



Independent Journalism Center

ENP East Media Freedom Watch
MOLDOVA

Second Reporting Period
July—September 2013

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1. Introductory Note

The Media Freedom Index and expert recommendations provided in the report are the product of ENP East Media Freedom Watch project implemented with support from the European Union. The two-year project focuses on rating media freedom in the six Eastern Partnership countries (EaP) based on quarterly questionnaires on four broad topics (politics, practice, broadcasting and Internet and new media) completed by media experts in each country. The experts score 55 indicators from 0 to 30 for a possible total of 1650 points. Based on the total, each country is ranked from 1 to 7 on the index. The project is intended to contribute to media freedom and to freedom of expression by increasing regional and international awareness about the state of press freedom and journalists' rights in all EaP countries.



2. Panel of Experts

1. **Petru Macovei** Director, Association of Independent Press
2. **Ludmila Andronic** Chair, Press Council
3. **Ion Bunduchi** media expert
4. **Nadine Gogu** Director, Independent Journalism Center
5. **Olivia Pirtac** media law expert
6. **Doina Costin** media law expert
7. **Alina Turcanu** Editor in Chief, *Adevarul* newspaper
8. **Lucia Bacalu** Director, *Expresul* newspaper
9. **Vladimir Soloviov** Editor in Chief, Kommersant.md
10. **Alina Radu** Director, *Ziarul de Garda* newspaper



3. Brief Overview

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

Chapter 1: Politics

From July through September 2013, neither the legal framework nor political circumstances registered significant changes regarding media freedom compared with the previous quarter. This was due in part to vacations (end of July to mid-September); however, experts noticed that in practice journalism is increasingly affected by shortcomings in the legal framework on access to information as well as by decisions taken by authorities. There are a number of fees required by state bodies for releasing information of public interest that are deemed abusive by some experts and that lack justification. Often such information is vital for journalistic investigations, e.g. data from the public register on real estate or the State Registration Chamber (information on legal entities registered in Moldova). This resulted in a 4-point drop in the indicator on the quality of the law on access to information and a 2-point drop in the indicator on justifying areas where access to information can be restricted. In addition, certain events and statements made by officials have also contributed. Among them was government's decision in late July to suspend online broadcasting of its sessions which was neither adequately discussed with civil society nor followed by an explanation as to how the information on these sessions can be otherwise obtained by media. Also in early September, the Head of the Supreme Court of Justice, Mihai Poalelungi, said he would promote the idea of punishing defamation according to the Criminal Code as it was before 2005 (for details see section 4). The statement was perceived as a cause for concern especially since Justice Poalelungi previously acted as a judge at the European Court for Human Rights. Hence the overall lower score for the entire chapter—165 points compared to 179 in the first index—accounted for the rating of 5 out of 7 (one position down).

Chapter 2: Practice

The score for the second chapter increased slightly mainly due to small improvements in numerous aspects of journalists' working conditions. Although the chapter overall scored 845.5 points—a rating of 6 out of 7—the sustainability of the developments in the long run is as yet unclear.

- *Assaults, threats, arrests*



No cases of arrests or apprehension of journalists by law enforcement agencies have been registered lately, hence the indicator received very high scores of 29 and 30 points for the first four aspects related to killing, kidnapping, arrest or apprehension of journalists due to their job. The aspect related to beatings and assaults of media professionals scored 8 points higher than previously (21 points), and surveillance and monitoring of phone conversations improved by 2 points (16 points in the first index).

Nevertheless, cases of putting pressure on journalists haven't decreased, including both psychological pressure and threats and summoning by law enforcement authorities. Specifically, experts recalled the repeated, unjustified summons of staff of the weekly *Ziarul de Garda* by the Anticorruption Center in the investigation of a corruption case (for details, see Prosecution below and Section 4.). This case accounted for a 1-point drop to 14 points for indicator 2.1.1.8.

Since no cases of severe pressure on journalists have been recorded, all the other indicators related to the authorities' possible involvement were assessed more positively than previously (a maximum score of 30 for killings and kidnappings and 27 for assaults and harassments). Nevertheless, some experts expressed doubt about the sustainability of these improvements in the event of a change in power. This led them to give the last indicator on diligent reaction by authorities in cases of violence and threats against journalists mostly 2 points ("depending on the circumstances, such as the journalist's political views") for an overall score of 21, an improvement of 3 points.

- *Prosecution*

Although several years have passed since the Law on Freedom of Expression was adopted, its impact is still far from what it was expected to be. Unfortunately, many journalists ignore the provisions of the law and frequently misinterpret the legal framework and some fundamental notions regulating mass media. In terms of judicial proceedings, courts fail to respect the preliminary procedure, and in many cases judges try cases under the provisions of Article 16 of the Civil Code or those of Article 10 of the European Convention on Human Rights without making any reference to the provisions of the new Law on Freedom of Expression. When the court and the parties have knowledge of the new law, many cases are remanded or dismissed for failure to respect the preliminary procedure or to pay the fees.

Still, the overall perception of the experts has improved especially due to a decrease in the number of lawsuits filed against journalists and more importantly, due to the decisions



issued by judges who of late have abstained from imposing high fines on media institutions and journalists in cases of defamation. Although there is still room for improvement, the change was noticed by experts who rated indicator 2.2.1.3 at 25 points compared to 11 points in the previous index. There is still, however, no legal limitation on the amount that media outlets can be obliged to pay for damaging honor and reputation.

