MEDIA FORWARD

MEDIA POLICY IN A PANDEMIC:
LESSONS FROM MOLDOVA, UKRAINE AND LATVIA

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Introduction

Since the outbreak of the global coronavirus pandemic in March 2020, governments around the world have struggled to protect citizens from both the pathogen itself and its multifaceted impact on society. The regulatory framework for independent media has emerged as a central arena of this struggle, as governments strove to balance national health priorities and an "infodemic" of disinformation with the need to keep citizens informed and uphold fundamental media freedoms. In Moldova, Ukraine and Latvia, government approaches to regulating media during the pandemic grappled with similar vulnerabilities, including the lack of a cohesive national informational space in multilingual societies, high levels of disinformation, and social and economic legacies of Soviet influence. Despite these common challenges, each government adopted a distinct approach to addressing media-related issues under the pandemic that has contributed to markedly different results – both in terms of adherence to citizens' democratic rights and freedoms and to overall societal health outcomes.

This brief argues that the approach of each government and society to media policy, including its adherence to fundamental media freedoms, is a key factor in determining the overall effectiveness of the country's pandemic response. The brief compares government policies relating to media during the pandemic, considers how these policies impacted media and the effectiveness of the country's coronavirus response, and presents actionable recommendations for Moldova and other countries in the region to develop more effective media policy in times of crisis.

Background: Pandemic responses and diverging health outcomes

In the first week of March 2020, Moldova, Ukraine, and Latvia all registered their first coronavirus cases. Since that time, the three countries have experienced widely diverging health outcomes:[1]

Moldova has had one of the worst outbreaks in the region. The government's response was chaotic, with national leaders, including President Dodon and Prime Minister Chicu, publicly contradicting Ministry of Health guidance on the danger of the virus, including by comparing it to the flu[2] and by themselves ignoring official restrictions.[3] As of November 2020, the country reported 97,941 total cases (2.8 percent of the population) and 2,131 deaths.

Ukraine's government reacted to the pandemic at a pace similar to that of several other countries in the region. After

a moderately robust early response, the government relaxed restrictions in summer 2020; case numbers have spiked again heading into fall 2020. As of November 2020, Ukraine has recorded 635,689 cases (1.5 percent of the population) and 9,317 deaths. Several high-profile political figures, including President Zelenskyy and former President Poroshenko, have contracted the virus; following the October 2020 local elections, three mayor-elects succumbed to the virus before they were able to take office.[4]

Latvia has had one of the mildest coronavirus outbreaks in Europe, which is generally attributed to its government's quick and effective response.[5] As of early November 2020, Latvia had 13,120 cases (0.7 percent of the population) and 153 deaths. Beginning in October, Latvia – like Moldova and Ukraine – began to experience an autumn case spike; as of November 6, the government introduced a second state of emergency to tackle the new wave.[6]

There are a wide variety of factors which may have contributed to the success of Latvia's pandemic response compared to Moldova and Ukraine. Notably, the Latvian government acted more quickly when the first cases emerged and enforced aggressive social isolation and testing measures.[7] However, it is clear that the government's response to media and media policy was a central pillar of its pandemic response, allowing it to benefit from and rely on full and informed cooperation from its citizens. In particular, the Latvian government's media policy approach during the health crisis has oriented on three critical objectives: 1) to ensure the public's access to health-related information, 2) to stabilize the financial situation of established and objective media sources, and 3) to limit the effects of harmful disinformation. These three policy objectives are discussed in more detail below, with direct comparisons to Moldova and Ukraine case studies.

