

THE MORE THINGS CHANGE, THE MORE THEY STAY THE SAME: CHALLENGES FACING MOLDOVAN MEDIA IN 2019 AND PATTERNS FROM THE 2016 ELECTIONS

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Moldova's media face a major challenge in that they are subject to political influence, concentrated in the hands of a few oligarchs, and lack transparency in their ownership.¹ Many hoped that this would change after the presidential elections in 2016, the first of their kind to take place in nearly 20 years. Despite the existence of a broad array of mass media, including television, radio, online platforms, and newspapers, there is very little diversity of opinion, and the overall quality of media remains low. In the last three years, independent journalists have experienced increasing political pressure exerted by state institutions, restricted access to public events, acts of verbal and physical intimidation. In the lead-up to the parliamentary elections, scheduled for February 24, 2019, many expect that politicians will promote biased messages and disinformation through their media platforms in order to gain power.

This policy brief evaluates the state of the Moldovan media environment since the presidential elections in 2016. Its findings analyze the major issues that they struggle with and the possible effects of excessively controlled media on voters' behavior during elections. It concludes with several recommendations to mitigate the impact of fake news, propaganda and biased media outlets.

Moldova is "a state captured by oligarchic interests."² This ascertainment, voiced by EU officials in October 2018, is one of the toughest so far, underscoring the major regression in Moldova's democracy over the last three years, as well as revealing that most of Moldova's media outlets are concentrated in the hands of a few political actors. While this challenge has been pointed out for years, little has been accomplished to address the lack of media pluralism and

ownership transparency. Instead, there is a growing flood of fake news and propaganda. The oligarchic monopoly over the Moldovan media market raises serious concerns, particularly ahead of the forthcoming 2019 parliamentary elections. Media outlets will have an extremely important role in this democratic exercise in terms of informing, or vice versa, in manipulating the public opinion.

1 Freedom House, *Nations in Transit 2018: Moldova*, <https://freedomhouse.org/report/nations-transit/2018/moldova>

2 "Report on the implementation of the EU Association Agreement with Moldova (2017/2281 (INI))," Petras Auštrevičius, Rapporteur on Moldova, Committee on Foreign Affairs, Parliament of the European Union. Brussels, October 15, 2018.

Challenges facing Moldovan media

Since the 2016 presidential elections, there has been a lack of genuine progress in improving the media environment in Moldova. There are many well-known problems affecting the media landscape. One of them is public access to free and impartial media, as only 16 percent of Moldovans who responded to a recent survey conducted by Internews believe that they receive information from independent sources.³ This statement is directly linked with another worrying issue – media ownership. Moldova's major media institutions are concentrated in the hands of a few political actors and businessmen with political connections. In other words, even though there are many sources of mass information in Moldova, it does not mean that there is a diversity of unbiased opinions.

The lack of quality journalism in Moldova represents another problem that has a negative impact on media consumers. Affiliated media products are not truly informative but rather highly politicized. As a result, more than 50 percent of Moldovan respondents to the same Internews poll indicated that they are not satisfied with the "professionalism and qualification of journalists."⁴

Propaganda, fake news and manipulation constitute a well-known problem facing contemporary Moldovan media, which had a sound effect on public opinion during "crucial moments of the country's future and its regional relations."⁵ The 2016 elections are an eloquent example in this regard.⁶ Also, the lack of critical thinking and media literacy are serious threats to the Moldovan public's ability to fight disinformation and objectively evaluate potentially biased information coming from politically affiliated media outlets.

In addition, there is one more major challenge that the independent media must confront: the political pressure exerted against them by ruling elites. This pressure manifests in different

ways, including hindering journalists' access to information or public press conferences, verbal and physical threats against journalists, and politically motivated legal proceedings.⁷ On top of these challenges, independent media struggle with additional obstacles that affect their day-to-day activity, such as financial sustainability and a deficiency of human resources. All these issues make objective coverage more difficult, and the upcoming elections will not make the current situation any easier.