Also, there are cases when journalists are asked by law enforcement authorities to reveal the identity of their sources or that of members of reporting teams as was recently the case with reporters from *Ziarul de Garda* and the Anticorruption Center. The paper was asked to hand over unedited footage taken by undercover journalists. The newspaper's director said the reasons for the request were insufficiently explained and that officers from the center insisted on disclosing personal data on members of the reporting team covering the corruption case. The director said that the repeated requests for reporters' personal data amounted to intimidation. This case and similar ones accounted for the rating of 12 points for indicator 2.2.1.4, 3 points less than in the first index.

- *Access to information*

The experts' perception of the legal framework on access to information is that its flaws are becoming increasingly obvious as journalists often find that public officials and civil servants alike can easily circumvent the provisions of the law by qualifying information as state or commercial secrets. Also, many civil servants will not release information of public interest without their superior's prior consent, and a number of public institutions stipulate in their internal regulations that information can be released only by institution's press service or by a specific official. Notably, the draft regulation proposed in July to courts by the Superior Council of Magistrates would have restricted the right of media institutions to obtain information of public interest in a timely manner and would have enabled courts to give out information selectively (for details see Section 4).

Journalists also noted that data from the State Register (public register of contracts and documents) can be obtained for free with a delay but immediately for a fee the amount of which is not explained or justified. The same applies to data from the real estate registry. These facts led experts to give indicator 2.3.1 a score of 15 points, 4 points lower than previously.

An additional impediment noted particularly by independent press editors (*Ziarul de Garda* and *Adevarul*) is the poor culture of communication at ministry press services. Journalists claim that the attitude of press services regarding reporters' requests is not helpful;



often they fail to issue information in a timely and complete manner, and the quality of the dialogue is superficial. Based on this, the experts awarded the indicator an overall score of 20. Also, the government's open data portal Date.gov.md hasn't succeeded in filling this gap by providing relevant and complete information of public interest from a number of important authorities (for details see Section 4).

- *Censorship and self-censorship*

The indicators on censorship received predictably high scores (28 points for censorship and 30 points for confiscation), but self-censorship is still commonplace in the Moldovan press as most experts rated the respective indicator either a 1 ("exists in all state-owned and many private media") or a 0 ("exists in all media"). Self-censorship thus received 8 points, once again the lowest score in the entire study.

Also, experts noted that there are no forbidden topics for Moldovan journalists, although the approaches to certain topics are manipulated. The indicator received 30 points.

- *Monopoly*

Monopoly is yet another issue with obvious discrepancies. While there is no state monopoly on media (28.5 points overall), nor on printing facilities (27 points overall), the distribution market is plagued by the monopoly of two state-owned enterprises: Posta Moldovei (Moldovan Postal Service) and to a lesser extent Moldpresa. Posta Moldovei is the only distributor that has national coverage, but prices are high and more importantly are set unilaterally. Experts agreed that the state-owned postal service offers expensive but low-quality services, and print press editors remarked that all dialogues initiated with Posta Moldovei have proved to be ineffective and that all requests coming from media outlets have been rejected so far. The indicator received 13 points, a 2.5 point increase from the previous index.

The transparency of media ownership is the second critical issue in this category. During the reference period, the legal framework was not improved nor did market conditions effect a positive change; however, the draft law amending the Broadcasting Code to improve transparency was registered in Parliament, and the Parliamentary Commission for Culture, Education, Research, Youth, Sports and Mass Media held public meetings on its provisions . The indicator therefore rated 9.5 points (a 2-point improvement) and as before remained the second lowest indicator in the entire study.

- *Economic conditions*



Improvement was registered in economic conditions mostly as a result of the above-noted change in the court habit of imposing costly fines on media outlets. The financial conditions of media outlets are presently considered to be adequate and do not threaten their sustainability (28 points overall compared with 14 previously). The indicator regarding the frequency of controls and the level of fines levied by tax inspectors and similar authorities also received 28 points (17 points in the first index).

The advertising market is not controlled by government authorities; however, there is a strong perception among experts that the market is not really free and that those in power have a great deal of control over advertising in companies that they own or are affiliated with and implicitly over cash flows. This resulted in an overall score of 21 points, an increase of 3 points compared to the previous index.

Correspondingly, the state of the advertising market influences the long-term sustainability of media outlets, especially that of local and independent media. Some experts believe that broadcasters affiliated with businessman and vice-chair of the Democratic Party, Vladimir Plahotniuc, benefit from more advertising and that generally, media belonging to or affiliated with members of the government are more stable from a financial point of view. This explains to a certain extent the score of 24 points for indicator 2.6.6 regarding the existence of unequal economic conditions for media.

No cases of confiscation, forceful takeover or pressure to give up media businesses were recorded in this period, so indicators 2.6.5 and 2.6.7 were rated 30 and 28 points, respectively. As increasingly more media institutions are, however, concentrated in the hands of a few owners, there are experts who question the transparency of funding of certain broadcasters and the way these outlets came into the possession of their present owners. Managers of other media, especially independent press editors, are discouraged from working transparently for the benefit of the public. Overall, the authorities have failed so far to conduct a dialogue with media managers focusing on common efforts and interest in developing a viable, independent media capable of informing and educating the public.

