepe-a-doua-etapa-a-investigatiei-in-sectorul-bancar_66153.html#sthash.9ioskUjo.dpuf)

<sup>15</sup> [https://www.scribd.com/fullscreen/264117737?access\\_key=key-xfqM5mgiSpO27z4sXZB5&allow\\_share=true&escape=false&view\\_mode=scroll](https://www.scribd.com/fullscreen/264117737?access_key=key-xfqM5mgiSpO27z4sXZB5&allow_share=true&escape=false&view_mode=scroll)

<sup>16</sup> [http://www.ipp.md/public/files/Barometru/Brosura\\_BOP\\_11.2015\\_prima\\_parte\\_final.pdf](http://www.ipp.md/public/files/Barometru/Brosura_BOP_11.2015_prima_parte_final.pdf)

Broadcast Coordinating Council and Teleradio-Moldova demanding the resignation of the leaders of those institutions.

Later in front of Parliament, the supporters of pro-Russian parties—the PSRM and the PN—erected their tents and also demanded that the pro-European government step down. The peak of the protests was on Sunday 4 October when demonstrators from PMAN and the ones in front of Parliament tried to enter the building. Law enforcement bodies standing by barely managed to stop this attempt.

Under pressure from protestors, the NBM Governor and First Deputy Governor resigned on 21 September; however, they stayed in office until a new governor could be appointed which did not happen in 2015. An International Monetary Fund (IMF) mission returned to Washington because it had no one to talk to in Chisinau about the next IMF tranche. On 9 November the President of Romania, Klaus Iohannis, rejected a loan of EUR 150 million to Moldova that had been approved by Parliament in Chisinau in the beginning of October. The head of the Romanian state submitted the agreement to the Parliament of Romania for revision due to, "...lacking certainty about the continuation of the reform process in the neighboring country."<sup>17</sup> The law was passed in the beginning of December.

By the end of October, state institutes started the campaign "In Search of the Billion." The General Prosecutor's Office demanded the lifting of parliamentary immunity for Vlad Filat, MP and leader of the Liberal Democratic Party of Moldova (PLDM), based on statements of Ilan Shor, millionaire and alleged main beneficiary of the "Heist of the Century." The former Prime Minister was accused of influence peddling and of passive corruption. The prosecutors estimated that the defendant took in nearly MDL 800 million (about US \$40 million). On 23 December his case was submitted to the court. The first hearing of the court took place on 29 December, however Filat's lawyer objected to the entire panel of judges of Buiucani Court who were supposed to examine the criminal proceeding.<sup>18</sup> The court was supposed to appoint a new panel of judges in 2016. Ilan Shor, the Mayor of Orhei, is being investigated though he is at liberty.

The Barometer of Public Opinion released in November 2015 revealed that 66% of respondents did not trust the government at all, 67% did not trust Parliament and 77% did not trust the Presidency. The poll concluded that 71% of respondents believed that the Republic of Moldova was politically unstable. The pro-European parties that had been in power since 2009 that were not trusted were PLDM by 76%, the Liberal Party (PL) by 64%, the Democratic Party (PD) by 60% and the European People's Party of Moldova (PPEM) by 49% of respondents.<sup>19</sup>

**International events.** The refugee crisis in Europe, the terrorist attacks in Paris at the beginning and the end of this year, the ongoing war in Ukraine with the involvement of the Russian Federation and Russia's involvement in the Syrian civil war were also covered by national media; however, local issues were covered the most with the "Heist of the Century" making the front pages of the international press. The BBC, Reuters, Euronews, Stratfor, Fox News, ABC and the *Washington Post* covered the protests in Chisinau reporting that they were caused by the "Heist of the Century."<sup>20</sup> *The New York Times*,<sup>21</sup> *The Guardian*<sup>22</sup> and many other international media outlets

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<sup>17</sup> <http://www.hotnews.ro/stiri-esential-20572939-klaus-iohannis-cere-reexaminarea-acordului-privind-asistenta-financiara-rambursabila-intre-romania-republica-moldova.htm>

<sup>18</sup> <http://agora.md/stiri/15296/completul-de-judecata-a-refuzat-sa-examineze-dosarul-lui-vlad-filat>

<sup>19</sup> [http://www.ipp.md/public/files/Barometru/BOP\\_11.2015\\_anexa.pdf](http://www.ipp.md/public/files/Barometru/BOP_11.2015_anexa.pdf)

<sup>20</sup> <http://jurnal.md/ro/politic/2015/9/14/moldova-din-nou-in-atentia-presei-internationale-bbc-reuters-euronews-stratfor-fox-news-abc-washington-post-despre-protestul-de-la-chisinau/>

<sup>21</sup> [http://www.nytimes.com/2015/06/05/world/europe/moldova-bank-theft.html?hp&action=click&pgtype=Homepage&module=photo-spot-region&region=top-news&WT.nav=top-news&\\_r=2](http://www.nytimes.com/2015/06/05/world/europe/moldova-bank-theft.html?hp&action=click&pgtype=Homepage&module=photo-spot-region&region=top-news&WT.nav=top-news&_r=2)

<sup>22</sup> <http://www.theguardian.com/world/2015/jul/01/global-auditor-moldova-wealth-franchise-grant-thornton-banks-embezzle>

published analyses about corruption in the top institutions in the Republic of Moldova

- ***Mass media during the election campaign***

Media behavior during the two rounds of local general elections on 14 and 28 June were monitored by several organizations, including the IJC, the BCC, the International Election Observation Mission (IEOM) of the Organisation for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the Congress of Local and Regional Authorities of the Council of Europe.

IEOM revealed media partisanship during elections in its "Statement of Preliminary Findings and Conclusions"<sup>23</sup>: "Broadcasters granted access to contestants; however, most showed a division along partisan lines failing to comply with the legal obligation of impartiality." In addition, IEOM noted that, "Unbiased news reporting was hampered by political influence and a concentration of media ownership."

Political partisanship was also noted in the IJC report. The monitoring results showed that Prime TV and Canal 2—both with nationwide coverage—covered the campaign in a biased manner favoring the PDM, and Accent TV failed to provide impartial news, instead extensively campaigning in favor of the PSRM and heavily criticizing the PL. Public broadcaster Moldova 1 and station TV 7 with regional coverage tackled election-related issues in a relatively balanced and accurate way. News portals, on the other hand, failed to separate themselves from their political preferences and posted biased reports. The editorial policy of portal OMG.md was, on one hand, harshly critical of the governing parties, especially the PDM, and disparaged the PL and PCRM but on the other hand intensively promoted PN candidates and party leader Renato Usatîi. Pan.md provided unbiased news items; however, the analyses were nearly always biased as they criticized the PDM and promoted the PSRM and PN. Publika.md performed in a biased manner favoring the PDM both directly and indirectly while PL and PSRM candidates were often featured in a negative light. Timpul.md denigrated the PSRM and favored the PL. Unimedia.info covered the campaign in an unbiased way; however, PLDM and PL candidates benefited from most features.<sup>24</sup>

The BCC also detected deviations from the CEC regulations on the coverage of the election campaign. The broadcasting regulatory authority applied 15 sanctions including 8 against Prime TV, Publika TV, Canal 2 and Canal 3 issuing each of them a public warning and levying minimal fines of MDL 1800 in its decisions on 27 May and 5 June. The station Accent TV also got a minimal fine and a public warning. Another four stations—Jurnal TV, Ren Moldova, TV 7 and N4—were publicly warned.<sup>25</sup>

The IEOM concluded in their final report that:

Increasingly, significant ownership concentration of broadcast media and their association with political actors influence editorial freedom and result in self-censorship, impacting the access to impartial information. The General Media Group, a company associated with the PDM Deputy Chairperson, owns four out of five national channels (except for Moldova 1) and appears to be connected to the Casa Media Company, which is perceived by independent media specialists as dominating the advertising market.<sup>26</sup>

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<sup>23</sup> <http://www.osce.org/ro/odihr/elections/moldova/164316?download=true>

<sup>24</sup> <http://www.media-azi.md/ro/publicatii/raport-final-monitorizarea-mass-media-in-campania-electorală-pentru-alegerile-locale>

<sup>25</sup> <http://cca.md/files/D.20-93%20iunie%202015.pdf><http://cca.md/files/D.18-87%20din%2027%20mai%202015.pdf>;

<sup>26</sup> <http://www.e-democracy.md/files/elections/parliamentary2014/final-report-osce-elections-2014-ro.pdf>

The monitoring provided facts and figures that the four TV stations—Prime, Publika, Canal 2 and Canal 3—managed by the General Media Group SRL primarily promoted PDM interests during the elections to the detriment of media pluralism. (In November, businessman and politician Vladimir Plahotniuc, PDM Deputy Chairperson, officially declared that he owned these stations; he registered them under a new company—General Media Group Corp.)