Past patterns before and after the 2016 presidential elections

It is commonly understood that media failed to ensure pluralism and balanced coverage during the 2016 presidential elections.⁸ The campaign was flooded by a series of fake news and misinformation, a phenomenon that was analyzed in detail in previous policy briefs published by Freedom House.⁹ The electoral campaigns for the presidential bid were not conducted on equal grounds. The major political parties, including the Democratic Party (PDM) and the Socialist Party, exploited their media outlets in an attempt to defame the rival candidates and manipulate public opinion, rather than providing coverage to inform the public and reflect the campaigns objectively. That, in turn, had an impact on voters' decisions and influenced the final results of the election: 47.89 percent voted for Maia Sandu (Action and Solidarity Party, PAS), and 52.11 percent voted for Igor Dodon (the Socialist Party).

The media environment in Moldova after the 2016 presidential election has still not improved significantly. Most of the media outlets in Moldova still play a dual role of misinforming and manipulating public opinion because of the excessive concentration of media ownership in the hands of a few. This in turn contributes to the diminishing of media pluralism and hinders the development of critical thinking among Moldovan citizens.

- 3 Internews, "Public Survey: The Population's Perception about Media in Moldova." November 2018, pp. 3: http://api.md/upload/PDF/03_IN-TERNEWS_Final_report_25.10.18_RO.pdf
- 4 Ibid, p.12
- 5 Victoria Bucataru, "Media literacy and the challenge of fake news," *Media Forward Policy Brief Series*, Freedom House, January 2018, pp. 4: https://freedomhouse.org/sites/default/files/01-Fake_News-EN.pdf
- 6 "Seize the press, seize the day: the influence of political affiliated media in Moldova's 2016 elections", Mihai Mogildea. In: Media Forward No.2, Freedom House, February 2018.
- 7 Please access the links about the examples presented in the policy:
 - „(video) Chase with a sweep, threaten with a belt. How was 2018 year for journalists in the Republic of Moldova”. In: diez.md news portal, 13.12.2018. <http://diez.md/2018/12/13/video-alungati-cu-matura-amenintati-cu-cureaua-cum-fost-anul-2018-pentru-jurnalistii-din-republica-moldova/> ;
 - „(VIDEO) Candu reveals why Jurnal TV and TV8 do not have access to PDM headquarters: "Swears" and "does not present positive news" about governance", Victoria Borodin. In: cotidianul.md news portal, October 2018. <https://cotidianul.md/2018/10/26/video-candu-dezvaluieste-de-ce-jurnal-tv-si-tv8-nu-au-acces-la-sediul-pdm-in-jura-si-nu-prezinta-stiri-pozitive-despre-guvernare/> ;
 - „Sor threatens ... journalists!", Iulian Ciocan. In: Radio Europa Libera, news portal, 26.07.2018. <https://www.europalibera.org/a/%C5%9Ffor-%C3%AEi-amenin%C5%A3%C4%83-pe-jurnali%C5%9Fti-/29389989.html> ;
 - „/ VIDEO / Grigorija vs Dodon. A photo reporter has sued the presidency for not letting him to attend to events". In: TV8, 5.10.2018. <http://tv8.md/2017/10/05/video-grigorita-vs-dodon-un-fotoreporter-a-atacat-in-judecata-presedintia-pentru-ca-nu-l-lasa-la-evenimente/> ;
 - „VIDEO / Plahotniuc explains why he does not answer the journalists' questions after the PDM briefing". In: zgd.md news portal, 13.11.2018. <https://www.zgd.md/stiri/stiri-politice/video-plahotniuc-explica-de-ce-nu-raspunde-la-intrebarile-jurnalistilor-dupa-briefingul-pdm>
- 8 Victoria Bucataru, "Stagnation on the Road to Europe: Moldova After the Presidential Elections," *Nations in Transit Brief Series*, Freedom House, November 2016: <https://freedomhouse.org/report/special-reports/stagnation-road-europe-moldova-after-presidential-election#.XDplns9KJL8>
- 9 Mihai Mogildea, op.cit.



Demonstrators rally at Chisinau's Media Solidarity March in support of media freedoms on May 3, 2018

Source: The Center for Investigative Journalism of Moldova

It is worth nothing that the situation of media ownership remains basically unchanged since 2016. The leader of the ruling Democratic Party (PDM), Vlad Plahotniuc, remains the owner of the most media platforms in Moldova, controlling four out of five national coverage broadcasters (*Prime*, *Canal 2*, *Canal 3* and *Publika TV*) along with several radio stations, web portals and advertising agencies. The current Moldovan President, Igor Dodon, comes in a close second. His closest aides and the Socialist Party also hold at least three television stations (*Accent TV*, *NTV Moldova* and *Exclusive TV*).¹⁰