Chapter 3: Broadcasting

In the reference period, the situation of broadcast media and their relation with politics virtually did not change which explains the more or less consistent score of 19 points (1 point improvement) for the indicator on political pressure brought to bear on private stations.



The indicator assessing the quality of the national public broadcaster Teleradio Moldova also remained roughly unchanged at 21 points compare to 19 points in the first index as most experts noted the slow pace of the reform initiated in 2010. To the date, most experts agreed that Teleradio Moldova still fails to meet the standards of public service broadcasting as understood in established democracies.

Concerning the independence of regulatory bodies, the Broadcast Coordinating Council did not receive any challenges to the fairness of its decisions during the reference period and even succeeded in taking advice based on statements of media nongovernment organizations (NGOs) (for details see Section 4). The corresponding indicator scored 28 points, a significant improvement compared to the 17 points in the previous index.

As to equal access to broadcasting during elections and political campaigns, there were no such events during the reference time, but the experts' general feeling was that the opposition has a great deal of access to the public broadcaster as well as to other private media. Some experts noted, however, that the opposition often chooses not to exercise their rights, declining invitations to take part in talk shows and other programs. The indicator received an overall score of 29 points, a 3-point improvement.

The issue of digitization has made little progress; experts rated the indicator slightly higher at 28 points overall compared to 24 points previously due to the fact that the authorities have finalized the program of transition to digital terrestrial television. The program of transition is still in Government and implementation has not begun, so it is difficult to predict the outcome. However, one expert indicated that the text of the program contains provisions likely to limit the freedom of electronic media and however high the score of the indicator might be, it could be easily reversed in the future depending on the way the authorities implement the digital switch-over.

The entire chapter on broadcasting scored 125 points overall, an improvement of 21 points compared to the previous rating period, and earned it a 6 out of 7 on the index.

Chapter 4: Internet and New Media

The freedom of the Internet and online media was assessed as satisfactory with higher scores for almost all indicators. Blocking Internet websites is not common anymore; neither are arrests, assaults or harassments of bloggers or of active Internet users. This allowed a rating of 30 points for each indicator. On the other hand, experts noted the growing phenomenon of politicians and business people courting bloggers by offering them equipment, lavish meals



during informal (“off-line”) meetings in restaurants and money in exchange for promoting certain ideas or campaigns on the Internet. Often, this patronage is not mentioned.

The indicator on the affordability of Internet connection services increased by 5 points to reach an overall score of 26.

The overall score of the chapter was 140 points compared to 115 points previously and was the most notable improvement in the entire index.



4. Developments in the Media from July through September 2013

July 2013

A portal for publication of public information falls short

10.07.2013

The government web portal date.gov.md designed to grant access to public information lacks half of the necessary data according to research conducted by the IJC. The researchers found that the portal has not become a single platform to publish data on the accomplishments of state bodies. Almost half of the journalists surveyed considered date.gov.md to be an irrelevant source in their work. The main reason for this is that the majority of ministries and departments still publish data on their websites. In addition, the contents of the documents published are often out of date or are incomplete which limits their usefulness.

The IJC rated state bodies on the number of documents they have published. The Ministry of Health (112), the Ministry of Internal Affairs (90) and the National Statistics Bureau (86) are in the lead while agencies like the Customs Office, the National Center for Public Health and the Agency for Medicine haven't published any.

By the end of 2012, ministries and other central administrative offices were to publish 29 government documents with public data. Till now they haven't made public one third of the data. Two years ago the government committed all state authorities to publishing data on their activities of interest to citizens on the date.gov.md portal created in April 2011. The Republic of Moldova is one of 16 states committed to publishing public data in digital format.

Transparency of media business is one of the conditions for EU association

17.07.2013

The Head of the Delegation of the European Union to Moldova Dirk Schuebel declared to Adevarul.md that Moldova would be able to initial the Association Agreement at the summit in Vilnius if a number of reforms were undertaken. Among other things, he mentioned changes in the legal media framework to improve transparency of media ownership.



“We would like to see that the reforms that were suspended for five months during the political crisis will be continued. First of all, I mean here the reform of the legal system. It is important to adopt the laws on transparency of media ownership and funding of political parties,” he said. He also noted that mass media in Moldova have become more free and open since 2009.

Mr. Schuebel completed his mission in 2013 and was replaced by Finnish diplomat Pirkka Tapiola.

Journalists threatened with death

19.07.2013

Jurnal.md reported that columnists Constantin Cheianu and Vasile Năstase had received threatening text messages on their cell phones. Both journalists believed the threats were related to their criticism of the political and economic situation as well as of the judiciary. On 15 July, Mr. Năstase reported to state authorities that he had received the following text message: “Stop these articles or we will finish you off along with *glas* and *jurnal* [newspapers].” Shortly thereafter, fellow columnist Constantin Cheianu received a similar message. Both have requested law enforcement bodies to investigate.

Civil society and media organizations reacted by showing their support for the journalists and asked the Ministry of the Interior and the Prosecutor General to thoroughly investigate the cases and find out the identity of the authors of the messages and bring them to justice.