- ***Media market***

The same IEOM report mentioned that:

The media landscape is characterized by a considerable number of outlets, including 64 television channels (5 with nationwide coverage), 57 radio stations, some 400 print publications and numerous online media. Television is the most important source of information, especially outside of the capital. The public broadcaster Moldova 1 is primarily financed from the state budget and remains one of the most-viewed outlets. While print media struggle with declining circulations, Internet penetration and readership of online media, including of political portals, is rapidly increasing.<sup>27</sup>

On 1 January 2015, 218 broadcasting licenses were issued in the Republic of Moldova; of these 72 were assigned to TV stations and 58 to radio stations. A total of 35 licenses were for aerial TV broadcasting, 10 were satellite TV broadcasting licenses, 27 were cable TV licenses, 55 were licenses for aerial radio broadcasting, 2 were licenses for satellite radio broadcasting and 1 was for wire radio broadcasting.<sup>28</sup>

Apart from Moldova 1 managed by TRM and TV Gagauzia managed by Regional Public Broadcaster Teleradio-Gagauzia (TRG), there is an extensive network of private broadcasters in the national media market. Declarations ensuring media ownership transparency submitted to the BCC showed that most broadcasters are controlled by businessmen and politicians. Political figures are interested in investing in TV stations because television is currently the main source of information for the public. According to the Barometer of Public Opinion in Moldova released in November 2015, 63% of respondents considered television their most important source of information. Second in line was the Internet at 24%.

In 2015, media concentration and the use of the press as an image building tool were significant features in the national media market. The best example was PDM businessman and politician Vlad Plahotniuc who owns four TV stations with nationwide coverage—Publika, Prime, Canal 2, Canal 3—and three radio stations—Publika FM, Muz FM and Maestro FM. Overall, these media outlets reportedly cover about 60–70% of the broadcast market.

Liberal Democrat MP Chiril Lucinschi owns two TV channels: TV 7 and Bravo. Businessman Victor Țopa, who fled to Germany after being charged with committing bank fraud in the Republic of Moldova, is the owner of channel Jurnal TV. The former Minister of Defense, Valeriu Pleșca, together with two Azeri citizens—Seymur Akhundzada, Deputy Director of the Iron Plant in Ribnița and Talgat Baitaziev, Director of the same enterprise—own the TV station Moldavian Business Channel. According to press reports, Ilan Shor, the millionaire whose name is listed in the Kroll Report, is allegedly behind EURO TV and ALT TV though officially they are registered with Rita Tvic, Director of the news agency Novosti-Moldova. In December, the BCC issued a broadcasting license to station NTV Moldova whose founder is PSRM MP Corneliu Furculița. Accent TV is also associated with the PSRM and was established by a company from the Russian Federation. In terms

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<sup>27</sup> <http://www.e-democracy.md/files/elections/parliamentary2014/final-report-osce-elections-2014-ro.pdf>

<sup>28</sup> <http://cca.md/files/RAPORT%20CCA%202014-%20var.2.pdf>

of figures, the broadcasting market expanded; however, the quality of products is doubtful because politicians treat their media assets as their own businesses and interfere with their editorial policies.

The Broadcasting Code contains provisions on the number of licenses a single person is allowed to own; however, there are no provisions on market share pertaining to TV stations with local, regional or national coverage. Media experts are concerned about media concentration, and they caution that we are dealing with media "Berlusconization" in Moldova.<sup>29</sup>

Also in 2015, the Moldovan media market was dominated by media products from the Russian Federation. For example, the programs of Russian State Television are re-broadcast in Moldova at a rate of 50%. In Moldova as in most countries of the former Soviet Union, among the top five TV stations (pursuant to audience share) at least three are Russian stations (in most cases they rebroadcast)—Pervii Kanal, NTV, RTR or REN TV—and they offer only an insignificant share of local content. The negative impact of the Russian press is caused by the fact that most of their informative and analytical programs are biased and focus on a) openly promoting Kremlin policies and discrediting the European Union and Western values, b) developing anti-Romanian feelings and c) interpreting history in Stalinist Soviet style.

Throughout the year, the BCC penalized several broadcasters that retransmitted Russian channels,<sup>30</sup> but only station TV7 agreed to remove the informative and analytical programs from station TNV from Moscow. Thus it turned out that the media market in Moldova became a source of manipulation and misinformation for Moldovan citizens. Manipulative news items became "credible" through entertainment programs produced by professionals from Russian channels that have large and stable audiences in the Republic of Moldova.

According to the web catalog [www.top20.md](http://www.top20.md), 308 websites are registered in the Republic of Moldova. Not all of them update their content daily, and not all of them are backed by press institutions. Only several dozen websites specialize in disseminating news reports and other kinds of media content and are updated on a daily basis. They are either media institutions as such, or they are an online version of a given TV station, newspaper or radio station. According to ratings by Gemius, an international company, the most visited websites in 2014 in the Republic of Moldova were [point.md](http://point.md), [protv.md](http://protv.md) and [unimedia.md](http://unimedia.md).

Online media is continuously developing in Moldova, thus political influence is also present in this area. At the end of last year, Interact Media and Miraza signed a sales contract with the news portal Unimedia; according to information circulated on social media networks, a political party is behind this affair. The report on Media Monitoring during the Campaign for Local General Elections produced by IJC found that Unimedia.info covered the campaign in an unbiased way, providing some pluralism and diversity of sources; however, "the large number of positive articles featuring the PLDM and frequent quotes reveal the editorial bias of Unimedia.info towards this party."<sup>31</sup>

Media concentration hampers journalists' professionalism. The lowering of professional standards is caused by the failure to observe the Code of Ethics for Journalists when they play the political game of building the image of the owner-politician or by denigrating his political opponents during the campaign. A persuasive example in this respect is the dissemination by a news portal of a video containing intimate images of former Prime Minister Filat which is said to have belonged to Filat's political rival Vladimir Plahotniuc. Media organizations issued a declaration that urged journalists,

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<sup>29</sup> <http://jurnal.md/ro/social/2015/10/27/expert-media-despre-berlusconizarea-presei-in-rm-din-caine-de-paza-al-societatii-mass-media-s-a-transformat-in-caine-de-paza-al-patronului/>

<sup>30</sup> <http://cca.md/files/Trim.%20II%202015%20.pdf>

<sup>31</sup> <http://www.media-azi.md/ro/publicatii/raport-final-monitorizarea-mass-media-in-campania-electorală-pentru-alegerile-locale>

"...not to succumb to manipulation or to be purchased by political actors who try to take control of as many media institutions as possible."<sup>32</sup> The Press Council attempted to examine the case in a meeting; however the editor in chief of the portal refused to show up, replying to the invitation in an open letter instead.<sup>33</sup> In December, such campaigns targeted Ion Sturza after President Nicolae Timofti decided to appoint him as Prime Minister and former Minister Maia Sandu who announced the establishment of her own political party. Media institutions owned by Vlad Plahotniuc published a series of anti-Sturza and anti-Sandu reports that featured exclusively the PDM view on these persons. Publika.md interpreted the statements of US Ambassador James D. Pettit on the situation in Moldova, and related them to the President's decision to appoint Ion Sturza as Prime Minister. However, after the Ambassador issued a press release<sup>34</sup> declaring that his message was distorted, Publika TV acknowledged this "regrettable mistake."<sup>35</sup>

