

# Report on the Situation of the Press in Moldova in 2011



*This report is a brief description of significant events that describe the situation of the media in the Republic of Moldova in 2011. A chapter dedicated to the media in the Transnistrian region is also included. The report is available in Romanian, English and Russian. It was prepared by Doina Costin for the Independent Journalism Center with the financial support of the Civil Rights Defenders, Sweden. The opinions expressed in this report are those of the Independent Journalism Center and do not necessarily represent those of the donors.*

## Content

### I. Developments and trends in the Moldovan press in 2011

- *Press freedom in Moldova according to international reports*
- *Political context*
- *Media in electoral campaigns*
- *Media market*

### II. Public broadcasting sector

- *Broadcasting Coordinating Council*
- *Public Broadcaster Teleradio-Moldova*
- *Regional Public Broadcaster Teleradio-Găgăuzia Company*

### III. Freedom of expression and defamation in 2011

- *Legislative developments*
- *Defamation cases against media*
- *Violation of journalists' rights*

### IV. Press freedom in the Transnistrean region

### V. Conclusions and forecasts for 2012

*Following two decades of progress, press freedom is declining in almost all parts of the world. Only 15% of the world's population lives in countries with a press that is designated free. In the rest of the world, governments as well as non-state actors control the viewpoints that reach citizens and brutally repress independent voices who aim to promote accountability, good governance and economic development. ("Freedom of the Press 2011" report by Freedom House)*

## I. Developments and trends in the Moldovan press in 2011

### *Press freedom in Moldova according to international reports*

Despite the downturn in world press freedom, the status of Moldova's press was upgraded from "not free" to "partially free." According to the report published by the Freedom House in 2011, the Moldovan press has moved up 25 places since last year's ranking. In 2011, Moldova ranked 55<sup>th</sup> compared with 65<sup>th</sup> in 2010 and reached the same level as in 2002. The authors said the improvement was due to better legal and political indicators as the Alliance for European Integration (AEI) approved a regulatory framework and a series of laws to protect press freedom and journalists' rights. They greatly appreciated the professionalism of the national public broadcaster's management and welcomed the emergence of private broadcasting companies that reduced political control over content and diversified the media. The Freedom House report declared that 2010 was a year of progress of the Moldovan press.

Another international report on world press freedom, "The Press Freedom Index," is published annually by Reporters Sans Frontières (RsF). According to the report, the Republic of Moldova registered its highest-ever score since 2002. In 2010, Moldovan press ranked 75<sup>th</sup> with a score of 19.13 points (climbing 39 places since the previous year's ranking). According to RsF, the upward trend was preserved in 2011 when Moldovan media ranked 53<sup>rd</sup> (climbing 22 places) with a score of 16 points. This is the second highest score among former USSR countries exceeded only by Lithuania. This year, Moldova outranked Bulgaria, Georgia, Greece and Italy in terms of press freedom.

Although no cases of murdered journalists were registered and the security of media professionals was adequate, international organizations reported several attacks against media professionals.<sup>1</sup>

### *Political context*

The Republic of Moldova has been ruled by a governing coalition of three right-wing political parties for almost three years. The Communist Party, which had ruled the country

---

<sup>1</sup> South East Europe Media Organisation (SEEMO, [www.seemo.org](http://www.seemo.org)) reported several cases of restricting freedom of the press in 2011.

for eight years, is not included in the alliance. This major political change significantly influenced the relationship between the state and civil society, and the level of support from the international community to Moldova and the governing coalition has been at an all time high. Despite the failure of the governing coalition to elect a president during its three years in power, there were several attempts to solve the problem including a referendum, and the support from the international community remained unchanged. The governing coalition displayed its weakness more than once, however, which is natural for such a diverse coalition, but some events eroded citizens' trust and were exploited by political rivals to deepen the political crisis in the country. The parties that make up the AEI sometimes acted like political opponents. Prime Minister Vlad Filat said in his speech to parliament on the raids on several commercial Moldovan banks that, "Governing partners had opposed the prime minister while the leaders of some state-owned institutions showed incompetence or complicity." Members of parliament from the Liberal Democratic Party (PLDM) and the Communist Party (PCRM) voted to dismiss the head of the Information and Security Service because of the raids. The dismissal of the prosecutor general and of the head of the National Commission on Financial Markets to be initiated by the parliamentary speaker was also under discussion. The prime minister threatened to dismiss Marian Lupu, head of the Democratic Party (PDM) and parliamentary speaker, for failure to initiate dismissal procedures.<sup>2</sup> At the same time, Marian Lupu said he would not abide by the recommendation in the parliamentary decision. Such cases of political rivalry were numerous during AEI rule and achieved little more than providing the PCRM space for political maneuvering.

The current government made its first attempt to elect a president on December 16, 2011 after postponing the election for a year. Following several rounds of negotiations, the AEI managed to choose a common candidate, but the way it did so once more revealed the impulsive character of the alliance. The leaders of the coalition accused each other of unwillingness to elect the head of the state during of a round of negotiations with the parliamentary group of Igor Dodon. Mihai Ghimpu, leader of the Liberal Party (PL), said Prime Minister Vlad Filat, PLDM leader, did not want to elect the president because he himself wanted to be the president.<sup>3</sup>

Marian Lupu received 58 votes which was 3 votes short of the 61 required to elect a president. Of the 62 deputies who participating in the voting, 3 former PCRM parliamentarians announced from the start that they would vote against Lupu. One vote was declared invalid. According to the Constitution, parliament should have repeated the election within 30 days. Meanwhile, on January 12, 2012, the Constitutional Court declared that the presidential elections held on December 16, 2011 were unconstitutional due to violations of ballot secrecy as parliamentarians displayed their ballots before dropping them into the ballot box. The Constitutional Court was so notified by Mihai Godea, an independent candidate.

---

<sup>2</sup> <http://www.e-democracy.md/files/e-journal/e-journal-176-ro.pdf>

<sup>3</sup> <http://www.mediafax.ro/externe/acuzatii-dure-la-sedinta-aie-pentru-desemnarea-unui-candidat-comun-la-presedintia-republicii-moldova-8974823/>

On January 15, the leaders of the three AEI parties proposed a referendum in April 2012 to simplify the procedure for electing a president and to avoid the new elections. A similar exercise took place on September 5, 2010 and failed.

Local elections were held in Moldova in the spring of 2011 for 898 mayors, 1120 *raion* councilors and 10630 village/municipal/city councilors. The mayor of the capital was elected in two rounds. Igor Dodon (PCRM) and Dorin Chirtoacă (PL) participated in the second round, and Dorin Chirtoacă was re-elected with 50.06% of the votes. The participation rate in the elections was 59.88%.<sup>4</sup> Four parties picked up seats on the Chisinau Municipal Council with the PCRM gaining 26 out of 51 seats. At the national level, following the distribution of seats in district and municipal councils, the PCRM accumulated more votes than AEI in Bălți and Taraclia and in Dubăsari, Basarabeasca, Dondușeni, Edineț and Ocnița *raions*.