Intelligence and Security Service reacts to journalists’ claim

20.07.2013

The Intelligence and Security Service reacted to the recent claims of columnists Constantin Cheianu and Vasile Nastase that they had received threatening text messages by announcing a special investigation to find the perpetrators. The Security Service also expressed its disapproval of intimidating journalists and civil society representatives stating it is, “unacceptable in a country with European aspirations.” It was the first public authority to react



to the declarations of the two journalists. Both believed the messages were related to their professional work and their criticism of some politicians and representatives of the judiciary.

Media NGOs concerned with the new draft regulation of the Superior Council of Magistrates

29.07.2013

At the end of July, the Superior Council of Magistrates proposed a new regulation for its information service and media relations which raised concerns among civil society representatives. Media NGOs expressed their concern with the draft regulation through a public appeal claiming that such changes would limit media and public access to relevant information. The draft regulation was submitted for debate within Moldovan courts without prior discussions with civil society whose representatives saw the draft and took it upon themselves to react.

“The draft regulation contains numerous flaws and can restrict communication between journalists and courts which would inevitably lead to a diminished level of public trust in justice,” the NGO statement read. Media NGOs emphasized that should the new regulation be passed in its initial form, it would restrict the right of media outlets to obtain information of public interest in a timely manner and would enable authorities to selectively disseminate information based on subjective criteria.

Municipal newspaper *Capitala* announces closure as of 1 august

31.07.2013

The periodical *Capitala* published by the Municipal Council of Chisinau is closing down as of 1 August. Employees will be given three months’ pay to search for new jobs. The Head of the Finance Department of Chisinau, Veronica Herta, said at a meeting of the Municipal Council that 136,000 lei (8,000 euros) had been allocated for this purpose. The necessary funds were planned in the municipal budget six months ago. Ms Herta also added that after the closure of the newspaper the office will be up for rent. The Municipal Council provided 1.5 million lei (88,600 euros) yearly for publishing the newspaper.



August 2013

The Coordinating Council of the Audiovisual requests prosecutor's office and police to protect journalists

01.08.2013

The Coordinating Council of the Audiovisual (CCA) asked the Prosecutor General's Office and the Ministry of Internal Affairs to ensure the safety of journalists Constantin Cheianu and Vasile Nastase who had earlier reported receiving threatening text messages. According to a CCA press release, private station Jurnal TV submitted a complaint about attempts to intimidate its employees.

“The CCA is very concerned about the facts described in the letter from the private television station. The council appeals to the law enforcement bodies to investigate the case and to ensure the protection of journalists,” the statement read.

The CCA is the second state agency to respond to the statement by the journalists. Earlier, the Information and Security Service of the Republic of Moldova expressed concern about intimidation. Immediately after the information about the messages was published in the press, media NGOs issued a declaration supporting the journalists.

Journalists security guide launched in south Moldovan region of Cimislia

08.08.2013

A group of journalists discussed the provisions of the guide titled “Walking on a Tightrope” („Mersul pe sârmă”) last week in Cimislia. It was launched with assistance from the European Initiative for Democracy and Human Rights as part of a round table that focused on improving journalists' ability to cover abuse of power, crimes and corruption. In the authors' opinion, the guide can not only be a useful tool for enhancing journalists' security, it can also be useful for assessing the capacity of public authorities to investigate attacks on media professionals.

One of the participants, editor of *Gazeta de Sud* Ion Ciumeica, assessed the guide as a very helpful publication that in addition to being truly informative also contains advice from psychologists and lawyers advising reporters how to act when attacked. “Case studies on attacks or abuses perpetrated on journalists are really useful for all media workers. It is equally



important to have a list of national and international organizations protecting the rights of journalists.”

“Walking on a Tightrope” was developed in 2011 on the initiative of the International Federation of Journalists. According to Antonina Sirbu, journalist and coordinator of the Moldovan working group, the project encompassed seven countries from the former Soviet Union: Moldova, Ukraine, Belarus, Russia, Armenia, Georgia and Azerbaijan. The next step, she added, is organizing an international conference in Chisinau from 4 to 6 October 2013 on the topic journalists’ rights and press freedom.

Anti-corruption Center requests unedited material from Moldovan newspaper

22.08.2013

The National Anti-corruption Center (CNA) sent an official letter to the editors of the weekly investigative paper *Ziarul de Garda* requesting information about the authors of the report titled “Moldova’s mafia of the woods” (“Mafia padurii in R. Moldova”), as well as the unedited material (video footage, photos, documents) they used according to an editorial published by the newspaper.

The CNA officials wanted to know the names of the people involved in the reporting process, claiming they had been trying to find them out for over a month. They said the newspaper was not being targeted but that the material could help in an investigation. In response, *Ziarul de Garda* pointed out that the name of the author (Iurie Sanduta) was published at the outset on the print and online versions of the investigation.

A representative of the CNA then talked on the phone with an editor of *Ziarul de Garda* to explain to the heads of the newsroom exactly what the prosecutors were trying to find out. CNA officer Maria Botea said they wanted to speak to the authors of the article and obtain the unedited footage they had. She added that no case has been opened so far and that opening one could depend on the material the journalists had. “We can’t charge anyone based on a newspaper article,” *Ziarul de Garda* quoted her as saying.