According to National Bureau of Statistics data, 171 newspapers and 258 magazines are registered in the Republic of Moldova.<sup>36</sup> The Romanian language press has a much smaller circulation than Russian language publications. The situation of the newspapers and magazines in the media market is tricky due to the economic problems they have faced for several years in row. On top of that they have encountered circulation troubles. Posta Moldovei that holds a monopoly on distribution services imposed tough conditions on newsrooms by increasing fees for its services. In 2015, the Association of Independent Press together with editors of periodical publications sent an Open Letter to Parliament, the government, the Ministry of Information Technologies and Communication, the Chisinau Municipal Council and to Posta Moldovei in which they drew attention to the potential consequences of such increases.<sup>37</sup>

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<sup>32</sup> <http://www.api.md/news/view/ro-declaratie-a-ong-urilor-de-media-pr-lesa-nu-trebuie-sa-se-lase-manipulata-de-factorul-politic-1026>

<sup>33</sup> <http://moldova24.info/2015/11/raspuns-la-invitatia-consiliului-de-presa/>

<sup>34</sup> <http://www.europalibera.org/archive/news/20151222/445/445.html?id=27442459>

<sup>35</sup> [http://www.publika.md/precizarea-publika-tv-privind-mesajul-ambasadorului-american-la-chisinau\\_2481181.html](http://www.publika.md/precizarea-publika-tv-privind-mesajul-ambasadorului-american-la-chisinau_2481181.html)

<sup>36</sup> <http://statbank.statistica.md/pxweb/Dialog/Saveshow.asp>

<sup>37</sup> <http://api.md/news/view/ro-scrisoare-deschisa-catre-parlamentul-rm-guvernul-rm-ministerul-tehnologiei-informatiei-si-comunicatiilor-consiliul-municipal-chisinau-intreprinderea-de-stat-posta-moldovei-1004>

## **II. Public broadcasting sector**

### ● ***Broadcast Coordinating Council***

In the beginning of 2015, there were three vacancies on the BCC after the mandates of Marian Pocaznoi, Ignat Vasilache and Vasile Tabunșic expired. In April, Parliament appointed two new members—Olga Gututui and Dragos Vicol—who were endorsed by the votes of PLDM, PDM and PCRM MPs. In the beginning of May, the same three parliamentary factions also approved Artur Cozma, the former Minister of Culture during the Communist government. Until the end of 2015, the broadcasting regulatory authority worked at full force.

BCC priorities for 2015 were listed in the National Implementation Plan of the EU-Moldova Association Agreement for 2014–2016. As to developing the broadcast media market, the BCC committed itself to promoting local audiovisual production by systematically monitoring whether stations offered the minimum required amount of local products as well as to studying the experience of EU member states on the switchover to digital terrestrial television and to adopting best practices in carrying it out. Other priorities were to ensure a diversity of opinions and ideas, the social and political diversity of views and linguistic, cultural and social diversity; to continuously supervise social and political balance and fairness and objectivity during the election campaign; to ensure the protection of language and national culture by monitoring radio and TV programs and to identify opportunities that would encourage the dissemination of European masterpieces in the Moldovan audiovisual market.<sup>38</sup>

Throughout the year, the BCC carried out several thematic monitoring projects and imposed fines on broadcasters who did not ensure the required volume of local content; who performed in a biased way during the local elections campaign; who broadcast propaganda and manipulative messages or who admitted other deviations from licensing requirements. National and international media experts, however, stated that the fines imposed by the BCC were too small; therefore these constraint measures were not very effective. For instance, the IEOM concluded that during local elections in 2015, the BCC imposed minimal fines for failure to comply with CEC regulations and that, "The enforcement mechanism of the BCC remains weak as it lacks effective and timely remedies."<sup>39</sup>

The BCC may impose the following sanctions: a) public warnings; b) withdrawal of the right to broadcast advertisements for a certain period; c) fines; d) suspension of the broadcasting license and e) withdrawal of the broadcasting license.<sup>40</sup> The fines amount to MDL 1800 or MDL 5400. The suspension and withdrawal of broadcasting licenses are imposed only in exceptional cases. In the summer of 2014, the BCC suspended the broadcasting license of Rossia 24 TV between 1 July 2014 and 1 January 2015. The BCC decision was challenged in court by the leader of the political party Casa noastră Moldova, former MP Grigore Petrenco. The Chisinau Court of Appeals ruled in favor of the BCC; however, the Gagauz authorities objected to the execution of this BCC decision, and as in other regions of the country, the rebroadcasting of Rossia 24 was not suspended there.

At the meeting on 27 May 2015, the BCC decided that "Media service providers under the jurisdiction of the Republic of Moldova will suspend retransmissions from the Russian TV channel

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<sup>38</sup> <http://cca.md/files/RAPORT%20CCA%202014-%20var.2.pdf>

<sup>39</sup> <http://www.osce.org/ro/odhr/elections/moldova/164316?download=true>

<sup>40</sup> <http://www.cca.md/files/Ghid%20privind%20cadrul%20normativ%20in%20domeniul%20audiovizualului%20din%20R.M.pdf>

Rossia 24 throughout the Republic of Moldova."<sup>41</sup> This decision was endorsed by all nine members of the BCC. BCC monitoring found that, "Rossia 24 breached several articles of the Broadcasting Code and of international conventions, such as the Convention for the Protection of Human Rights and Fundamental Freedoms and the European Convention on Transfrontier Television. In addition, the infringement of provisions of Article 34 (3) of the Constitution of the Republic of Moldova was noted. "The right of access to information may not prejudice either measures for citizens' protection or national security."<sup>42</sup> During the same meeting, broadcasters Prime TV, Ren Moldova and RTR Moldova received maximum fines for repeated violations of licensing requirements and for the failure to comply with national broadcasting legislation. Station TV7 received a fine of only MDL 1800 - its administration stopped rebroadcasting newscasts and informative and analytical programs from the Russian Federation.

Russian authorities expressed their concern about the decision to suspend the broadcasting license of Rossiya 24 as did the OSCE Mission which found that the BCC decision, "...violates the principle of proportionality and is at odds with paragraph 9.1 of the 1990 OSCE Copenhagen Document."<sup>43</sup>

On 8 December, the BCC issued a broadcasting license to new local broadcaster Exclusiv Media SRL that gained the right to retransmit Russian channel NTV as NTV Moldova. The license was issued in spite of the recommendations voiced by media organizations in a declaration in which they alerted the BCC about the potentially negative impact of another Russian channel on the national media market. Media NGOs argued that the current Moldovan legal framework did not contain provisions that could protect national information space from foreign manipulation and propaganda.<sup>44</sup>

The switchover from analogue to digital terrestrial television was another matter of concern for the BCC in 2015. According to the Geneva 2006 agreement, Moldova was supposed to complete the transition within nine years, i.e., by 15 June 2015. This did not happen, and on 31 July 2015, Parliament passed Law No 167 extending the transition until 31 December 2017. According to the same law, within six months of the present bill entering into force, the BCC must formulate recommendations for broadcasters on the mechanism of the switchover in order to avoid their closing down.

The digitalization issue was also discussed during the first Mass Media Forum in Moldova in which participants supported the idea of granting licenses for national duplexes on precise and measurable criteria. The forum participants suggested the following: a) organizing public hearings with the participation of all interested parties concerning regulations prepared by the BCC on the procedures and requirements for issuing digital broadcasting licenses and digital rebroadcasting authorizations for using multiplexes and b) developing clear and transparent criteria on the distribution of program packages in multiplexes, also ensuring in the basic package the necessary diversity of viewers' interests, e.g., public services, general services, specialized services, etc. The BCC was to look into the opportunity for providing financial assistance to some local/regional broadcasters during the switchover in order to avoid their liquidation.