### *Media in the electoral campaign*

The Independent Journalism Center (IJC) and the Electronic Broadcasters Association (APEL) monitored national media coverage of the June 5 election campaign, and the Broadcasting Coordinating Council carried out some specific monitoring in its capacity as the supervisory body of the industry. According to the final monitoring report prepared by IJC,<sup>5</sup> some outlets violated the principles of professional ethics during the campaign. The IJC monitored five TV stations and five newspapers. According to the report, "The content broadcast by private TV stations Prime TV, N 4, Jurnal TV and Euro TV largely complied with the principles of professional ethics in addressing campaign issues while private TV station with national coverage NIT openly promoted the PCRM and served as an instrument to spread the ideology of the party." Most of the news broadcast by NIT was biased, and the coverage of candidates who opposed PCRM was often denigrating and presented the events from the PCRM perspective only.

In terms of the written press, the IJC reported that the newspapers *Adevărul*, *Jurnal de Chișinău* and *Timpul de dimineață* did not register any obvious deviations from professional and ethical standards while publications such as *Moldova suverană* and *Nezavisimaia Moldova* openly favored the PCRM and opposed its electoral rival PL. According to the report, both newspapers are biased and had serious gaps in ensuring a balance of sources and a pluralism of opinions. The newspapers used derogatory language, particularly in editorials, and some articles were accompanied by fake images that contravened the principles of professional ethics.

APEL monitored the quality of the news and of the debates broadcast during the campaign by Radio Moldova and Moldova 1. Their comment regarding the public broadcaster's behavior in the campaign was that, "IPNA Compania Teleradio-Moldova (TRM) had a coherent editorial policy oriented to meeting the public needs to report on the electoral process comprehensively."<sup>6</sup> APEL stated that TRM for the most part met the editorial policy objectives of a public broadcaster.

---

<sup>4</sup> <http://www.e-democracy.md/elections/chisinau/2011/>

<sup>5</sup> <http://www.ijc.md/Publicatii/monitorizare/MM-Final.pdf>

<sup>6</sup> [http://www.apel.md/public/upload/md\\_Raport\\_final\\_APEL\\_IPNA\\_05\\_2011.pdf](http://www.apel.md/public/upload/md_Raport_final_APEL_IPNA_05_2011.pdf)

According to the provisions of Article 7 of the Regulation on the Coverage of the 5 June 2011 Election Campaign by Moldovan Mass Media Sources approved by the decision of the Central Election Commission (CEC) number 32 on 8 April 2011, broadcasters that planned to report on the campaign had to submit a statement regarding their editorial policy within seven days after the approval of the regulation. The BCC approved the statements of 73 broadcasters: 43 TV stations and 30 radio stations. Of these, 36 TV stations and 21 radio stations said they would organize debates, telecasts and broadcasts. According to Article 64<sup>1</sup> of the Regulation, it is the responsibility of regional/local broadcasters to organize debates, telecasts and broadcasts while the national broadcasters could choose whether or not to do so. Moldova 1 was the only national broadcaster that organized public debates and invited representatives of political parties and the candidates for mayor of Comrat and Bălți.

During the local election campaign, the BCC monitored eight TV stations: Moldova 1, Prime, NIT, N 4, Euro TV Chisinau, TV 7, Jurnal TV, Publika TV and published five monitoring reports. According to the BCC, TV stations Moldova 1, N4, Prime, TV 7, Euro TV Chisinau and Publika TV had balanced reporting and respected the principles of information from different sources on controversial subjects though there were some exceptions in terms of compliance with legal requirements. Although its deviations from professional and ethical standards were not grave, Jurnal TV violated several legal electoral requirements and was penalized by the BCC.

During the campaign, the BCC penalized broadcasters in the following way: Prime, N 4, Euro TV and TV 7 received warnings regarding strict compliance with the legal provisions; Moldova 1 and Publika TV were warned twice regarding balanced coverage of all parties and Jurnal TV was warned three times regarding violations of some legal provisions and was punished with a fine of 1800 lei for repeatedly violating Article 23 of the Electoral Code approved by the CEC. The BCC sanctioned NIT several times including a warning about violating electoral laws, a fine of 5400 lei for those violations, a suspension of the right to broadcast commercial advertisements for a five-day period and a suspension the company's broadcast license for five days for repeated violations of the Electoral Code. NIT appealed two of those decisions.

The Organisation for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights launched an election observation mission for the 5 June elections. According to their report, the TV stations<sup>7</sup> monitored complied with the legal requirements for paid advertisements and offered a maximum of two minutes each day to each of the competitors. The report states that the two candidates for Mayor of Chisinau made extensive use of the paid advertising.

### ***Media market***

Moldovan media have followed the trend established in 2010 and have continued to expand the range of outlets, content and professionals, and new editorial boards have appeared. Some media professionals forecast hard times for the print press in 2011, but the

---

<sup>7</sup> Monitoring lasted from May 12 to June 3, 2011 and included 6 TV stations and 5 newspapers. TV stations: Moldova 1, Prime TV, NIT, PRO TV, Publika TV, Jurnal TV. Newspapers: *Jurnal de Chişinău*, *Timpul*, *Moldova Suverană*, *Adevărul*, *Moldavskie Vedomosti*.

Ministry of Justice registered seven new papers, three of which are local. This expansion of the media market diversified content for the public, but it is still not known whether the content provided by these new outlets will be professional or high quality. Changes also occurred in the schedules of the most important TV stations in the country, and that had an impact on some programs.

The Ministry of Justice registered the newspaper *Țara noastră* on December 2, 2011. The leadership said its task was to promote democratic values. The registry of this non-commercial organization does not provide any details about the structure, the leadership or the financing of the publication; however, taking into consideration that the chief editor is Daniela Bodrug, Deputy President of the Popular Antimafia Movement established by the controversial politician and former presidential advisor Sergiu Mocanu, it could be concluded that *Țara noastră* is a party newspaper. *Adevărul de Anenii Noi* is another new newspaper registered by the Ministry of Justice. Its online version ([adevarul.ucoz.com](http://adevarul.ucoz.com)) shows that the newspaper appeared in January 2011 as a project of public associations ASTRA-Anenii Noi and Casa Noastră Anenii Noi with financial assistance provided by OVS GRUP Ltd. The online version is updated twice a month and presents information on events in Anenii Noi *raion*. Starting in September 2011, it was printed in both Romanian and Russian.

*Oglinda* is yet another paper registered as a non-profit whose purpose is to “promote democratic values and freedom of expression fully consistent with international law in the Republic of Moldova.” The newspaper appeared in Orhei and has an electronic version. *Curierul de Sud* appeared in August 2011 and is dedicated to readers in Cahul *raion*. This weekly is the first to be published in Romanian in Cahul in the last 15 years. The first edition of the magazine *Chipăruș de la Moldova* was published in March 2011 and also has an electronic version. It is a satirical periodical with the objective of disseminating information for the civic, cultural, economic and legal education of Moldovan citizens.

Several new online media outlets have also emerged. The multimedia news portal 24h.md appeared at the beginning of 2011, and [www.union.md](http://www.union.md) was set up on December 1. According to the founder, journalist Val Butnaru, it is the world’s first panromanian portal.<sup>8</sup> Another information website established in 2011 was [www.noi.md](http://www.noi.md). In addition, the Moldovan Confederation of National Trade Unions launched the Internet TV station Sindicat TV (STV) in November 2011 and the Moldovan Christian Orthodox Students Association launched the online TV station Tineretul Ortodox.TV.