The investigation focused on Eugeniu Nazaria, the head of the state-owned company Silvocinegetica Straseni (Moldsilva) who has received awards from President Nicolae Timofci and IPS Vladimir, the bishop of Chisinau and Moldova. Undercover journalists filmed Mr Nazaria offering to sell them a portion of a forest that he didn’t have the right to sell.



According to *Ziarul de Garda*, several individuals and companies have leased large areas of land in Straseni and Hancesti districts since 2008 and are now illegally selling that land for up to 10,000 euros per hectare.

Mr Nazaria was also contacted by the CNA and the General Prosecutor's Office as well as by the Ministry of Environment to explain his actions. He stated he was considering pressing charges against *Ziarul de Garda* and requesting apologies from the author of the article for bringing shame to his name and to the leadership of the country and the Church.

The editorial team of *Ziarul de Garda* told us the publication would not release the material requested to the CNA. Aneta Grosu, Editor in Chief, said she was also surprised that the officers asked for personal data on the whole team involved in the investigation. "First of all, it (i.e. the footage) is the newsroom's property and secondly we are guarding the anonymity of our sources and even of some of the people who worked on the story because Iurie (Sanduta) was not alone. It was teamwork," she said.

Iurie Sanduta, the reporter who signed the story published in late June, said he wouldn't go to meet with the officers. "We will not go because we went once in 2009, and they wanted us to sign completely different statements from the ones we were there for. The newspaper had published one thing, and they gave us something completely different to sign," he explained. In addition, the journalist believes the investigators were only trying to make him name his source. Mr Sanduta also said the editorial published on Thursday is meant to publicize this situation and to protect the newsroom from an imminent search.

September 2013

Moldovan TV crew reports being assaulted by local mayor

02.09.2013

Jurnal TV reported that one of its reporters and a cameraman were intimidated and assaulted by the mayor of Cimiseni Village and his supporters. The broadcaster filed a complaint with law enforcement bodies and requested an investigation. Mayor Ghenadie Rabei denied all allegations and claimed he was a victim of certain persons with hidden agendas.

The complaint filed by the leadership of the television station states reporter Aura Percic and cameraman Iurie Osipenci were physically harassed by Ghenadie Rabei and a few of



his supporters while covering a conflict between the mayor and one of the local counselors who is also the village priest. Jurnal TV representatives said the aggressors hit the camera and pushed the reporter hitting her hands. Later Ms Percic was supposedly intimidated over the phone by Mayor Rabei. The crew's vehicle was also allegedly pursued in traffic by the mayor's car coming dangerously close to having an accident. Under these circumstances, the Jurnal TV leadership decided to inform the authorities in order to stop the harassment and to punish the mayor's actions.

We contacted the mayor who denied the incident and claimed Jurnal TV representatives should apologize for false accusations. He also said he was being targeted by one of his employees with whom he has a disagreement. According to the mayor, this employee is related to the Jurnal TV reporter.

Following this incident, media NGOs published a collective statement asking the Ministry of Internal Affairs and the General Prosecutor's office to examine the case and to clarify the situation. Civil society representatives also asked the State Office to investigate the legality of Ghenadie Rabei's actions.

Signs of independent newspaper *SP* in Bălți were removed by a municipal enterprise

03.09.2013

Workers of the municipal enterprise Housing and Communal Services removed the signs of the independent newspaper *SP* in Bălți hanging outside the office of the publication as well as the arrows that guided visitors to the editors' office, esp.md reported. *SP* Director Veaceslav Perunov filed a complaint with the police accusing the enterprise of theft and arbitrariness. The incident occurred on 28 August. Representatives of the municipal enterprise justified their actions by the fact that the signs violated the law on the use of languages and a particular decision of the local mayor, but similar signs of other companies written in Russian and installed nearby remained intact, the publication said.

"All this happened very quickly in just a few minutes so that the employees of *SP* did not even have enough time to properly react to what was happening. The press photographer could only shoot the retreating car carrying the property of the paper in the trunk," the newspaper said.



The newspaper's staff argued that they had received no formal requests or orders from Housing and Communal Services to voluntarily take down the signboards or to change their contents. *SP* Director Veaceslav Perunov decided to lodge a complaint with the police for theft of property and asked that those responsible be brought to justice. The newspaper's representatives believe that it was a reaction by the local administration to a series of articles *SP* had published relating to the activities of local authorities and municipal enterprises in Bălți.

Columnist Dumitru Crudu claims he was fired from *Timpul* after writing an opinion piece

10.09.2013

Moldovan writer and columnist Dumitru Crudu says he was fired from *Timpul* weekly after writing an opinion piece about his efforts to obtain a Romanian visa in Chisinau. According to Mr Crudu, who was critical of the employees at the Romanian embassy, he received an e-mail from his editor saying they "couldn't collaborate anymore" after publishing the piece on the Moldova.org website.

The opinion piece was published on September 7 and recounted Mr Crudu's experience at the Romanian consular section which he described as "terrible." He later wrote on his Facebook profile that he was "fired" by Silviu Tanase, a *Timpul* director. "Why? Because I published that text on Moldova.org about the Romanian Consulate," he stated. The writer also published a fragment from an e-mail Mr Tanase allegedly sent him in which the director said Mr Crudu's interpretation of the events was false and an "aberration." The e-mail ended with, "Dumitru, I don't think we can collaborate anymore."