A newer competitor in this media ownership "race" is the controversial businessman and mayor of Orhei district, Ilan Sor.¹¹ The television stations associated with him (*Alt TV*,

Televiziunea Centrala, previously *Euro TV*), are administered by a special representative from the "Sor" political party.¹² The official owners are people close to Ilan Sor, who are also the founders of *Novosti – Moldova* and *Sputnik.md* news agency, considered by the Western press to be a "source of Kremlin propaganda."¹³

Some important steps towards improving the legal and regulatory environment for Moldovan media have been made by introducing several main laws since 2017. However, some of them languish in the draft phase or have not yet come into force. Special attention has been focused on two strategically important documents, elaborated in July 2018, together with civil society representatives and national media experts. These

10 The Association of Independent Press (API) and Transparency International Moldova, "Capturing the media and other means of public communication in the Republic of Moldova," Chișinău, 2017, pp.10: http://www.transparency.md/wp-content/uploads/2017/05/TL_Moldova_Capturarea_Mass_Media.pdf. Nadine Gogu, "Media pluralism and concentration of media ownership," *Media Forward Policy Brief Series*, Freedom House, March 2018: https://freedomhouse.org/sites/default/files/03_Media-Pluralism-EN.pdf

11 Ilan Sor was sentenced by first instance to seven-and-a-half years in prison for money laundering during the 'Moldovan Laundromat' scheme of 2014. More details are available in *Ziarul de Garda*: <https://www.zdg.md/stiri/stiri-justitie/ultima-ora-ilan-sor-condamnat-la-7-ani-si-sase-luni-de-inchisoare-dar-eliberat-din-arest>

12 "Media concentration in Moldovan broadcasting / The new televisions from Orhei, affiliated with Ilan Sor, built on loans and with public servants as moderators," *Media-azi.md*, October 19, 2018: <http://media-azi.md/ro/stiri/concentrare-media-%C3%AEn-audiovizualul-moldovei-nesc-noile-televiziuni-de-la-orhei-afiliate-lui-ilan>

13 Anastasia Nani, Mariana Rata, and Victoria Dodon, "News Website Owners and Interests They Promote" *Anticoruptie.md*, May 23, 2017: <https://www.anticoruptie.md/ro/investigatii/social/propietarii-site-urilor-de-stiri-si-interesele-pe-care-le-promoveaza>

are the National Concept on Media Development in the Republic of Moldova (2018 – 2025) and the new Audiovisual Code.

The first, the National Policy Concept on Media Development, is a totally new policy paper for the country.¹⁴ The document aims to improve the media environment and increase the professionalism and quality of media outlets, thereby contributing to a stronger and more coherent broadcasting system, and democratic society, in Moldova.

The second document is the new Audiovisual Code,¹⁵ which, after a long postponement due to President Dodon's refusal to engage with it, was finally promulgated by Andrian Candu, the Speaker of the Moldovan Parliament.¹⁶ The new Code, which was developed based on international and European recommendations, provide several key changes that aim to improve the transparency of media ownership, political editorial independence, freedom of expression, protection of journalists, and gender equality in media. The Code also provides clear definitions for such concepts as media propaganda, disinformation, hate speech, and media ownership that comply with existing European frameworks. The document provides clear well-defined criteria for a sanctioning policy, which can potentially be leveraged to address threats to media freedom in Moldova.

The media community has welcomed these documents, which are expected to come into force in January 2019. The unanswered question, however, is to what extent the new Audiovisual Code will be implemented and respected by leading political media owners ahead of next month's parliamentary elections. The Code also raises several substantive concerns: for example, the level of transparency and impartiality in selecting new members for the Audiovisual Council. As the document stand now, it leaves this task to the parliamentary commission. It is also unclear to what extent the imposed limit to media ownership (30 percent of

audience share) will contribute to diversifying ownership over the media market.

President Dodon has argued that "the provisions of the Code would restrict the rights of free expression and violate democratic norms."¹⁷ With this argument, he advocates for Russian television stations and TV programs (*Canal 1*, *NTV*, *Rossia-RTR*) to resume their broadcasting in Moldova. These media platforms were prohibited from doing so because of the Parliament's adoption of "Anti-Propaganda Law" in 2017,¹⁸ which was criticized by the Russian Duma and, unsurprisingly, by Dodon too, who did not sign the law.