Another issue on the BCC's agenda was the implementation of Law No 28 amending and supplementing the Broadcasting Code. The BCC designed the declaration ensuring media ownership transparency and obliged the beneficial owners of broadcast media to sign and submit

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<sup>41</sup> <http://cca.md/files/D.%2018-86%20din%2027%20mai%202015.pdf>

<sup>42</sup> <http://cca.md/files/D.%2018-86%20din%2027%20mai%202015.pdf>

<sup>43</sup> <http://www.osce.org/odihr/elections/moldova/164311?download=true>

<sup>44</sup> <http://api.md/news/view/ro-ong-urile-de-media-cer-cca-sa-intreprinda-masuri-imediate-si-energence-pentru-depoluarea-spatiului-mediatic-1047>

this declaration under oath. Media experts concluded, however, that the BCC lacked efficient measures to implement this law.<sup>45</sup> The press reported that some broadcast outlets could have different owners and beneficiaries than the ones recorded in the declarations. On this matter, the BCC replied that it was not empowered to verify the truthfulness of declarations submitted by owners under oath. Also, the BCC did not object when tendencies to media concentration in Moldova were confirmed by these declarations. Media experts considered that the BCC should have a greater degree of involvement in this matter and that this problem could be solved by adopting a new broadcasting code.<sup>46</sup> In December, the Parliamentary Committee on Media initiated public hearings on a draft code developed by media NGOs in 2011 that had already been endorsed by European institutions but had still not been examined in the Parliamentary plenum.

In 2015, suspicions that the BCC was politically influenced remained. Allegations gained ground in June when BCC member Artur Cozma was called by the PCRM leader to provide explanations to party members about his vote endorsing the suspension of the license of Rossia 24. Media experts qualified this case as evidence both of control over the BCC member by the political party that delegated him to the council and as confirmation of the fact that BCC members are appointed based on political criteria. Artur Cozma isn't a member of the PCRM; however, during a talk show, the leader of this party, Vladimir Voronin, called him a "traitor" because his vote was not in line with PCRM policy.<sup>47</sup> After his report to party members, Cozma submitted a letter of resignation from his duties as BCC member to Parliament, but he soon withdrew it.<sup>48</sup>

#### ● *National public broadcaster Teleradio-Moldova*

From December 2013 until March 2015, the SB of Teleradio-Moldova virtually did not function because there were only three instead of the nine required members. In March 2015, Parliament approved four new members: Lilia Gurez (former head of the Filat Government Press Service), Stela Nistor (former head of the Press Service of the Ministry of Information Technologies and Communication), Ludmila Vasilache (editor and presenter on public TV channel Moldova 1) and Vitalie Tapes (producer). The four candidates were endorsed by votes of 55 MPs of the PCRM, PLDM and PDM. According to liberals who objected to this procedure, of those four, two were from the PLDM and two were from the PDM but two more members were supposed to come from the PCRM. Parliament was unable to choose the last two members in 2015, thus the SB worked with only seven members.

The BCC put forward several media experts for the contest; however the Parliamentary Committee on Media did not approve those candidates and gave preference to less competent but politically more loyal persons. In March, media organizations circulated a press statement to express their concern about "...the continuation of reprehensible, anti-democratic and illegal practices of politically distributing positions on the broadcast regulatory and supervisory bodies," and urged real reforms for media development instead of media suppression. The following was mentioned in the statement:

The recent appointment of four SB members of TRM without clear, measurable and transparent criteria made us conclude that:

- Positions were awarded on political criteria at two per party from the minority coalition.
- Indirectly, Parliament showed distrust of the BCC (whose members are also appointed by

<sup>45</sup> <http://media-azi.md/ro/stiri/angela-arama-coautoare-codului-audiovizualului-”nu-codul-trebuie-schibat-ci-clasa-politica”>

<sup>46</sup> <http://media-azi.md/ro/stiri/experti-media-sapte-licente-deținute-de-o-singura-persoana-afecteaza-grav-pluralismul-de>

<sup>47</sup> [http://www.publika.md/tradare-voronin-despre-votul-lui-cozma-in-favoarea-retransmiterii-postului-rossia-24-in-moldova\\_2321981.html](http://www.publika.md/tradare-voronin-despre-votul-lui-cozma-in-favoarea-retransmiterii-postului-rossia-24-in-moldova_2321981.html)

<sup>48</sup> <http://jurnal.md/ro/politic/2015/6/2/artur-cozma-si-a-dat-demisia-din-functia-de-membru-al-cca/>

Parliament) by ignoring 8 of the 12 candidates selected by the BCC.

- The principle of periodical renewal of SB membership by a third, which is established by law, was infringed.<sup>49</sup>

On 4 June, the SB organized a contest for recruiting the chairman of the national public broadcaster; the vacancy had been available since December 2014. During the selection meeting, applications from four candidates were reviewed: Olga Bordeianu, Ghenadie Brega, Ion Terguta and Nicu Scorpan. Ion Terguta received two votes, Olga Bordeianu got five votes, and the two other candidates did not get any votes. Olga Bordeianu was thus selected as Chair of TRM. On the next day, civil society objected to her candidacy, following information circulated through social media networks about misrepresentations on her CV. Ms Bordeianu declared that she had studied at the New York Film Academy in 2014 whereas after being contacted by a Moldovan blogger, the administration of the US institution stated that it had not had a student by that name. SB member Petru Grozavu requested that Ms Bordeianu show her graduation certificate confirming the completion of the New York Film Academy courses. It turned out that she had attended one workshop organized by the affiliated branch of the American academy in Moscow. Petru Grozavu asked to withdraw his vote in favor of Bordeianu, but TRM lawyers declared that it was impossible to do so as the legislation did not contain provisions on vote withdrawals by SB members. Petru Grozavu challenged this refusal in court; the case is still pending.

Media organizations made their own assessments of the way the SB carried out the contest and concluded that Olga Bordeianu was the "weakest candidate." The way the TRM Chair was selected was described as "vicious."<sup>50</sup> Media NGOs blamed SB members for superficially examining the applications submitted by the candidates and for, "...intentionally or unintentionally neither verifying the CVs nor the value and practicality of their projected plans." In a declaration, media NGOs demanded that, "...the five members of the SB who voted in favor of Olga Bordeianu as TRM Chair resign with dignity as they failed to thoroughly examine and analyze the candidates' applications for this vacancy," highlighting that, "Such behavior may harm the public interest."<sup>51</sup>

On 5 June, the SB organized a contest to recruit the Radio Moldova Chair; this position had been available since February 2015 when Alexandru Dorogan's mandate ended. Six candidates submitted their applications: Veaceslav Gheorghişenco, Alexandru Dorogan, Eduard Maciac, Adrian Petcu, Nicu Scorpan and Stefan Secareanu (who withdrew from the competition on 3 June). None of the contestants gained enough votes, so the position remained vacant; there has been an interim director until the end of 2015. As a consequence of the scandal within the SB triggered by the selection of Olga Bordeianu as TRM Chair, SB Chair Ludmila Vasilachi resigned and was replaced by SB member Doina Deleu.