Contacted by our team in Chisinau, Mr Tanase said Mr Crudu's affirmations were his interpretation of the events and not how things had really happened. He said they started having problems with the writer a month ago when he published a collection of the articles he wrote for *Timpul* without mentioning they had been released in the newspaper first. As for firing the columnist, Mr Tanase said no one was fired as he didn't have this prerogative and the head of the online newspaper hadn't fired him either.

Romanian ambassador Marius Lazurca also reacted to Mr Crudu's column and wrote a commentary on Timpul.md. He publicly apologized to the writer for the discomfort he went through to obtain a visa and admitted the procedure could use "perfecting." The ambassador



also noted the long waiting times Mr Crudu experienced had more to do with the fact that he had to gather the necessary documents for the application and not to the fact that the employees at the embassy were very slow. “Psychologically—and even morally—I understand Mr Crudu’s frustration: so much paperwork for a simple visa!” Ambassador Lazurca wrote, adding that people would experience fewer problems if they would read the information on the embassy’s website before applying. The ambassador was concerned that Dumitru Crudu wrote that the embassy employees are Romania’s biggest enemies. “It invalidates many of the efforts made by our consular department in recent years,” he said.

Dumitru Crudu is a poet and playwright from Ungheni. He is also a member of the Writer’s Association and the Theatre Association of Moldova.

Balti-based *SP* weekly celebrates 19th anniversary with public protest

12.09.2013

The Balti-based independent weekly *SP* celebrated its 19th anniversary last weekend. On the occasion, the paper’s editorial team organized a protest in the central square in Balti to promote freedom of speech and to draw public attention to the pressure exercised upon them by local authorities. During the event, *SP* Director Veaceslav Perunov said that the paper had been a consistent target for local authorities in the past 10 years. He mentioned the incident last week when employees of the municipal enterprise Housing and Communal Services removed the signs of the publication hanging outside the office as well as arrows that guided visitors to its premises. The incident occurred on August 28. Representatives of the municipal enterprise justified their actions by the fact that the signs violated the law on the use of languages and a particular decision of the local mayor, but similar signs of other companies written in Russian and installed nearby remained intact, the publication said.

Before the 2009 pro-democratic regime change, the newspaper was also subject to harassment by the authorities. In 2007, the car transporting copies of the paper from the printing factory was retained and escorted to the Economics Police headquarters. Authorities said they found 2000 to 3000 copies of TV and advertising brochures that were to be distributed with the Romanian version of the newspaper and they decided to confiscate them. The then head of commerce at the newspaper Rodica Deleu said at the time that the incident occurred because of articles and investigations published in *SP* that put local authorities in a bad light.



SP is a member of the Independent Press Association and of the Office for Internet and Press Run Audit. The newspaper is an audience leader in the region and comes out on Wednesdays. The paper was first released in 1994 as an advertising publication and became an opinion and information weekly four years later. *SP* has 11,300 subscribers while the press run is about 3500–4000 copies.

Moldova's Supreme Court head wants to reinstate slander as criminal offence

12.09.2013

Mihai Poalelungi, the Head of Moldova's Supreme Court of Justice, said he would promote the idea of punishing slander according to the Criminal Code as it was before 2005. "I hope journalists will not be offended, but I'll do my best to promote the idea that slander should be punished again according to the Criminal Code of Moldova," he said in an interview on the Moldovacurata.md website this week. He said he wants Moldova to follow Germany's example in which five to six legal provisions deal with slander and insult. "Why can a country with such a great democracy have these provisions and we can't?" he asked.

His reaction was caused by news stories in the national media claiming Justice Poalelungi's nephews were drug dealers. Journalists also wrote about a 5 million lei (300,000 euro) loan the judge took from Victoriabank. "I'm sorry the press published this information about the five million lei without verifying or at least asking for my opinion," Justice Poalelungi said.

Media NGOs condemned Justice Poalelungi's intentions and characterized his words as a means to pressure journalists that could lead to limiting freedom of speech in Moldova. According to civil society, international standards lean against punishing slander, even though some European states hold on to some legal provisions in this respect.

"If journalists can be punished for alleged slander, this would be a step backwards in the democratic development of Moldova and would create a framework to persecute and abusively sanction the media for criticizing certain public figures," read the NGO statement. They made an appeal to journalists and media institutions to behave professionally in their work and to present the information they obtained in an honest manner only after thoroughly verifying it.

Slander and insult were taken out of the Criminal Code in 2005 in an attempt to align Moldova's legislation to European standards. Currently, however, Article 16 of the Civil Code



includes certain provisions about slander that can influence the amount of money paid by defendants in moral damage cases.

Romanian public station TVR 1 to resume broadcasting in Moldova

13.09.2013

Romanian public television station TVR 1 will resume broadcasting its programs in Moldova via cable after the two countries signed an agreement meant to settle a complaint filed by the Romanian Television Society against the Moldovan government at the European Court of Human Rights (ECHR). The agreement signed on Thursday in Bucharest also commits Romania to rebroadcasting programs of public TV station Moldova 1.