The Anti-Propaganda Law forbids news, information, analytical, and military broadcasts from countries that have not ratified the European Convention on Transfrontier Television. The Russian Federation is among these countries. The legal act was upheld by the Constitutional Court assuring that provisions of this law are compatible with Moldova's Constitution, and regulation is needed to ensure national security and to protect the rights of others by countering hostile information against Moldovan society.¹⁹ However, politically affiliated media outlets, including those television stations controlled by Plahotniuc, have succeeded in using a loophole in the law by broadcasting Russian entertainment programs that do not violate the law. Also, *RTR Moldova*, before being sanctioned for broadcasting the 2018 Moscow Victory Day parade,²⁰ regularly broadcasted news from its main television affiliate in the Russian Federation, *Rossiya 1*, with virtually no changes in content.²¹

This means that notwithstanding the attempts by the legislator, the Moldovan population is constantly exposed to Soviet nostalgia and the Kremlin's interpretation of events. President Dodon's support for Russian TV channels has a very logical explanation: maintaining and increasing the number of pro-Russian voters in the upcoming parliamentary elections.

14 The National Policy Concept of Mass Media Development in the Republic of Moldova (2018-2025), July 26, 2018: <http://www.parlament.md/LinkClick.aspx?fileticket=r4wky73iRyU%3D&tabid=90&language=ro-RO>

15 The Audiovisual Code of the Republic of Moldova, October 16, 2018: <http://www.parlament.md/LinkClick.aspx?fileticket=GYtJH-V78plc%3D&tabid=90&language=ro-RO>

16 "Five laws voted by the Parliament have been passed," Press Release, Parliament of the Republic of Moldova, October 10, 2018: <http://parlament.md/Actualitate/Comunicatedepresa/tabid/90/ContentId/4914/Page/0/language/ro-RO/Default.aspx>

17 "President Igor Dodon refused to promulgate the new Broadcast Code," *Radio Chisinau*, November 6, 2018. <https://radiochisinau.md/presedin-tele-igor-dodon-a-refuzat-sa-promulge-noul-cod-al-audiovizualului--77594.html?fbrefresh=1541527884>

18 Law nr.257 of December 22, 2017, on "completing the Audiovisual Code of the Republic of Moldova no. 260/2006." *Official Monitor* nr.7-17 of January 12, 2018: <http://lex.justice.md/md/373711%20/>

19 "The Court Examined the Constitutionality of Certain Provisions of the Audiovisual Code on State Informational Security," Constitutional Court of the Republic of Moldova, June 4, 2018: <http://www.constcourt.md/libview.php?l=en&idc=7&id=1210&t=/Media/News/The-Court-Examined-the-Constitutionality-of-Certain-Provisions-of-the-Audiovisual-Code-on-State-Informational-Security>

20 "Sanctioned Again for the Violation of the 'Anti-Propaganda' Law – *RTR Moldova* to Pay a Fine of MDL 85,000 for Broadcasting the Moscow Victory Day Parade," *Media-azi.md*, June 8, 2018: <http://media-azi.md/en/stiri/sanctioned-again-violation-%E2%80%99anti-propaganda%E2%80%99-law-%E2%80%93-rtr-moldova-pay-fine-mdl-85000-broadcasting>

21 Natalia Sergheev, "How Moldovan televisions avoid the anti-propaganda law," *Europa Libera*, January 16, 2018: <https://www.europalibera.org/a/cum-ocolesc-televiziunile-moldovene-legea-anti-propaganda/29043951.html>

Proceed with caution: Media and the 2019 elections

What are we expecting from the upcoming parliamentary elections? Given the developments analyzed over the last three years, there is a good chance that during the elections there will be a lack of transparency, professional journalism, and pluralism. This policy brief emphasized the possible effects of having a biased and monopolized media environment. The most popular, politically owned media broadcasters, particularly television, (*Prime TV, Publika TV, RTR, NTV, Canal 2, and Canal 3*) are the primary sources of information for the majority of Moldovan citizens, and these statistics have not radically changed in comparison to 2016.²² This indicates that these channels will likely have a significant impact on citizens' electoral preferences. Therefore, those who are more likely to watch politically owned TV stations will probably vote for the stations' owners and their parties. The current media landscape in Moldova favors dominant patterns of opinion, with the risk of undermining diversity of opinion, freedom of expression, and critical thinking.