Like the previous year, 2011 was a challenging one for broadcast media, mainly due to a congested broadcasting market in a country with a population of only 3.4 million people. In 2010, a silent but keen competition among TV stations began that could potentially benefit media consumers. Publika TV, Jurnal TV and Prime TV are the main protagonists. Their programming is continuously changing and journalists unhappy with the performance of one TV station move to another one. TV stations such as 2 Plus, Pro TV, TV 7 and Alt TV that mostly receive and retransmit foreign channels also try to compete with the above-mentioned group all of which could provide media consumers with diversified reporting and information sources, improved professional standards and increased demand for

---

<sup>8</sup> Media Monitoring Agency, December 1, 2011

journalists and for other media professionals. The national public television station is not in the same category as the private TV companies but tries to follow their trends.

We should mention the changes that occurred at Jurnal TV, a news station launched in 2010. The investments made by the founders of Jurnal Trust Media amounted to approximately 1 million euros,<sup>9</sup> but a year after its emergence on the local market, the trust's board requested that the BCC change its status to a general station. In an interview on Radio Vocea Basarabiei, Val Butnaru, former president of the trust, said, "It was madness to have two news stations on the Moldovan market." In addition to news and public debates, Jurnal TV is now also a source of movies and entertainment programs.

Prime TV has modified its programming several times, abandoning some shows and launching others in 2011. "De facto" and "Replica" are two shows launched in 2011 hosted by journalist Mihaela Gherasim who earlier worked at Publika TV as the moderator of the talk show "Fabrica." Another show launched by Prime TV in May 2011 was "Pas în față" moderated by journalist Nicu Timofti who earlier presented the sports news on ProTV Chișinău. Shows that were dropped included "Salutare Națiune" hosted by Romanian journalist Andrei Gheorghe and "Prima sursă" hosted by journalist Vitalie Condrașchi.

The TV station 2 Plus debuted this year with its first debate show, "Tema săptămânii." Station NIT launched the show "Tretii mikrofon" moderated by Communist deputy and journalist Constantin Starîș. Public station Moldova 1 also launched the new show "Un sfert de vorbă cu Iona Spătaru" while TV 7 announced the appearance of new shows in 2011 on the occasion of its fifth anniversary. "Ministerul Adevărului," "Bucătarul diplomat" and "Mai pe scrut" are three new shows broadcast by Jurnal TV while Publika TV launched nine shows in 2011: "Vox Publika," "MD-2022," "Stil de viață," "Publika News," "Moldova, tara de minune," "Live cu Lili Lozan," "Autostrada," "Prim Plan" and "Politprihod."

Two new radio stations were launched in 2011. Radio Chișinău, a product of Radio România, was officially launched on December 1. The project was implemented in collaboration with the Department for Romanians Abroad of the Romanian government. Radio Chișinău has broadcast since March 2011 on the frequency of station Arena FM covering 70% of the territory of the republic.<sup>10</sup> According to the Media Monitoring Agency, the radio station plans to offer quality editorial projects to the Moldovan media market that meet the standards of the Romanian Public Radio Service. One more radio station launched in 2011 was Cultura Divină, a religious station dedicated to listeners in Ciorăști in Nisporeni raion.

---

<sup>9</sup> *Jurnal de Chișinău*, October 6, 2009

<sup>10</sup> Media Monitoring Agency, December 1, 2011

## II. Public broadcasting sector

### *Broadcasting Coordinating Council*

The situation in public broadcasting changed significantly in 2011. The year started with three positions on the BCC that had been vacant since October and November 2010. The Parliamentary Commission for Culture, Education, Research, Youth, Sports and Mass Media (the responsible commission) launched an open competition to fill the three vacant positions on January 13, 2011. The deadline for applications was extended three times delaying the outcome of the contest for more than three months to March 12, 2011 despite the fact that there were 21 applications as of February 19. One of the reasons for the delay was a violation of the procedure for launching the competition. Alexandr Petcov, a PCRM member of the commission, stated that the regulations envisaged the launch at a plenary session of parliament rather than in a press release.<sup>11</sup> In the end, 27 applications were received for the three positions.

According to the provisions of the Broadcasting Code, the responsible parliamentary commission and the Parliamentary Committee on Appointments and Immunities selects the candidates for vacant positions and submits their applications to parliament for vetting. Parliament appointed three new members to the BCC by a simple majority vote on May 12, 2011: Dinu Ciocan, former head of the BCC Monitoring Division; Nicolae Damaschin, Director of Teleradio-Moldova and Mariana Onceanu-Hadarca, Lecturer at the Faculty of Journalism and Communication Sciences of the State University of Moldova. Several representatives of civil society expressed concern that the PLDM Leader Vlad Filat said in November 2010 that there were institutions such as the BCC that had not been included in the AEI establishment annexes but had been informally shared among AEI members.

Meanwhile, Gheorghe Gorincioi, BCC chair since 2007, reached retirement age in February 2011. According to Article 43 of the Broadcasting Code, a BBC vacancy may open if a member resigns due to retirement. Mr. Gorincioi should have informed the speaker of parliament 30 days before the end of his term, but he continued to hold the chairmanship of the BCC until March 2011 when he finally announced his resignation. Despite the fact that his mandate has already expired, he is still a member of the BCC.

Parliamentary decision number 135 on a vacancy at the BCC came into force on July 8, 2011, and the position of Gheorghe Gorincioi was declared vacant. According to the same parliamentary decision, the Parliamentary Committee on Appointments and Immunities announced the initiation of the procedure to appoint a new BCC member; however, the competition for the position held by Gorincioi has not yet been launched, and he is still a member of the BCC due to the provisions in Article 7 line (3) of the Law on Public Service and the Status of the Civil Servant. According to the article, "The mandate holder continues to exercise his functions despite the expiration of the mandate until a competent successor is appointed." It is worth noting that the BCC chairman and his subordinate were involved in a corruption scandal in 2011 when he and the head of the administrative unit were accused of bribery in January. Terentie Gherdivară was sentenced to four years imprisonment plus three

---

<sup>11</sup> <http://www.jurnal.md/ro/news/concursul-pentru-noi-membri-cca-e-pusa-la-indoiala-201395/>

years probation for influence peddling while the case of the BCC chair is still being examined. Gheorghe Gorincioi is accused of taking a 110,000 lei bribe from an economic entity.

The new chair of the BCC was elected on March 3, 2011. According to Article 45 of the Broadcasting Code, the chairman is elected by an open vote of BCC members and wins with a simple majority. Marian Pocaznoi, the new chair, has been a member of the BCC since 2008.

Despite harsh criticism expressed by both AEI representatives and Communist deputies, the BCC chair submitted the 2010 annual report to parliament in April 2011. The Communist deputies said the report contained weird findings and expressed their dissatisfaction with the fact that private TV station NIT was “frequently jammed, not broadcast in Gagauzia and frequently penalized.”<sup>12</sup> Parliament gave the BCC 60 days to submit a new strategy for providing broadcasting services for 2011–2015 in Moldova, an action plan to promote media digitization in the country and a new action plan on the implementation of Directive 2010/13/EU of the European Parliament and Council of March 10, 2010 concerning the provision of audiovisual media services.<sup>13</sup>

The BCC budget is allocated by the state and was approximately 5 million lei in 2011. According to the provisions of the Broadcasting Code, the BCC is financed by the state budget, by income from licensing fees and by income from annual fees paid by broadcasters in the amount of 1% of the overall annual income and by grants used to cover regulatory costs. The BCC spent approximately 8 million lei in 2010.