The document was signed by Claudia Saftoiu, Chair of the Romanian Television Society, and Lilian Apostol, a Moldovan government agent, in the presence of Romanian Prime Minister Victor Ponta. The next step in implementing the changes is informing the ECHR about the settlement which stipulates TVR 1 will be allocated a segment in the first multiplex with national coverage once Moldova transitions to a digital television system. Until then, TVR 1 programs will be rebroadcast by cable operators.

TVR 1 stopped its broadcast in Moldova in 2007 after a financial disagreement during which the Broadcast Coordinating Council in Chisinau transferred the Romanian public station's frequency and license to TV 2 Plus, a new television station owned by the off-shore company Telefe M International. According to Moldovan media, the company is owned by businessman and Democrat MP Vladimir Plahotniuc.

In July 2008, the Romanian Television Society addressed the ECHR on the matter and the European judges asked the Moldovan government to submit a written explanation of this situation by February 2009. In October 2009, the Moldovan minister of Justice suggested starting a process of reconciliation between the two countries, and the authorities have been negotiating the terms since then.

The weekly newspaper *Nezavisimaia Moldova* resumes print circulation

17.09.2013



The former government Russian-language weekly *Nezavisimaia Moldova* resumed print circulation in Moldova after it was discontinued in June due to financial problems. The former Editor in Chief, Iurie Tiscenco, revealed at the time that journalists hadn't been paid in three months because of alleged government interference that discouraged advertisers from investing in the newspaper. On September 13, the newspaper appeared with a print run of 17,000 copies under new leadership. Earlier in August, Iurie Tiscenco was replaced by Corneliu Mihalache, a former Broadcast Coordinating Council member, who said the weekly would also develop an online version. For the time being, it will appear in a 16-page print format while its leadership tries to cover the publication's debts.

Corneliu Mihalache has openly expressed his sympathies for the Communist Party on several occasions and has stated that *Nezavisimaia Moldova* would be an opposition paper considering the current parties in power. He is also in charge of the NGO "Transform Moldova".

In a letter to their readers published in August, the journalists of *Nezavisimaia Moldova* wrote that despite the authorities' efforts to cut [their] oxygen supply, the paper survived because of an enthusiastic team and remained independent. The editorial also said that the team is ready for anything to come its way and reinforced its anti-government position stating that, "power nowadays is mostly illegitimate and criminal."

Nezavisimaia Moldova is one of the oldest newspapers in Moldova founded during the early 1990s by Parliament and subsequently transferred to government control. In 2005 the Communist government voted to denationalize the state-owned press, but monitoring reports drafted by media NGOs in the following years found that the change was merely formal and did not ensure editorial independence which in most cases openly supported the Communist Party.

After the change in government in 2009, the new democratic cabinet proposed canceling the denationalization citing irregularities in privatization. "The new companies were registered with the Chamber of Registration featuring the same founders and title which is absolutely illegal. Additionally, instead of getting money from their privatization, the state continues to directly and indirectly support them," State Minister Victor Bodiu said.

In the three years following the change, the government has not made a final decision and the newspaper continued to appear. According to its editorial policy, the paper was in opposition to the current democratic government.



Former Moldova 1 anchor claims she was sabotaged by her boss

19.09.2013

Elena Robu, ex-Moldova 1 anchor, claimed she was sabotaged by her former boss, the public station's executive Mircea Surdu, which made her quit her job and start a new project with Unimedia.md news portal. The TV presenter, who was part of the News and Debates division of the public TV station and hosted a live talk show, said ever since Mr Surdu took over management at Moldova 1 her department had been marginalized. She also claimed the new leadership threatened to sabotage her department.

Mr Surdu replied by saying Ms Robu's claims were false and that he never tried to control her talk show or to impose a certain approach on her. He said he was surprised to hear about her resignation because he always encouraged her to find new things to do at Moldova 1. Mr Surdu claimed he suggested she start TV production as well. "Her departure was painful for me, especially the way she did it," he noted.

Ms Robu stated she was happy to join the Unimedia team because the news portal is well established in the online environment in Moldova and has managed to remain unbiased. She added that she would embark on a video project at Unimedia.md. Meanwhile, political analyst Oazu Nantoi and journalist Liliana Barbarosie who is also a reporter for the Moldovan branch of Radio Free Europe, will take over the Ms Robu's talk show.

Moldovan junior reporter assaulted for photographing illegally parked car

27.09.2013

Vadim Ungureanu, a journalism intern at the Moldovan portal Deschide.md, was physically assaulted Tuesday by the owner of an illegally parked car after he took a photo at the scene, the portal reported. The young man took a photo of the car that was parked in central Chisinau near the Ministry of Justice before being repeatedly slapped by the car's owner who had come out of the nearby hotel.

"He slapped me on the ears while five other men were threatening me and asking me to erase the pictures," Mr Ungureanu said. He ran and hid inside the Ministry of Justice until his aggressor left the scene. Several eye witnesses refused to state their names on grounds that the



owner of the car was a frequent visitor at a hotel nearby. After some time, a police patrol arrived at the scene and confiscated the automobile's license plates. The Deschide.md team asked the police to get involved in this case and to solve it. Eight media NGOs also signed a joint statement asking the Ministry of Internal Affairs and the Prosecutor General to thoroughly investigate the case and punish the culpable party. "Acts of physical aggression against journalists must be punished in order to discourage such behavior in relation to the press or to civil society," the NGOs noted in their statement.