In November 2015, IJC released the study "The Work of the Supervisory Board of the national public broadcaster Teleradio-Moldova between reforms and stability." The study is a quantitative and qualitative analysis of SB work from 2010 to 2015 and provides specific recommendations for improving the situation.<sup>52</sup>

### ● *Regional public broadcaster Teleradio-Gagauzia*

Regional public broadcaster Gagauziya Radio Televizionu, the second largest public broadcaster after Teleradio-Moldova, went through a deep crisis in 2015 that was triggered by local public

<sup>49</sup> <http://media-azi.md/ro/stiri/ong-urile-si-expertii-media-sunt-ingrijorati-de-mersul-reformelor-si-de-partajarile-politice-0>

<sup>50</sup> <http://independent.md/cum-s-a-ales-directorul-teleradio-moldova-ce-arata-o-evaluare-independenta/#.Vn8SJYTxhsM>

<sup>51</sup> <http://media-azi.md/ro/stiri/declaratie-de-presă-co-al-ipna-compania-teleradio-moldova-mimat-exercițiul-democratic-de>

<sup>52</sup> <http://media-azi.md/sites/default/files/CO-studiu-2015-web.pdf>

authority control and influenced by the elections for Gagauz Governor (Bashkan) that took place on 22 March. As the year started, regional civil society organizations pointed out the potential consequences of this crisis revealing that it, "...could undermine TRG capacity to cover the election campaign pursuant to the Regulation on the Election of Gagauzia Governor."<sup>53</sup>

All the polls on voting intentions in the Gagauz Autonomy revealed that Irina Vlah, the candidate supported by the Socialist Party, had the best chance, and indeed she won the election after the first round. Nicolai Dudoglo, one of the nine candidates, requested the BCC to suspend the broadcasting services of Rossia 24 until 5 April because this Russian channel directly promoted Irina Vlah and, "It breached the election legislation of the Republic of Moldova and the Law on the Elections of the Gagauzia Governor," by also promoting Vlah on the day of elections.<sup>54</sup>

Internal conflicts within the TRG administration also affected the company's activity during this year. These conflicting issues were discussed at the BCC meeting on 5 June. Former TRG Chair Anna Harlamenco described the company's actual situation in a petition that was submitted by MP Valentina Buliga (PDM).<sup>55</sup> Ms Harlamenco mentioned in her petition that the liquidation of TRG had begun, and that the President of the Gagauz People's Assembly, D. Constantinov, was involved in it. According to the petitioner, on 22 April 2015 she was illegally dismissed from her position as TRG Chair, and she revealed to the BCC that the SB of the TRG had initiated the company's reorganization. According to her, TRG technical means were supposed to be used in the interests of regional service providers to create multiplexes for the switchover to digital television; in turn providers would charge citizens for their services. In this context, the petitioner claimed that S. Piron who had been appointed as TRG Chair was one of service providers from Comrat and, "...aimed to destroy the company and poach the entire infrastructure."<sup>56</sup> The BCC concurred with Harlamenco's assessment of the current situation at TRG and submitted her petition to the General Prosecutor's Office of Republic of Moldova and to the State Chancellery.

All of these disagreements reflect the long-standing, latent conflict between the BCC in Chişinău and the Gagauz authorities with respect to licensing of broadcasters. It is clearly stated in Broadcasting Code Article 23 (1) that: "Licenses for broadcasting program services by means of terrestrial radio-electric waves shall be issued by the Broadcast Coordinating Council on a competitive basis."<sup>57</sup> However in 2014, the People's Assembly of Gagauzia passed draft law No 66-XXVIII/III of 10.07.2007 amending and supplementing the Law on Broadcasting in which it ignored the legal duties of the BCC and of the National Regulatory Agency for Electronic Communications and Information Technology to issue broadcasting licenses, user licenses and retransmission authorizations, including for terrestrial frequencies which pursuant to Article 12 of the Broadcasting Code belong to the national heritage. Through such amendments, the People's Assembly of Gagauzia has empowered itself to monitor and control broadcasters' and service providers' observance of the provisions of the Law on Broadcasting of TAU Gagauzia and to oversee the observance of the broadcasting legislation by the holders of broadcasting licenses and retransmission authorizations. In addition, another procedure for selecting and appointing members of the SB of TRG was established that differed from the one described in the Broadcasting Code of the Republic of Moldova.

The BCC qualified these actions as illegal and inconsistent with the Law on the Special Legal Status of Gagauzia. In October 2014, the BCC notified the Presidency, Parliament, the government, the General Prosecutor's Office, the Constitutional Court and the Information and Security Service

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<sup>53</sup> <http://media-azi.md/ro/stiri/declarația-organizațiilor-societății-civile-în-legătură-cu-criza-administrativă-de-la-compania>

<sup>54</sup> <http://jurnal.md/ro/politic/2015/3/23/irina-vlah-a-castigat-detasat-alegerile-din-gagauzia/>

<sup>55</sup> <http://cca.md/files/D.%2020-96%20din%2005.06.2015.pdf>

<sup>56</sup> *ibid.*

<sup>57</sup> [http://ijc.md/Publicatii/mlu/legislatie/codul\\_audiovizialului.pdf](http://ijc.md/Publicatii/mlu/legislatie/codul_audiovizialului.pdf)

about the initiative to amend and supplement the Law on Broadcasting of TAU Gagauzia with illegal provisions that were at odds with the Constitution of the Republic of Moldova.<sup>58</sup> Media NGOs urged the People's Assembly of Gagauzia to reject this draft law given that it is unacceptable to adopt provisions that contradict the legislation of the Republic of Moldova.<sup>59</sup> The People's Assembly ignored this request and on 4 November the amendments and supplements to Law No 66 on Radio and TV Broadcasting in TAU Gagauzia were adopted. The State Chancellery challenged this act in court. In fact, currently the BCC doesn't control the transmissions or the licensing process in the autonomous region.

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<sup>58</sup> <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=355368>

<sup>59</sup> <http://www.api.md/news/view/ro-ong-urile-de-media-cer-adunrii-populare-a-gguziei-respectarea-legislaiei-republicii-moldova-709>

### **III. Freedom of expression and access to information in 2015**

#### ● *Legislative developments*

According to the Government Action Plan for 2011–2016, "The Amendment of the Broadcasting Code of the Republic of Moldova No 260-XVI of 27.07.2006 for strict regulation of retransmissions of foreign channels, media ownership transparency, limitation of media ownership concentration and measurement of media audience" was supposed to be done by the third quarter of 2011.<sup>60</sup> To a large extent, this plan has remained on paper.

The main achievement of 2015 in terms of media legislation was the adoption of Law No 28 of 05.03.2015 on the amendments and addenda to the Broadcasting Code of the Republic of Moldova No 260-XVI of 27.07.2006 that came into force on 1 November.<sup>61</sup> The draft law designed by the IJC in 2013 was registered as a legislative initiative by a group of liberal-democrat MPs; however, it had not been adopted by the last parliamentary term as it had been voted on only in the first reading. Media NGOs and the Coalition for Free and Fair Elections urged Parliament to adopt the law by emergency procedure before parliamentary elections on 30 November 2014 and to grant the BCC, "...real powers to verify the statements on media ownership and duties to limit ownership concentration in this field."<sup>62</sup>

After the entry into force of this law on 1 November 2015, media owners had to submit declarations under oath on their media assets. The existence of media concentration and apparent monopolistic tendencies in the media market were confirmed. Media experts suggested revising the Broadcasting Code so that one person could not own more than two TV licenses or radio frequencies instead of five as currently allowed.<sup>63</sup>

In 2015, the Broadcasting Code was amended and supplemented by Law No 167 of 31.07.2015<sup>64</sup> that regulates the switchover from analogue terrestrial television to the digital system. Because Moldova didn't manage to conduct the switchover within the time set by the European agreements (15 June 2015), Law No 167 moved the deadline to 31 December 2017. Media experts and researchers claimed that launching digital television is a long-term process that requires thorough preparation which is not happening in Moldova because the government approved the action plan on this issue only in May 2015.