### ***Public Broadcaster Teleradio-Moldova***

Discussions on reforming the national public broadcaster have been held at both national and international fora at all levels for more than five years. The legal framework that regulates TRM was adopted in 2006 and is an integral part of the Broadcasting Code. Starting in 2006, turning the public broadcasting company into a genuine public service was at the top of the agendas of media NGOs, political parties opposing the Communist regime and international bodies and has been part of the AEI governance action plan for the past two years. Reform was the number one priority for the new TRM leadership since the administration and the composition of the supervisory board changed. While all decision makers openly gave their support, it is not difficult to track the performance of those directly and indirectly involved in the reform to assess their genuine interest.

TRM has benefited from direct financial and institutional assistance from local NGOs for many years, and the amount of investment in technical and human resource capacity building increased dramatically in the last two years. The Council of Europe and the European Union provided support to transform TRM into a public service using EU funds and those of member state governments. For example, the Council of Europe and the European Union Joint Program on Supporting Democracy in the Republic of Moldova in 2010–2011 had a budget of 4 million euros of which 250,000 euros went to TRM.

---

<sup>12</sup> [http://www.publika.md/--upac-catre-presedintele-cca--numele-dumneavost-ra-de-familie-nu-e-pocaznoi-ci-zakaznoi\\_284611.html](http://www.publika.md/--upac-catre-presedintele-cca--numele-dumneavost-ra-de-familie-nu-e-pocaznoi-ci-zakaznoi_284611.html)

<sup>13</sup> Decision of the Parliament nr. 72 of April 8, 2011, on the annual report of the BCC for 2010

The government's program for 2011–2014 envisages an ambitious objective: to reform and modernize TRM. To achieve this objective, the government decided to proceed with the highest priority, i.e., continuing the reforms by modernizing the company's management and ensuring it adequate financing. The government did not, however, manage to do that in its first year. TRM received 85 million lei from the state budget while its needs were estimated at approximately 170 million lei in 2011. It is intriguing to note that the Communist government allocated approximately 92 million lei to TRM in 2009.

It is worth asking what kind of reform the government wants to carry out. Some experts praise the role of the government (AEI) in modernizing the administration of TRM. Civil society and the international community have praised these changes but not the legal tricks the AEI played to achieve these results. Both civil society and the international community expected a continuation of TRM reforms in 2011. For example, the review of the legal framework that regulates national public broadcasting could become a reform initiative, especially given that civil society developed a new draft broadcasting code<sup>14</sup> that envisaged an in-depth reform of TRM. Referring to the reduced capacities of the government,<sup>15</sup> Prime Minister Vlad Filat requested assistance from foreign donors on September 23, 2011 at an event organized by the OSCE dedicated to the reform of TRM.

The idea of financing TRM from subscription fees rather than from the national budget has finally been transferred from the NGOs to the government in the TRM strategy document for 2010–2015<sup>16</sup> developed by European Broadcasting Union (EBU) experts with the financial assistance of the United Nations Development Programme. The document identifies several flaws in the current financing system that will inevitably lead to underfunding and state interference. The conclusion of the document was that the current system will lead to a gradual regression at TRM and will not contribute to progress in line with its strategic mission and vision. The strategy proposes to put the subject of introducing subscription fees for TRM services both on the politicians' and public's agendas. According to the document, 50 radio and public TV companies (out of 58) EBU members approved of and use the financing model of mandatory fees.

The TRM administration moved to concrete action on implementing the development strategy in 2011. On February 2, 2011, the supervisory board approved a new general organigram for the company, including new organigrams for Radio Moldova and Moldova 1, and on March 18 approved the implementation plan for structural reform.<sup>17</sup> The plan envisaged establishing new services and departments as well as replacing existing ones. The company is to be restructured in two stages. The first stage should have been completed by May 2011 and included developing new job descriptions and a salary scale, the first round of lay-offs, creating an employee certification board and completing the reform of the news department. The second stage envisaged developing a new organizational mechanism at the subdivision level. Both the strategy and restructuring plan were developed with the assistance of foreign experts and pointed out major flaws in human resource management at TRM (too many employees, an excessive number of departments and administrative services,

---

<sup>14</sup> <http://apel.md/libview.php?l=ro&idc=156&id=417>

<sup>15</sup> Media Monitoring Agency, September 23, 2011

<sup>16</sup> „Strategic Development Direction 2010-2015”, approved by the CO on August 16, 2010, <http://trm.md/ro/documente/>

<sup>17</sup> Decision of the CO nr. 30 of March 18, 2010, <http://trm.md/ro/hotarari-co/>

duplication of positions, lack of cooperation between the subdivisions, under-performing operations, uncompetitive salaries, a rigid system of fees, lack of professionalism and the advanced age of staff among others).

The supervisory board approved the plan for the radical restructuring of TRM in August 2011.<sup>18</sup> It is based on a document developed jointly by the Business Consulting Institute and TRM. The document describes three restructuring methods: radical, slow and progressive. TRM management opted for a radical restructuring that envisaged, "...profound, bold and significant changes: a new building with production facilities equipped with modern equipment, integrated management, clearly defined criteria for quality public services, outsourced services, new financing sources such as subscription fees and considerable advertising revenues."<sup>19</sup>

The last half of 2011 revealed that the planned changes had antagonized some personnel and resulted in tension and pressure on the management. This conclusion is based on the actions of Moldova 1 Director Angela Sirbu who announced her resignation on December 14, 2011. She withdrew her resignation less than a week later because the management of the company provided her with assurances that the reforms would be fully implemented as soon as possible. Any delays in implementing the restructuring strategy and plan may indicate that obstacles still exist.

A new programming schedule for Moldova 1 came into effect in October 2011 and sparked heated debates as the 19:00 time slot for the daily news bulletin in Russian was replaced with the news bulletin in Romanian ("Mesager") that was previously broadcast at 21:00. The Social Democratic Party and the PCRM, the Russian ambassador to Moldova, the Bascan of Gagauzia and some Russian-speaking journalists' organizations all expressed their dissatisfaction with the change. The BCC recommended that TRM review the time frame of Russian language news programs, and the supervisory board decided to amend the program schedule again including the hour of news bulletins in Russian.

The TRM budget for 2012 was approximately 153 million lei<sup>20</sup> while state budget subsidies were set at the 2011 level at approximately 86 million lei. In addition, the company planned to obtain commercial revenue estimated at approximately 21 million lei in 2012. TRM plans to introduce elements of consolidation in 2012: the multimedia department will publish audiovisual and multimedia products on the company website, the sports division of the news and debates department will provide editorial content for Radio Moldova and Moldova 1 while local correspondents on the Radio Newsreel Editorial Board will create a network aimed at providing content for Radio Moldova, Moldova 1 and the multimedia department.<sup>21</sup>

### ***Regional Public Broadcaster Teleradio-Găgăuzia (TRG)***

The supervisory board dismissed TRG President Ecaterina Jekova in November 2010, but she was reinstated through a court decision in less than a month. The conflict between

---

<sup>18</sup> SB decision nr. 106 of August 30, 2011

<sup>19</sup> Rîbca E., 2012.