It is important to emphasize that that the forthcoming parliamentary elections will be conducted based on a mixed electoral system, which was introduced in 2017 as part of

an initiative led by the Democratic Party. This system, which was voted into law, has since replaced the proportional voting system.²³ Many expect that most of the independent candidates, as well as their counterparts from the opposition, might face difficulties in promoting their electoral messages. Because the local broadcasters do not operate in all uninominal constituencies,²⁴ the politically affiliated media outlets with national coverage will likely have more power in shaping voters' public opinions. It is expected that regional independent media will confront the situation by debunking the fake news and propaganda that the politically owned media will attempt to spread. This might contribute to diminishing the impact of biased messages by giving an alternative source of information to that of the ruling political parties or the opposition.

In addition, with the memory of the relatively recent experience from the 2016 presidential election, candidates from opposition parties like Action and Solidarity (PAS), Dignity and Truth, and the Liberal Democratic Party (PLDM) will probably have to work together to fight the negative electoral campaign aimed at them, as well as to mitigate the effect of defamatory messages coming from larger and more powerful political actors.



Moldova's Speaker of Parliament Andrian Candu Speaks at the conference "Promoting Media Freedom and Pluralism in the Republic of Moldova" on December 14, 2018

Source: Council of Europe

22 Baltic Surveys/The Gallup Organization, "Residents of Moldova. September 11 – October 16, 2018," International Republican Institute Public Opinion Survey: https://www.iri.org/sites/default/files/2018-11-15_moldova_poll.pdf

23 "Moldova Parliament adopts law on mixed electoral system in second hearing, protests continue," *Moldova.org*, July 20, 2018: <https://www.moldova.org/en/moldova-parliament-adopts-law-mixed-electoral-system-second-hearing-protests-continue-live-video/>

24 Diana Kralova and Mihai Mogildea, "Study: Between Theory and Practice: Possible Scenarios for the Parliamentary Elections in Republic of Moldova in the Mixed Electoral System," *Institutul pentru Politici si Reforme Europene (IPRE)*, Chisinau, December 2018, pp. 8: <http://ipre.md/2018/12/03/studiu-intre-teorie-si-practica-posibile-scenarii-pentru-alegerile-parlamentare-din-republica-moldova-in-cadrul-sistemului-electoral-mixt/?lang=en>.

Conclusions

Independent Moldovan media outlets risk facing marginalization. After the 2016 presidential elections, the legal framework for Moldovan broadcasters has not changed for the better. Despite the development of several documents to improve the media environment, including the National Policy Concept and the new Audiovisual Code, the narrow political interests of a small oligarchic group threaten to maintain the status quo. The lack of transparent ownership, the promotion of biased editorial policies, and the spread of propaganda are just some of the tools that may be used by influential political forces to win votes during the 2019 parliamentary elections.

By exerting political pressure on independent media outlets and hindering research and reporting about sensitive subjects, society's opinion will be shaped based on biased narrative patterns. Due to weakened critical thinking, much of the Moldovan population will be easily manipulated by political campaigns. The political opposition will be restricted to perform and present their vision at controlled media outlets, which most probably will show them in a negative light. In conclusion, the excessive monopolization of media outlets presents an obvious risk for freedom of expression and Moldova's democratic progress.

Recommendations:

1. **The promotion and monitoring of the implementation of the new Audiovisual Code by civil society, media experts and international community.** This would promote the accountability on the part of state institutions.
2. **Encouraging political parties, independent candidates, and voters to consult independent media outlets at the local and regional levels, especially during the electoral campaign period.** This would diversify the information available beyond that from politically affiliated media outlets. It would also encourage voters to access different media sources and develop an objective opinion regarding candidates and political parties.
3. **Raising public awareness by organizing public campaigns on media literacy for citizens.** Independent media and civil society organizations should conduct local and regional awareness campaigns on debunking propaganda and fake news, especially during in the lead-up to and during the electoral season. This would improve the competencies of the voters in evaluating information, and increase their capacity for critical thinking.
4. **Developing professional, independent journalism.** Civil society organizations and media experts should organize programs and training courses for journalists aimed to improve their professional skills, including strengthening the capacities of investigative journalists, and developing media managers and lawyers. Courses for media representatives focusing on the electoral process should be made available to journalists in the lead-up to and during elections.



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