In 2015, society expected Parliament to pass a law on securing the national information space; this did not happen. After the elections in TAU Gagauzia that explicitly revealed the impact of propaganda from Russian TV channels, i.e., the Moscow-endorsed candidate won in a landslide besting the candidates supported by parties from Chişinău,<sup>65</sup> Moldovan politicians realized that Russian propaganda was a real danger in the June local general elections. In the beginning of April, several legislative initiatives to amend and supplement the Broadcasting Code were registered. PLDM MP Chiril Luchischi submitted for consideration Legislative Initiative no 109; however, he later withdrew it. PL MP Corina Fusu submitted for consideration Legislative Initiative no 125 on amendments and addenda to the Broadcasting Code. The proposal submitted by the liberals<sup>66</sup>

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<sup>60</sup> <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=337937>

<sup>61</sup> <http://lex.justice.md/md/358202/>

<sup>62</sup> <http://www.promolex.md/index.php?module=press&cat=0&item=1499>

<sup>63</sup> <http://media-azi.md/ro/stiri/experti-media-sapte-licente-deținute-de-o-singură-persoană-afectează-grav-pluralismul-de>

<sup>64</sup> <http://lex.justice.md/md/360884/>

<sup>65</sup> <http://www.e-democracy.md/elections/bascan/2015/electoral-news/>

<sup>66</sup> <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=358873>

provided for "Addenda to Article 11 with a new paragraph (3<sup>1</sup>) with the following content: "Broadcasters and service providers will air 100% locally produced informative and analytical programs, and 80% of them will be in Romanian. It is permissible to air informative, political and analytical programs produced in EU member states, the US, and countries that ratified the European Convention on Transfrontier Television." In addition, the draft law provided tougher sanctions against violations of audiovisual legislation. They were to be applied gradually: a) fines ranging from MDL 30,000 to MDL 50,000; b) suspension of broadcasting licenses for 30 days and c) withdrawal of broadcasting licenses.

Also in April, a group of PDM and PLDM MPs registered a draft law<sup>67</sup> that caused critical reaction in society. Several media organizations in Chisinau declared that they disapproved of the secrecy and haste with which this legislative initiative was registered and pointed out that some of the provisions could endanger press freedom.<sup>68</sup> Among other things, the draft law contained provisions a) to regulate the behavior of talk show moderators who had to provide evidence for any accusations brought by guests during their shows; b) to forbid the dissemination of information by anonymous authors or persons impossible to identify and c) to prohibit public broadcasters from airing commercials. Under pressure from civil society, PDM/PLDM PMs withdrew the draft law for revision. In May, a group of PDM and PLDM MPs registered legislative initiative No 218 to amend and supplement the Broadcasting Code. The questionable provisions referring to the Law on Freedom of Expression were removed from the previous version of the bill. Draft laws no 218 and no 125 were submitted to Parliament for approval. The Speaker of Parliament, Andrian Candu, decided to send them to European institutions for an opinion. The Council of Europe and the OSCE Representative on Freedom of the Media reviewed these legislative initiatives and made recommendations.<sup>69</sup>

In October, participants at the Media Forum requested, "...rejecting (withdrawing) both legal initiatives pending in Parliament (draft law no 125 of 02.04.2015 and draft law no 218 of 22.05.2015) and accelerating the procedures for examining and approving the new version of the Broadcasting Code (draft bill no 53 registered on 05.03.2015)." They proposed, "...designing and adopting a special law on the protection of Moldovan information space that would also contain conditions for gaining access to the national broadcasting market by foreign broadcasters."

The Law on Access to Information was also on the agenda of media NGOs in 2015. In June 2014, a draft law developed by IJC was submitted for consideration by a group of MPs; however, it was not examined by Parliament until the end of its term on 30 November 2014.<sup>70</sup> In 2015, IJC continued its advocacy campaign to amend this law. Participants at a round table and at one meeting of the Press Club organized by the IJC in September debated the proposed amendments and provided new recommendations. Inter alia, they supported amendments to the law on the establishment of various compulsory terms to reply to information requests submitted by media outlets and journalists, depending on the complexity of the information requested (15, 5 days and 24 hours).<sup>71</sup>

Media law needs new instruments. Apart from approving the new Broadcasting Code, journalists and media organizations believe it is necessary to adopt the Law on Government Assistance to Periodical Publications; the Law on Advertising and the Law on Sponsorship and Philanthropy. In addition, they urge supplementing the Law on Competition with new provisions that would limit

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<sup>67</sup> <http://media-azi.md/ro/inamicul-al-presei/politicieni-care-pun-in-pericol-libertatea-de-exprimare-in-moldova>

<sup>68</sup> <http://media-azi.md/ro/stiri/ong-urile-de-media-si-alte-organizatii-ale-societatii-civile-dezaprobă-operarea-modificărilor>

<sup>69</sup> <http://www.parlament.md/Actualitate/Comunicatedepresa/tabid/90/ContentId/2244/language/ro-RO/Default.aspx>

<sup>70</sup> [http://www.media-azi.md/sites/default/files/Proiect%20lege%20pentru%20modificarea%20si%20completarea%20Legii%20privind%20accesul%20la%20informatie%20si%20a%20Codului%20Contraventional\\_1.pdf](http://www.media-azi.md/sites/default/files/Proiect%20lege%20pentru%20modificarea%20si%20completarea%20Legii%20privind%20accesul%20la%20informatie%20si%20a%20Codului%20Contraventional_1.pdf)

<sup>71</sup> <http://www.media-azi.md/ro/stiri/campanie-de-advocacy-cji-pentru-modificarea-legii-privind-accesul-la-informatie>

media concentration and protect loyal competition in the advertising market and amending the Law on Postal Services, among others.<sup>72</sup>

- **Lawsuits against media**

On 22 September 2014, the company Terra Cleaning Nord, which provides sanitation services, challenged *SP* newspaper and journalist Natalia Petrusевичi in court. The action demanded the protection of its professional business reputation, the rebuttal of information published, and also compensation for moral damages in the amount of MDL 1 million (EUR 54,000). In support of this action, the plaintiff alleged that on 6 August 2014 *SP* published an article about a corruption scheme among companies providing sanitation services. The Bălți Court ruled in favor of the publication.

**The Enterprise for the Supply and Delivery of Gas SRL vs Costin Dumitru and Ziarul de Garda.** In May 2014, *Ziarul de Garda* published the article "Gas with the Smell of Favors" about favors granted to certain companies when signing contracts with the gas industry. In June 2014, the Enterprise for the Supply and Delivery of Gas brought an action in court against Costin Dumitru and *Ziarul de Garda* requesting a rebuttal of the information and compensation for moral damages in the amount of MDL 50,000 (EUR 2, 656). In March 2015, the Commercial District Court rejected the action as lacking foundation.

In June 2015, Radio Station National FM was also challenged in court by SA Moldova Gaz for disseminating the statements of the former Chair of the National Energy Regulatory Agency, Victor Parlicov. Moldova Gaz alleged an infringement of its professional reputation and demanded a rebuttal of the information broadcast. The first hearing took place in September 2015; the case was ruled in favor of the radio station.

In April, the periodical publication *Cerere si Oferta* appealed in court against the Bălți Local Council. The action was initiated because the council refused to provide several documents on public street lighting in Balti, explaining that these contracts could not be disclosed because they were commercial secrets. The plaintiff submitted the request for information under the Law on Transparency in Decision Making and claimed recognition of the violation of the newspaper's right to access to information and "required the defendant to provide copies of procurement contracts signed between the Local Council and other private entities." In the same month, Bălți Court refused to examine the case on the grounds that "an unauthorized person filed the complaint." Currently the case is under appeal at the Bălți Court of Appeals.

**Gheorghe Străisteanu vs Oleg Brega.** Gheorghe Straisteanu challenged human rights activist Oleg Brega in court demanding compensation for moral damage in the amount of MDL 6500 (EUR 350). According to the provisions of the Law on Access to Information of Public Interest, Oleg Brega initiated and covered an investigation about the procedure for allocating public space to Gheorghe Straisteanu in Buiucani District. The case is under examination by the Buiucani District Court, Chișinău.

In June, *Ziarul de Garda* published the investigation "Winery with Judicial Traditions" about several infringements committed by the Tomai Vinex Winery. Constantin Sibov, Director of Tomai Vinex, challenged the weekly *Ziarul de Garda* and Alexandru Bolfa, author of the investigation, in court demanding a rebuttal and compensation for non-pecuniary damages in the amount of MDL 50,000 (EUR 2656). The case is under examination by Comrat Court.

The case Piligrim-Demo vs the People's Assembly of Gagauzia is also being examined in Comrat. In September, Piligrim-Democ, a private company, brought an action in court against the People's

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<sup>72</sup> [http://mediaforum.md/upload/help/FORUM\\_massmedia\\_2015\\_proiect\\_Foaie\\_de\\_parcurs\\_FINAL.pdf](http://mediaforum.md/upload/help/FORUM_massmedia_2015_proiect_Foaie_de_parcurs_FINAL.pdf)

Assembly of Gagauzia demanding the latter provide information of public interest, especially about the decisions and law drafts proposed by the Assembly thus ensuring transparency in decision making.