<sup>20</sup> [http://www.trm.md/files/caiet-de-sarcini/Caietul\\_de\\_sarcini\\_2012.pdf](http://www.trm.md/files/caiet-de-sarcini/Caietul_de_sarcini_2012.pdf)

<sup>21</sup> <http://www.trm.md/ro/comunicate/au-demarat-primele-schimbari-structurale-la-teleradio-moldova/>

the president and radio and TV directors continued into 2011. TRG TV and radio directors Maria Parfionova and Vitalii Gaidarji reported several attempts by the president to interfere in the editorial independence of the public stations including the unilateral modification of the radio schedule which falls outside the president's competence and is the responsibility of the board.<sup>22</sup>

In May 2011, the TRG president accused some regional politicians of dictatorship and attempts to enforce censorship at the public company. According to Ecaterina Jekova, some politicians called TRG leaders and journalists directly to demand explanations of why certain articles were broadcast the way they were.<sup>23</sup>

The TRG president addressed an open letter to the People's Assembly of UTA Gagauz in December 2011. In the letter, she requested that government pressure on TRG autonomy be stopped. The conflict arose after the show "Лицом к региону" ("Face to face") starring Bascan Mihail Formuzal was broadcast. During the show, Formuzal made several statements referring to the deputies of the People's Assembly. Articles published in the regional press indicated that there were unresolved disputes between the president of the People's Assembly and TRG, particularly Ms Jekova, dating back a year and that the conflict was political in nature. In October, Ana Harlamenco, President of People's Assembly, sued TRG TV alleging that the administration had allowed a deputy to denigrate her during a TV show. According to the regional press, Harlamenco is demanding 100,000 lei from TRG for moral damages.<sup>24</sup>

Currentlu, the TRG supervisory board is composed of only five members. The mandates of three members have expired while another member has resigned. The board cannot make decisions in the absence of a quorum of at least two thirds of its members.

The deputies of the People's Assembly voted on the state budget for 2012 at the beginning of the year. According to the provisions in the Budget Law, subsidies for TRG decreased by 150,000 lei. The deputies decided to allocate this amount from the company's budget to two private TV stations in Comrat: Eni Ai and ATV.<sup>25</sup>

---

<sup>22</sup> <http://gagauzlar.md/libview.php?l=ru&idc=312&id=3500>

<sup>23</sup> <http://pegnum.pf/news/1406868.html>

<sup>24</sup> <http://pegnum.pf/news/1456164.html>

<sup>25</sup> [Http://gagauzlar.md/libview.php?l=ru&idc=295&id=3497](http://gagauzlar.md/libview.php?l=ru&idc=295&id=3497)

### III. Freedom of expression and defamation in 2011

#### *Legislative Developments*

The year 2011 was less active than the previous one in terms of developing new legislation on freedom of expression. Some insignificant amendments were made to the Broadcasting Code and to the Law on Access to Information. The Broadcasting Code was amended through law number 43 of July 5 and number 181 of December 19 that amended Article 16 (the right to reply) and aligned it with the Law on Freedom of Expression. Article 43 was completed with new parameters for the qualifications of BCC members. The Law on Access to Information was amended to exclude personal information in line with the new Law on Personal Data Protection approved in July 2011.

APEL launched a draft Broadcasting Code in May 2010 that was submitted by the responsible parliamentary commission and reviewed by the Council of Europe, European Broadcasting Union OSCE experts.<sup>26</sup> According to APEL, the decision to develop the draft was taken after several events between 2006 and 2010 involving public authorities, civil society representatives and European experts. The authors of the draft planned to ensure a functional legal framework to develop broadcasting in the country on the basis of truly democratic principles. The authors wanted to remove ambiguities in the current law and complete it with new provisions aimed at adjusting national broadcasting to European audiovisual regulations. The draft code includes a new mechanism for financing regulatory authorities and public broadcasters; stipulates a new appointment and operation mechanism for the BCC and the supervisory board and management committee of TRM; provides new concepts and provisions to regulate the development of the broadcasting system, particularly the advertising market in the age of digitization and introduces a new chapter on community broadcasters, among others.

The first public debate on the draft code took place in October with the participation of its authors, NGO representatives, Moldovan broadcasters, public authorities, foreign experts and other stakeholders who had reviewed the draft. According to APEL, all the opinions, suggestions, analyses and recommendations will be collected and thoroughly reviewed. Relevant recommendations will be included in the revised draft. The parliamentary commission has yet to review the draft.

Another draft law relevant to this report is the Law on Licensing of Certain Types of Activities in Gagauzia submitted to the People's Assembly on April 5, 2011. According to the press agency REGNUM,<sup>27</sup> Mihail Formuzal said in support of this draft that, "The regional authorities must protect the interests of the residents and that Gagauz people have the right to receive information in three languages in a proportion that reflects their real needs." Formuzal said there was a danger of assimilation if the population watched 80% of TV programs in Romanian. The draft law envisages establishing a regional coordinating council that would issue broadcasting licenses and retransmission permits to broadcasters and

---

<sup>26</sup> [www.apel.md](http://www.apel.md)

<sup>27</sup> <http://pernum.pf/news/1397693.html>

service providers who work in Gagauzia. According to the regional press, the majority of the deputies of the People's Assembly refused to approve the draft. Since this draft law has not been approved, the problem that has persisted in the Gagauz broadcasting system for years, namely issuing retransmission permits for regional cable TV operators by the Department for Industry, Construction and Transport, remains unresolved. This practice is totally inconsistent with the provisions of the Broadcasting Code and with Gagauzia's Law on Radio and Television. The BCC, the only regulator empowered to issue broadcasting authorizations in the Republic of Moldova, revokes these retransmission permits in court appeals.

### ***Defamation cases against media***

It is difficult to access and identify information on lawsuits in which journalists or mass media institutions were involved mainly due to the fact the courts do not analyze statistical data by type of lawsuit but rather by type of issue. Secondly, the process of shifting to digital archives is slow and has not yet been finalized throughout the whole country. Another impediment to access is the fact that not all courts are willing to answer requests for trial information due to a lack of staff or because they do not consider it necessary to answer such requests. One more problem is that despite the common nature of information on cases of protecting of honor, dignity and professional reputation, it is difficult to access this information from the responsible institution in a useful and timely manner. With this in mind, this report will present the cases in which the IJC provided free legal advice to journalists and media organizations.

**I.N. versus *Ziarul de Gardă*.** I.N. sued *Ziarul de Gardă* and Penitentiary Number 2 in Lipcani to protect his honor, dignity and professional reputation and demanded compensation for moral damages in the amount of 10,000 lei and the withdrawal of incorrect information published by the newspaper. The newspaper published an article based on information provided by the director of the penitentiary in which the plaintiff was serving his sentence who said the plaintiff had been on a hunger strike in order to secure a transfer to a different prison and that the plaintiff had been drinking tea with sugar daily as the glucose helped to keep him alive. The plaintiff said these statements did not correspond to reality because he did not consume glucose or other nutrients during his hunger strike. The Central Court rejected the claim as unfounded, but the plaintiff challenged the decision in the Court of Appeals in Chisinau which will examine the appeal at the beginning of 2012.