Teleradio Moldova supervisory board member withdraws before end of term

29.09.2013

The Supervisory Board of the National Public Television and Radio Broadcasting Company Teleradio Moldova has lost one member. Viorica Mesina-Prodan withdrew from her position on the Board two months before her term ended. The fact that she left blocked the board's voting procedure Chairman Aurelia Peru Balan said to pan.md.

The chairman was informed about Ms Mesina-Prodan's departure on September 28 by phone before the meeting. Ms Mesina-Prodan explained her departure was to prepare for the premiere of a film she had worked on scheduled for November.

"As soon as the Supervisory Board officially receives a letter of resignation, the Coordinating Council on Television and Radio will be notified of it and will announce a competition for a job," Mr Balan told pan.md.

The term of Viorica Mesina-Prodan was to expire in December of this year. This winter, five other members of the Supervisory Board will leave office as well and Parliament will appoint six new members. The Supervisory Board consists of nine members with professional skills in the various areas needed to monitor the activities of the national public broadcaster.

5. Media Freedom Index

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

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

Rating (number of points)	Moldova's score	Index
0–40		1
50–70		2
80–100		3
110–130		4
140–160	165	5
170–190		6
200–240		7

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

Rating (number of points)	Moldova's score	Index
0–170		1
180–320		2
330–470		3
480–620		4
630–770		5
780–920	845.5	6
930–1110		7



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

Rating (number of points)	Moldova's score	Index
0–20		1
30–40		2
50–60		3
70–80		4
90–100		5
110–120	125	6
130–150		7

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

Rating (number of points)	Moldova's score	Index
0–20		1
30–40		2
50–60		3
70–80		4
90–100		5
110–120		6
130–150	140	7



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

Overall Score (55 criteria, 1650 maximum points)

Rating (cumulative number of points for all 4 chapters)	Moldova's score	Index
0–250		1
260–470		2
480–690		3
700–910		4
920–1130		5
1140–1350	1275.5	6
1360–1650		7



6. Roadmap

These are the experts' recommendations for further developments in media freedom and freedom of expression.

1. In order to have a truly free and independent press, authorities should ensure the functioning of existing laws, particularly the law on freedom of expression and the law on denationalizing public periodicals.
2. The press law should be repealed.
3. Access to information should be improved by:
 - Ensuring the proper and uniform enforcement of the law on access to information;
 - Re-evaluating the definitions of state secrets and commercial secrets;
 - Shortening or eliminating the 15-day deadline for official replies to requests for information of public interest and providing for tougher sanctions for non-compliance with the provisions of the law;
 - Providing online access to information on income, property and interests of public officials without prior written requests or deadlines.
4. Concentration of mass media should be limited by:
 - Amending the legal framework concerning media ownership, specifically by restricting the maximum number of broadcasting licenses that a natural or legal person can own to two, including at most one license with national coverage;
 - Amending the legal framework in order to restrict persons elected or appointed to higher public offices nationally as well as locally from owning any media and if they do, compelling them to sell their shares to people who are not connected to them by family ties;
 - Amending the legal framework in order to ensure transparency of media ownership (including income sources, the shareholder structure and the ultimate beneficiary), and empowering the broadcast coordinating council to apply sanctions for non-compliance with the law.



5. Measures should be taken to address monopolies and concentrations on the advertising market, including adopting a set of feasible and efficient mechanisms to limit foreign advertising in moldovan media space.

6. A legal framework should be adopted to regulate the activity of broadcasters in the digital era ensuring that the digital switch-over does not affect media pluralism; the transition to digital terrestrial television should be strictly monitored.

7. The law on public procurement should be amended to guarantee clear and transparent mechanisms for spending public funds on media, and to guarantee equal access of mass media to public funds directed to advertising and other informative purposes thus limiting media concentration and diminishing unfair competition.



7. Conclusions

These are areas of regress or progress on media freedom compared to the previous reporting period (March–June 2013).

Compared to the previous period, neither the legal framework nor the political circumstances registered significant changes regarding media freedom in July–September 2013; however, experts noticed that in practice journalism is becoming increasingly affected by shortcomings in the legal framework on access to information.

Some decisions and statements of the authorities were rather disappointing developments in the relationship between politics and media like the government's decision to suspend online broadcasts of its sessions and the statement of the Head of Supreme Court of Justice promoting the idea of punishing defamation according to the former Criminal Code. These two events were viewed as a cause for regress in the state of press freedom in Moldova.

Still, there was progress in the media's relationship with the judiciary due to a decrease in the number of lawsuits filed against journalists and, more importantly, due to the decisions issued by judges who recently seem to have abstained from imposing high levies on media institutions and journalists in cases of defamation.

Some other small progressive steps were recorded as the draft law improving transparency in media ownership was registered in Parliament and the Broadcast Coordinating Council hasn't received any criticism as to the fairness of its decisions.

The freedom of the Internet and online media was also an important achievement: cases of blocking of Internet websites are no longer common nor are arrests, assaults or persecution of bloggers or active Internet users.