● *Violations of journalists' rights*

In March, Catalina Rosca, a reporter from station Jurnal TV, was physically assaulted by a person who accompanied PDM MP Constantin Tutu. He punched the reporter in the stomach. The journalist's claims were confirmed by lawyer Roman Zadoinov who was nearby at the moment. Constantin Tutu refuted the accusations. The Orhei Police mounted an investigation.

In July, a group of protestors assaulted the teams of Jurnal TV and Omega news portal when they were in the field shooting the protest in front of Vladimir Plahotniuc' house. Law enforcement authorities were present when the assaults took place, but they did not intervene.

Also in July, a Jurnal TV team was banned from entering Orhei City Hall. The journalists were attempting to obtain information about the construction works within the building but were intimidated, threatened and forced to leave the premise. One person who refused to identify himself assaulted the cameraman, hit his video camera and gave orders to the institution's security guard to kick the journalists out.

In August, journalist Alina Turcanu from Radio Free Europe was threatened by Publika TV collaborator Daniel Lachi; he was dissatisfied with the critical opinions that she posted on a social media network about a news report on Publika.md. The Press Council conducted an internal investigation and demanded Publika TV express public disapproval of the threats made by their employee.

In September, Ilya Azar, a special correspondent of Meduza.io portal based in Riga, was on his way to Moscow but was stopped by passport control at the Chisinau Airport and ordered to tell whom he had met in Chisinau and what kind of information was on his computer. The police did not allow him to make any calls and threatened to arrest him unless he provided the requested information.

In October also at the airport, two teams from Russian channel NTV were denied entry into Moldova as were cameraman Ilya Naliotov and sound editor Andrei Urchiuk from channel Rossia 24, the latter "due to security grounds." According to some reports published in the Russian media, Ilya Naliotov and Andrei Iurciuk were awarded in 2014 by the Kremlin for "objective coverage of the events in Crimea." Other journalists from the same station did not encounter any troubles entering Moldova.

Also in October, a camera crew from Publika TV station was assaulted by a group of demonstrators from "Dignity Town" (Oraselul Demnitatii). Two teams of police were deployed on site to calm the unrest.

In November, during the protests at the Ministry of Internal Affairs, a cameraman from the online TV station Today.md got punched in the head and was kicked by a demonstrator from the DA Platform while journalists of Publika TV were cursed by a group of people who disapproved of the editorial policy of this station. The Minister of Internal Affairs, Oleg Balan, declared that the police had conducted an internal investigation and the people who had assaulted journalists had been identified.

In December, the website RISE.md was subjected to a massive DDos cyber-attack that happened

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after it posted a series of documents including an alleged letter from Prosecutor Ivan Diacov to oligarch Vladimir Plahotniuc and a report that revealed certain criminal links with PDM MP Constantin Tutu.

Also in December, a correspondent from Radio Orhei was banned from attending the public meeting of the Orhei City Council. Security guards stopped the journalist in the city hall lobby on the grounds that he, "...had not registered in advanced with the secretary."

#### **IV. Freedom of the press in the Transnistrian region**

- ***Overview of the general situation***

Due to elections in the Transnistrian region in 2015, the authorities increased control over non-government mass media. Journalist Natalia Pilschikova from non-government station TSV (Televidenie Svobodnogo Vyboru) stated the following: "Officials bypass our channel, they don't give interviews (...), even street cleaners do not respond to our questions without having the approval of those from above...."

Even now, access to certain websites in the region is blocked. There are no official documents confirming the legality or illegality of service providers' actions. According to the information available, this happens due to unofficial recommendations.

The Transnistrian Service of Information and Mass Media handles a unified registry of domain names, sections of sites and indicators of global network pages on the Internet containing information whose dissemination is prohibited in the region. There is a special search engine on the website to check for conformity. No information is available on the legal provisions or decisions that served as a basis for placing websites on this registry; the full list of prohibited sites is also unavailable.

Currently, 300 media outlets are registered in the Transnistrian region. In print media there are 49 newspapers and 8 magazines and news bulletins. Broadcast media is represented by 12 radio stations and 3 TV stations: Pervâi Respublikanskii, TSV and Benderskoe Televidenie (BTV). There are six Internet portals and five news agencies. In 2015, eight new media outlets were registered, fewer than in 2014 (14 press institutions were established in 2014). In all, 202 accredited journalists work in the region.

According to Luiza Doroşenco, Director of the Media Center in Tiraspol, there are several constraints on journalists working in the region, including low levels of professionalism, fear of losing their jobs and a very small media market. Political control is another critical issue. According to Ms Doroşenco, "Journalists who work for official media are recommended not to tackle specific issues or to provide newspaper space or airtime to certain MPs."

The newspaper *Novoe Vremea* in Bender faced a difficult situation in 2015. When the Bender administration was led by Iurie Ghervaziuc, a new editor in chief was appointed. He took care that all the activities of the city administration were covered in a positive light, and he delayed or rejected publication of certain critical articles or press releases of MPs and reports of local authorities. Also, the legal status of this media outlet was changed, and it became a municipal enterprise. The Agency for Television, Radio and Print Press in Bender was established; it consisted of *Novoe Vremea* and BTV. Disputes among newspaper founders were permanently on the agenda of city council committees and sessions.

- ***Violations of journalists' rights***

In March, the arrest of the journalist and activist Serghei Ilchenko got international coverage. He is an independent correspondent working for several media outlets outside the Transnistrian region. During organized searches of his residence and at his son's house, computers, office equipment and

electronic devices were seized. The Investigation Committee filed a criminal case against him, and on 18 March KGB officers arrested him on the grounds that he allegedly circulated messages on the Internet inciting violent action. The investigation lasted a long time. On 17 July 2015 Serghei Ilichenko was released from jail on the grounds of making confessions and of amnesty.

Also in March, according to Natalia Vorobiev, Head of the Journalists' Union in the Transnistrian region, the newspaper *Trudovoi Tiraspol* encountered difficulties when KGB representatives recommended changes in an article the newspaper was preparing to publish. The same source claimed that in November, the publishing house Poligrafist had refused to provide their services to *Trodovoi Tiraspol*. The publishing house explained that it had a big workload; however, during the same period it provided printing services outside opening hours to other newspapers with much large circulations.

In November, a high ranking official from Tiraspol, Andrei Bezbacenco, encountered a group of people on the street who were arguing with TSV reporters. When he found out that the journalists worked for TSV he stated, "Why should we argue with them? Let's shoot them, they are just animals!" Neither the media community nor the authorities reacted to this statement.

Also in November, in Dubăsari District the head of the security service of SA TVKZ KVINT, Alexandr Bricico, and his deputy Chirill Saltikov stopped the car of Ruslan Romanov, resident of Dubasari town, and under the threat of physical assault they seized 1190 issues of the newspaper *Together with Russia against Oligarchs* from the boot. The punishment established by the court for Alexandr Bricico and Chirill Salticov was a fine in the amount of 68,000 rubles (about US \$6000).

In December, the TSV team of Vadim Bulatovici and his cameraman was intimidated while they were preparing a report about a meeting that took place in the Veterans' Club in Tiraspol. The meeting was organized by candidates for Parliament during the elections on 29 November; most of them did not get through. When journalists tried entering the club, they were told that nothing was happening there, and they were not allowed to come in. The journalist and his cameraman remained outside and managed to interview one of participants at the meeting. Representatives of the militia (police) then came on site, checked journalists' identity documents and reported that they had received a call about alleged illegal actions and a complaint that the camera crew reportedly disturbed the public peace by knocking on the window and trying to get inside and film people without their consent. The TSV journalists were escorted to the police station where they were detained for about an hour and then released. It is noteworthy that the militia did not make any demands on the camera crew of the official channel Pervii respublikanskii that was nearby.