**V.B. versus *Panorama*.** V.B. took legal action against the *Panorama* newspaper and a journalist to protect his honor, dignity and professional reputation requesting that the defendants deny the information published in the newspaper. The article stated that several employees of the Donușeni police station, specifically the station head, were involved in dubious and dishonest activities such as transporting cement, sand and gravel in personal trucks. The article mentioned that the head of the police station possessed a truck he used unfairly for his own benefit and that he essentially had replaced a criminal gang in the 1990s. The Central Court partially upheld the plaintiff's claim and ordered the newspaper to deny the information, but contrary to the Law on Freedom of Expression, the court did not dictate the denial statement. The court ordered the defendant to pay the plaintiff 5000 lei in compensation for moral damages. The newspaper challenged the decision in the Court of Appeals in Chisinau saying that the first court did not take into consideration the provisions

of the Law on Freedom of Expression when it made its ruling. The newspaper also mentioned that the first court made reference only to decision number 8 of October 9, 2006 by the Supreme Court of Justice. The Court of Appeals in Chisinau rejected the appeal and upheld the first court's decision. The newspaper plans to challenge the decision of the Court of Appeals at the Supreme Court of Justice.

**C.C. and C.I. versus *Ziarul de Gardă*.** The plaintiffs, prosecutors by profession, took legal action to protect their honor, dignity and professional reputations against the newspaper and demanded payments in the amount of 502,000 lei and 505,000 lei respectively for moral damages. The plaintiffs said the article entitled "Mită pentru procurori" ("Bribes for prosecutors") damaged their honor and dignity by mentioning their names. The Central Court partially upheld the plaintiff's claims and issued a ruling on August 1, 2011 to the newspaper to pay 250,000 lei to each plaintiff in moral damages, however, several procedural violations were committed during the trial. First of all, the plaintiffs did not submit the denial message; they did not pay the 30,000 lei state fee while the court unjustifiably exempted them from paying it; they did not attend the court sessions so the court should have abandoned the case but instead postponed the session. The plaintiffs submitted the denial statement at the last session of the court on August 1, 2011, and the state fee was initially paid by each plaintiff in the amount of 100 lei. The representative of the newspaper submitted a complaint to the Superior Council of Magistracy (SCM) on August 3, 2011, and requested disciplinary sanctions on the judge responsible for the case. The SCM issued a warning to the judge on December 23, 2011 for violating the procedure regarding the state fee. The Court of Appeals partially upheld the claim on December 7, 2011 and modified the decision of the Central Court regarding moral damages reducing the compensation amount to 10,000 to each plaintiff; however, the final ruling of the Central Court was not changed. The decision of the Court of Appeals will be challenged at the Supreme Court of Justice.

### *Violation of journalists' rights*

Several cases were registered in 2011, but they were fewer in number and less severe than the cases registered in previous years. Most referred to restricting journalists' access to public events.

A female journalist from TV station Publika was harassed in the hall of the Chisinau Government Building on January 10, 2011 while working on a story about the timely arrival of public officials at work after the holidays.

The bodyguards of Acting President Marian Lupu prevented journalist Oleg Brega from entering Mihai Eminescu National Theater in Chisinau on January 29, 2011 where an event was being held on the occasion of National Prosecutors' Day. The same date was marked by one more event. The press was prevented from attending the second stage of the national selection for the Eurovision Song Contest because the judges could allegedly feel embarrassed or have negative emotions in the presence of media representatives.

Representatives of three media outlets (*Adevărul Moldova*, Jurnal TV and ȘtireaZilei.md) were not admitted to a briefing held by Deputy Speaker of Parliament Vlad Plahotniuc on January 31, 2011.

The press was prevented from attending a court session that took place on February 15, 2011 in the well-known case against businessman Adrian Nichifor who was accused of murder. The police officers kept the journalists outside the court room for five hours.

On March 25, 2011, NIT reported that pressure was exerted on a crew of its journalists and that their access to a public place was constrained. The journalists came to film the cars of Moldovan officials who had come to an unofficial meeting with an American diplomat. NIT claimed that its cameraman was aggressively threatened by a guard at the ambassador's residence.

The press had access for only protocol filming at meetings held by Prime Minister Vlad Filat at the Ministry of Health and the Ministry of Youth and Sports that took place on March 28 and April 1 respectively. The same restrictions were imposed during the prime minister's meeting with the National Commission for Reintegration and the March 15 meeting on the reform of law-enforcement bodies.

Journalist Oleg Brega was assaulted on July 29 at the Slavonic University of Moldova in Chisinau. A representative of the institution and a guard attacked the journalist who was then detained for 30 minutes during which four men, two of whom were representatives of the university verbally insulted the reporter. The police arrived 30 minutes after the journalist called for help.<sup>28</sup>

Alexandru Zaharov, Elita TV cameraman from Rezina, was assaulted by a driver involved in a traffic accident on September 19, 2011 in the presence of police officers and other eye witnesses. As a result of the attack, the camera was damaged causing the TV station 55,000 lei in losses. The crew was shooting a night report about a traffic accident in Rezina.<sup>29</sup>

On Saturday December 3, Jurnal TV cameraman Ion Diviza was assaulted in downtown Chisinau while filming a story with other journalists from Jurnal TV. The aggressor proved to be a citizen who claimed his privacy had been violated. The journalists were filming several persons who were browsing the Internet on their laptops in Stefan cel Mare public garden.<sup>30</sup>

A Publika TV team was assaulted in Calarasi on December 7 while filming a story about a church scandal that took place in town. The lawyer of the Metropolitan Church of Moldova attacked the team in the presence of several police officers who failed to intervene. The lawyer claimed he was disturbed that he was being filmed and that the journalists were asking too many questions.

---

<sup>28</sup> Media Monitoring Agency, July 29, 2011

<sup>29</sup> Media Monitoring Agency, September 19, 2011

<sup>30</sup> Media Monitoring Agency, December 3, 2011

#### IV. Press freedom in Transnistrian region

The situation of the Transnistrian mass media in 2011 was marked by the presidential election campaign in the region. Long before the beginning of the campaign, regional mass media had been actively promoting the positive image of Igor Smirnov who has held the position of president for 20 years. It is worth noting that the administration exerted far less pressure on the local mass media during this particular campaign which may bode well for democratization prospects in the region. The role of mass media in the development of public opinion has significantly increased. Social media outlets frequently publish information faster than the state-owned media. Although this information has not always been objective, social mass media is far more successful than the traditional media in initiating debates among the representatives of different social strata with different political opinions.

##### *Abuses against journalists*

A case that clearly indicated the beginning of the pre-election struggle for regional leadership was the release of independent journalist Ernest Vardanyan on May 5, 2011. He was arrested on April 7, 2010 and sentenced to 15 years in prison on charges of treason. The release of the journalist was a great achievement; even he could hardly believe he was free. His family decided they could not remain in the region and moved to Chisinau.

Another case of abuse against non-government mass media was the case of the newspaper *Omul și drepturile lui* published by the Foundation for Human Rights and Efficient Policy in Tiraspol. The organization has been a harsh critic of the Transnistrian authorities. As a result, the Transnistrian Tax Office levied a significant income tax on the Foundation for its entrepreneurial activities (i.e., publishing the newspaper). The court ruled against the tax, the Tax Office filed an appeal, but the Court of Appeals upheld the initial ruling in July 2011.

In September, journalists from the private online TV station Dnestr TV accidentally witnessed an officer (traffic inspector) taking a bribe and started filming the incident. The officer asked them to delete the record and threatened to damage the camera. The journalists ignored his threats and continued filming. The editorial board of the Dnestr TV notified the head of the Bender Department of Interior about the case. The employee who tried to intimidate the journalists was fired.

In October, a conflict broke out between the representatives of the press service of the Supreme Soviet (local parliament) and journalists from the main regional TV station PMR TV. The reason for the conflict was that the station either refused to cover the Supreme Soviet and its Chairman Anatoli Kaminski or provided incomplete and inaccurate information. Because of that failure to follow the professional code of ethics and local legislation, the press service refused to accredit PMR TV journalists. The conflict had an obvious political side. The regional TV station has long been a propaganda tool in the hands of “eternal” leader Igor Smirnov who decided to run for the presidency in defiance of all good manners while the Supreme Soviet has been promoting the image of Anatoli Kaminski, Smirnov’s main rival in the election. It is worth noting that the two heavyweight rivals were so absorbed in their

dispute that they failed to notice the emergence of Evghenii Sevciuc who eventually won the election.

This period was marked by cases of restricted access to information. For example, the local administration of Dubăsari denied entrance to the conference room to the crew of private station TSV who wanted to film a story about the session of the *raion* council.

In November, the Tiraspol and Bender offices of the Popular Democratic Party Proriv! (Прорыв!) which publishes the newspaper *Russkii Proriv* (Русский прорыв!),<sup>31</sup> were searched by the special services as the Office of the Prosecutor General initiated a criminal case to protect the honor, dignity and professional reputation of regional security head Vladimir Antiufeev. The security services also searched the printing house and the printing equipment that belong to Dmitrii Soin, Proriv leader and former Transnistrian security service agent.

At the beginning of December, visiting Russian journalists were illegally detained by representatives of the regional security service. Mihail Eliseev, a journalist based in Sankt Petersburg, complained that the security services confiscated his laptop, camera, ID, money and personal belongings and then expelled him from the region. Another journalist, Alexandr Grigoriev, cameraman of the Russian TV station NTV, was held in custody until the circumstances of his arrest were clarified. The press service of the agency denied the information.

Valentina Ursu, employee of Radio Free Europe Chisinau, was arrested on December 11 for taking pictures near voting stations. It is worth noting that taking pictures is not forbidden by local legislation. The journalist was detained for three hours and then released without any charges against her.

Journalists from the private Internet station Dnestr TV reported that their access to information was restricted by the central election committee (CEC) on the day when the official election results were to be announced. CEC representatives denied the journalists entrance to the conference room where the announcement was made despite their existing accreditation. They were allowed to enter the room only after the intervention of the eventual winner, Evgheni Sevciuk.

As noted earlier, social media networks became very active in Transnistria in 2011 serving as open platforms for information and opinion exchange. Fortunately, the new administration proved to be receptive to the feedback posted on these networks as it responded by issuing a number of decrees and orders and by initiating controls and investigations based on information provided by users.

---

<sup>31</sup> The newspaper *Russkii Proriv*, established by the non-commercial partnership International Youth Corporation Proriv, made its appearance in January 2007. The organization appeared as a result of an amalgamation of three Transnistrian newspapers: *Novii Dnestrovskii curier*, *Russkii Rubej* and party newspaper *Proriv*. Dmitrii Soin, deputy of the legislative body and controversial politician, sets the tone of the newspaper. The media outlet was led by an editorial board with an unknown membership.

Some experts believe that social media have decisively influenced the outcome of the election as citizens voted for the candidate who understood their concerns, displayed genuine interest in the development of the region and used democratic tools to interact with all stakeholders.

The journalism community of Transnistria is hoping the new administration will ensure adequate conditions for the freedom of speech and expression and free access to information which are the basic principles required for the normal operation of mass media in a democratic country.

### ***Moldovan-Transnistrian relations in the local press***

The regional journalism community paid less attention to the issue of Moldovan-Transnistrian relations in 2011 than it did in 2010. This was primarily due to the ongoing election campaign during which many candidates invoked fears of Transnistria's eventual absorption by Moldova and later by Romania and due to the uncertainty surrounding the actions of authorities on both banks of the Nistru River in relation to the settlement of the conflict. Citizens became increasingly distrustful of politicians' promises and actions and believed that the long-lasting political uncertainty was mostly caused by politicians' unwillingness to change the situation.

The following example is illustrative of the way Moldovan-Transnistrian relations were reported in the local media. In summer, the Chisinau office of the popular Transnistrian news agency Novi region (Новый регион) was closed down. Online users who tried to open the web pages containing information about Chisinau were automatically redirected to the page on Transnistria. Despite concerns over limited access to information expressed by many users, the situation remained unchanged as the Internet is dominated by the monopolistic service provider Interdnestrkom which is an integral part of Sheriff Corporation.

Local mass media have been selective in their reporting on informal meetings between representatives from the two banks of the Nistru River. The Internet, which has become increasingly accessible to the residents of the region, helped them fill the information vacuum. The year 2011 brought hope to the residents of the region that the issue of the unrecognized status of Transnistria and the related uncertainty about their future will be resolved.

Representatives of private mass media outlets continued to collaborate with their colleagues in different regions of Moldova and to publish content on social and economic issues of common interest.

### ***Mass media during the local elections***

The election of the head of the regional administration is an event that without exception has strongly influenced the editorial policy of all media outlets. The Transnistrian region has followed the practice typical of other post-Soviet states when dozens of new publications appear right before elections proclaiming their independence while their directors provide assurances to the public that they have big plans for the future. Transnistria has been no exception. The Russian weekly newspaper *Росси́йские вести* appeared in

Tiraspol at the end of summer while its office opened in September. Alexei Titkov, editor and head of the paper, said at a press briefing organized with the assistance of the local Ministry of Information and Telecommunications that this project had nothing to do with the presidential elections and that the editorial staff had planned to work in Transnistria for several years. He also underlined that *Росси́йские вестни* would happily work if the region continued to be led by Igor Smirnov, but the administration was unwilling to work if someone else was elected. No one was surprised when the Transnistrian office of the newspaper was closed soon after Smirnov's defeat.

Two other print media outlets emerged during the campaign with the sole purpose, in the experts' view, to manipulate voters. The newspaper *Homeland (Родина)* had the slogan "The Homeland is not for Sale!" which was the message launched by the staff of Igor Smirnov. The second paper, *Transnistria Today (Приднестровье сегодня)* was published just once to present information that portrayed Anatoli Kaminski in an unfavorable light. The format of the newspaper was a carbon copy of the official periodical *Приднестровье* with essentially the same name, font, design and layout. The only difference was the word "today" in the upper right-hand corner of the main page. The newspaper's circulation was only 999 copies which was the reason for not registering it officially. This way, all existing legal norms were respected. This trick is frequently used by public relations specialists who want to influence the elderly population which is a considerable part of the region's electorate.

The major regional TV station aired several clips that easily fell into the category of negative advertising. These clips openly denigrated Anatol Kaminski's staff, the main rival of Igor Srminov, and targeted both Kaminski and Transnistria's party *Obnovlenie* which holds the majority in the Supreme Soviet. This fact allows us to conclude that tax money from Transnistrian residents was used to provide support only for those in power. This violates the principle of equal access to mass media for all candidates running for president of the region.

Five of the six registered candidates complained that the state TV station limited their rights to run election ads, including paid ads. They said the management of the TV station invented various reasons to justify the refusals.

Despite the above-mentioned problems, TV viewers in the region could watch the candidates debate on the main TV channel for the first time in history. Even though some candidates refused to participate in the debates during the first round of the election, the main protagonists, Evgheni Sevciuk and Anatoli Kaminski, participated in the second round of the debates and asked each other several provocative questions. These debates were crucial in shaping the voting preferences of the region's residents. The debates were live and gave a first-hand opportunity to citizens to decide who deserved to rule the region.