### ● *News, legislative amendments*

Media activity in the Transnistrian region is regulated by several legal acts, but the Law on Mass Media is the main one. According to this law, there is no need to register media outlets that have a circulation of fewer than 1000 issues.

In 2015 before the election campaign started, control over media by the executive branch dramatically increased. Decree No 265 of 21.10.2015 of the Executive Body "On fixing the procedure of information supply by legal entities, whatever their organizational and legal form and their system of ownership, by civil society organizations, including entities without legal registration involved in dissemination of print materials" may be considered censorship. According to this document, legal entities involved in the dissemination of print materials (newspapers, magazines, news bulletins and other informative material), produced through technical and technological means including copying machines, printers and digital duplicators, must provide the

Ministry of Regional Development, Transportation and Communication of the Transnistrian region the following information before printing:

- a) An electronic version of the original product and a template of edited material marked "copy of the original - template of printed material";
- b) Information provided in the client's request (information note from chief accountant in free form);
- c) Quarterly information on the absence of debt in the budget at all levels including information on the amount and source of funding of NGO activities by types of assets and real estate assets for each source of funding; name of the legal entity or last name, first name, patronymic of individuals who provided financial support or goods, their addresses (locations), bank details and other available information on the NGO;
- d) Compulsory copies of various kinds of documents that must be passed by the producers to the relevant institutions and bodies in the way and amount established by law."

This decree is in conflict with the Law on Mass Media which provides that censorship is prohibited. The same law provides that the activity of a media outlet can be suspended or stopped only by a judicial decision.

This decree referred only to print media; broadcast media did not fall under these provisions. In order to address this shortcoming, the Prosecutor's Office adopted relevant instructions and sent out letters to private media outlets requesting them to submit a number of materials and documents.

In 2014, one more decree "on the submission of information by editorial offices of independent media outlets and representatives of foreign media outlets" was issued. The institutions concerned had to submit monthly reports containing full financial information, including on tax deductions, names of employees, their wages and other payments.

It is noteworthy that this decree did not concern state and municipal media outlets which is an infringement of the principle of equality among economic operators and of equal rights for all media.

#### ● *Lawsuit's against media outlets*

The number of lawsuits brought against official media outlets of the State Television and Radio Company in the Transnistrian region increased.

The factory Moldavizolit brought an action in the Arbitration Court against Skibenko A.N. on protection of its business reputation, demanding the defendant rebut the information aired on 23 July 2015 by TV station Pervii Respublikanskii Telekanal. The court established that the claims against this station could not be satisfied because there was no infringement of the Law on Mass Media.

Agroprombank brought an action against Pridnestrovskaja Gosudarstvennaia Telekompania to the region's Arbitration Court on the protection of its business reputation, demanding the defendant rebut false and harmful information that was disseminated on TV station Pervii Gosudarstvennii Telekanal, radio station Radio Pridnestrovia (Radio 1) and on the website of State Enterprise PGTRK. At present several hearings have taken place, but no decision has been reached.

Agroprombank took the official newspaper in Tiraspol *Dnestrovskaja Pravda* to court. This newspaper republished a press release issued by the information agency Novosti Pridnestrovia which contained a biased headline. According to the plaintiff, this information was false and

harmful to its reputation. The action did not provide for any compensation for non-pecuniary damages but only requested publication of a rebuttal. The action was still taken to court in spite of the fact that the newspaper published in its next issue the bank's point of view on the matter. The lawsuit is ongoing.

- ***Media market in the Transnistrian region***

While most media outlets on the right bank of Nistru River are private and there are more and a greater variety of media products, the media market on the left bank in the Transnistrian region is dominated by a large number of official media outlets. Local authorities continue to spend great financial resources to support these institutions. Private and independent media are underdeveloped and are not able to significantly influence the process of disseminating information. Apart from official broadcasters, media outlets owned by the Sheriff Company have a great presence in region's media market.

In addition, there are many fewer investigative reports, analytical articles and debates. During election campaigns there are no rules on equal access to media by electoral contestants which is why during the last election campaign in the region the broadcast media were clearly divided in two camps: pro and con.

- ***Journalistic community's professional challenges (on being a journalist in the Transnistrian region)***

Nowadays, journalists on the left bank of Nistru River have few alternatives. Not many options exist: They can work either for official media or for media outlets owned by Sheriff. There are only a few independent media outlets, and their budgets are very tight.

Since 2011, access to information has been facilitated; however, during several official events organized by representatives of the executive branch, journalists working for Sheriff media outlets had to overcome certain obstacles to do their jobs. In this respect, access to information remains an unresolved issue.

For instance, Luiza Doroşenco claims that in some cases journalists, particularly freelancers, cannot obtain the information they need from official institutions. In order to help them, the Media Center in Tiraspol provides them the opportunity to submit a request for information on behalf of their organizations. However, the Media Center sometimes is not able either to receive accurate information in a timely fashion. Ms Doroşenco described the case when they requested information about two Moldovan citizens who had allegedly been kidnapped by Transnistrian militia collaborators. Unfortunately, the organization didn't receive any reply in spite of the fact that local legislation provides a term of up to one month to submit information requested. According to Doroşenco, official media outlets do not face such difficulties because they do not ask such delicate questions. On the other hand, representatives of local administrations often organize meetings with citizens, which is a chance for journalists to get necessary information.

In 2015, journalists from the Transnistrian region lacked professional development activities and cooperative opportunities with their colleagues on the right bank of Nistru River.

- ***Mass media trends in Transnistrian region***

According to regional media experts, the current situation will not change in 2016. Civil society as well as the journalist community responds rather poorly to changes in the media. Solidarity among

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journalists is still lacking.

In 2016, the discrepancies between official and non-official media outlets will remain. The confrontations between local authorities and the private company Sheriff will increase which will affect media work and journalists' access to information.

Also, it is expected that control over private media outlets by law enforcement bodies will intensify. Control of online media will also increase.

It should be noted that in 2015, contacts between journalists from both banks of Nistru River were not developed. Only Canal Regional of which Dnestr TV and Lik TV are part reports about life in the Transnistrian region.

Due to a lack of necessary resources, public TV and radio broadcasts don't cover the entire region. Therefore, other media outlets could fill this gap and provide alternative information and access to media for all; however, in 2016 the number of new media outlets in this region will not increase significantly. The media market is small, and advertising has decreased even more, thus opportunities for establishing new, independent media outlets are not envisaged.

## **V. Forecasts for 2016**

The destiny of mass media in the Republic of Moldova in 2016 will be determined by the political processes that evolved in 2015 and by country's political course.

Under pressure from media NGOs, in 2016 Parliament might pass the new Broadcasting Code. In December 2015 the Parliamentary Committee on Media initiated consultations on this matter, whereas media organizations considered that the new code would ensure media diversity and observance of democratic values in general and would also solve several issues, including media concentration. There are chances that the Law on Securing Information Space may be also passed. It doesn't matter if it will be based on the two draft laws that are currently registered with Parliament or on a new draft bill: It is important that it provides conditions for gaining access to the national broadcasting market by foreign media.

In 2016 foreign propaganda will remain the biggest challenge for media outlets, no matter if the law in this respect is passed or not. Given that in a democratic society using counter propaganda to respond to propaganda is not an option, media outlets will have to figure out new ways to neutralize the harmful effects of foreign propaganda on people's mentality. The fight against manipulation and misinformation is a long-term process; in 2016 a new stage in combating this phenomenon will start.

In general, no radical changes will occur. The BCC and the SB will be further used by Parliament to leverage political influence within broadcasting. Politicians will keep on involving themselves in media work in various ways. This is because many of them perceive media as a springboard for reaching high office and staying there. This is confirmed by the fact that a large number of broadcast media outlets are owned by politicians or businessmen who expect returns on their investments.

Online media will continue to expand. Politicians will be the first ones to take advantage of online expansion because they will transfer some of their battles with political opponents online, taking advantage of the fact that so far the Internet doesn't require property statements and is a totally unregulated space.