### *The problems of the journalism community*

Uncoordinated actions of journalists do not help to achieve common goals like compliance with professional ethics and relevant media-related legislation. In addition, while journalists in the region display a rather low level of professionalism, they also have few

opportunities for professional growth. This is a task that should be addressed by the regional mass media.

Another problem is access to information. Many journalists were confronted by public officials who refused to respond to their requests for official information. According to the legislation in force, officials must provide information requested by journalists within 30 days from the submission of the request which makes the journalists' work even more complicated. In addition to delayed responses, journalists get very stilted answers that do not allow them to provide quality information to their readers.

Independent journalists consider that the press services of many state and private organizations do not serve as facilitators of information but rather as shields to hide information. This issue should be addressed at a higher level through legislative amendments.

The regions' journalists consider that transparency in the actions of regional authorities and free access to information should be the basis for developing an independent, high-quality media. Journalists believe the situation can be changed only through constructive dialogue and bold decisions by new authorities. Only this type of policies will facilitate the creation of a viable civil society in the region that will be able to influence the decisions of elected authorities.

## V. Conclusions and forecasts for 2012

Moldovan media evolved against a backdrop of a declining trend in global media development. This finding is shared by both the authors of this report and global think tanks in the field. How is it possible that the overall ranking of press freedom in Moldova improved so dramatically, outranking well-established democracies such as Greece and Italy, particularly in light of their clear advantages in working conditions, quality of journalism, remuneration levels and technical equipment? Why is Moldovan media freer than Italian media?

According to Article 10 of the European Convention on Human Rights, the freedom of the press can be defined as the freedom to publish/disseminate information by printed and electronic means without the interference of the state. From this point of view, Moldovan press enjoys greater freedom than it did several years ago. The press is no longer dominated by the state at the central level, although the state still interferes in *raions* (for example in Gagauzia). We should mention the increasing use of an ethical code in the relationship between the state and the press, particularly by the former as the latter's activities have always been regulated by the principles of professional ethics. The AEI as a whole and its separate components have a great interest in the press. In addition to direct and stated interests, some politicians are owners of media institutions,<sup>32</sup> and there are also political interests that influence the way parliament makes its decisions (see Vlad Filat's statement on BCC positions).

One thing is clear. The changes that have occurred in the media have provided a significantly more enabling environment for journalists (see the small number of cases of violating journalists' rights). These achievements are sometimes overrated and glorified in the country and even more so outside its borders, but they led to rapid progress in international rankings. The new pro-European government and its reforms are widely praised for these achievements, particularly in the media. Indeed, had it not been for the new parliament, the Law on the Freedom of Expression would never have been approved. Even TRM reform would not have been possible if the people involved had not turned their attention away (see the amendment to the Broadcasting Code which made it possible to appoint BCC and supervisory board members by a simple majority). However, a proper assessment of the press situation cannot be accomplished because of the excitement of the national and international community determined by overthrowing the communist rule.

---

<sup>32</sup> Media Monitoring Agency, July 6, 2011: "(...) Deputy Prime Minister Valeriu Lazar (PDM) is the president of Pro Mingor NGO in his native village. This organization manages a local radio station with the same name. PLDM representative Nae-Simion Pleșca said in his statement of interests that he is the co-founder of two companies working in advertising: Dansopres Ltd. and Faur Media Ltd. and owns 33 percent of shares. Minister of Justice Oleg Efrim's (PLDM) wife and sister-in-law hold 5 percent of shares in Privesc.eu., a station that broadcasts most important press events in Chisinau live on the Internet. Chiril Lucinschi, president of the responsible commission, is a shareholder in American company EMH Inc. in which he holds shares worth approximately 2.5 million lei. Lucinschi is also a shareholder in Media Alianța Ltd. holding 99 percent of shares worth over 350,000 lei and in Alkasar Media Services Ltd. (advertising) holding 50 percent of shares worth 2700 lei." (N.B. not all politicians have submitted their statements of interest).

## Forecasts for 2012

Dionis Cenuşa, editor of portal [www.europa.md](http://www.europa.md) (2009–2011), blogger and political analyst: “The online sector of media outlets will undergo consolidation and expansion due to the increased access of the population to the Internet, a process that continues its upward trend. The main actors will continue their work and will take over larger areas of public life. At the same time, new online media outlets will have to work harder to match the performance bar set by people who have been active since 2009. The general crisis in the online media will lead to a decrease in Internet users’ interest in watching online ads due to deteriorating purchasing power. This will create a situation in which new politically independent actors (both local and international) will be afraid to invest in the Moldovan online media market due to the level of market saturation and to the increasing capacities of the regional and international social networks. The positive image of social networks and their transformational and influential nature will attract Internet users and force national online media outlets to connect or even to integrate into these networks. The universal politicization of public life and the continuing political crisis with its forthcoming electoral processes will lead to political interference in mass media. The blogosphere will experience stagnation because many government representatives have already become a part of this community in previous years. This sector could come to life if newly emerging actors will spark new life into it; this is possible, but unlikely.”

Tudor Iaşceno, director of newspaper *Cuvântul*, in Rezina: “The local independent press will remain afloat at best in 2012, but it is not impossible that the second half of the year will be marked by a considerable decrease in circulation. Advertising revenue, which has been pretty modest in previous years, will continue to decrease. The Law on the Privatization of the Moldovan Public Print Media is still dead as the government has not yet developed the mechanisms for its implementation. Both the tax legislation and the conditions imposed by the distributors of printed media create impediments to the development of the local mass media. Private newspaper publishing in Moldova is more a hobby than a business and brings more pleasure than profit.”

Luiza Doroshenko, Director of the Media Center of Transnistria: “The idea of state media reform appears to be a persistent one. The Ministry of Information and Telecommunications of the self-proclaimed Transnistrian Republic became the Transnistrian Communications, Information and Mass Media Service led by a person who knows the Transnistrian printed press situation from within. The management of the TV station First national channel (Primul canal republican) underwent a comprehensive overhaul, and similar changes occurred in other state media outlets. The new management teams plan to improve the quality of journalism in the region.”

Petru Macovei, API Executive Director: “I think the situation of print media in 2012 will not change compared with previous years. The number of published newspapers and magazines will remain virtually the same. I do not think the increasing use of the Internet will result in the closure of a significant number of print press outlets. On the contrary, this competition is having a positive impact on the trends in the print press as the newspapers have started working on their web content and try to be more interactive with their readers. I think those who understood the importance of development will expand while others will experience a decline.”

Vitalie Dogaru, Producer at Publika TV: “The fragile political situation of Moldova in 2012 could have a strong impact on mass media as the industry does not have enough resources to face both a political and an economic crisis and also to preserve its independence. As a result, some media outlets could either disappear or continue their existence at the mercy of politicians or controversial businessmen. This sad reality will encourage high staff turnover and lead to stagnation for an undefined period of time after a period of revival that has lasted for two years.

Valentina Ceban, TRG reporter: “The current political situation in Gagauzia will influence most of the mass media outlets in the region because experience shows that regions with a relatively small population have difficulty ensuring freedom of expression. The Gagauz media outlets, which are few in number, are dependent economically which implies they are also dependent politically. The continuous existence of this vicious circle means mass media in Gagauzia will not be free to follow the principles inherent to genuine journalism.”