Access to information and government transparency

The critical importance of providing the public with timely and objective information during the pandemic to understand the threat as well as safeguard the health and prosperity of their society is widely accepted. Consequently, a free and informed press, with full access to the most up-to-date information, is especially vital under pandemic conditions.[8] Beyond this, democratic governments that choose to restrict the flow of information during the pandemic may find themselves on a slippery slope that threatens the fundamental rights and values on which their societies are based. According to a recent study by Freedom House, Moldova and Ukraine are among a wave of 80 countries globally that have experienced significant democratic declines during the pandemic, in large part due to media restrictions. In contrast, Latvia was not found to have experienced democratic deterioration during this period.[9]

In **Moldova**, rather than taking action to improve transparency and the public's access to information, authorities used emergency powers to further restrict the operating environment for independent media and restrict information flow. One day after the state of emergency went into force on March 17, the government tripled the legal deadline for authorities to answer information requests – from 15 to 45 days – on the grounds that state institutions needed to devote their energies to combatting the pandemic. This extended deadline remained in effect until the end of the state of emergency in May 2020. Particularly given the nature of the fast-paced crisis situation, in which pandemic conditions often change radically from day to day, this substantially limited the public's access to critical, up-to-date information.[10]

It should be noted that Moldovan authorities attempted to go even further in introducing formal restrictions to access to information, albeit unsuccessfully. On March 24, the head of the Audiovisual Council announced new emergency measures barring media outlets from reporting any information on the pandemic that did not reflect the official position of the government.[11] This decision came immediately after an embarrassing and high-profile expose revealed that doctors were forced to work without pay or proper protective equipment.[12] The Audiovisual Council's decision was met with major outcry from Moldovan civil society,[13] ultimately forcing the decision to be reversed.[14]

Additionally, since the start of the crisis, Moldovan government officials have often chosen to restrict their own communication channels with the public, relying on press releases and selectively accepting interview requests with friendly media outlets. As a result, independent media had very limited direct access to public officials or means to access information that diverged from official positions. In response to this situation, local civil society was once again successful advocating for policy change. Twenty five media and civil society organizations, led by the Independent Journalism Center (IJC), formed the "Journalist Crisis Cell" to monitor restrictions on access to information and advocate for increased transparency.[15] In May 2020, the Crisis Cell successfully lobbied the Ministry of Health to start holding weekly press conferences, providing journalists with a vital platform to pose direct questions to decision makers.[16] However, the Ministry "temporarily" ceased holding these press conferences in September 2020, citing a high workload. As of report writing, the Ministry has refused to provide a date for the resumption of these press conferences.[17]

Ukraine's government also struggled to balance the protection of civil and political liberties relating to access to information and a free press with necessary emergency restrictions.[18] During the early stages of the pandemic, the *Verkhovna Rada* considered several draft laws to regulate media, including an expansive draft law that could potentially limit the public's right to information and ability to perform oversight of the authorities. Draft Law No. 2880,[19] which was approved in the first reading in early June, would shorten the time available to journalists and the general public to review and provide feedback on government decisions, significantly reducing their ability to meaningfully participate

in the decision-making process. Another registered draft law (No. 3660)[20] threatens to penalize so-called "abuse" of the right of access to public information by limiting the number of requests for information that an individual or organization can submit per week. Several local human rights and media groups, including the Ombudsperson's Coordination Council on the Right to Information, have called for the *Rada* to reject these proposed draft laws due to the threats they pose both to free expression and public oversight of government.[21]

In addition to introducing questionable draft legislation, the Ukrainian government has also enforced emergency provisions during the pandemic in ways that actively undermine effective media coverage of the crisis. The independent Ukrainian media watchdog organization Institute of Mass Information (IMI) has documented 31 violations of journalists' rights throughout the country since early March.[22] These include several instances of local authorities refusing journalists' access to public hearings and meetings, even when appropriate health protocols were followed.[23] Similarly, some regional authorities significantly limited journalists' mobility by delaying issuing passes necessary to use public transport or access public buildings during quarantine. While livestreams of official meetings were conducted with some regularity, they were often of low streaming quality and did not offer journalists opportunities to ask questions. Moreover, authorities were often non-transparent about which quarantine measures were in force. According to joint monitoring by the United Nations Development Program (UNDP) and the Ukrainian Ombudsperson's Office, out of 74 regional institutions monitored, only 50 percent publicly shared regulatory and normative acts on protective measures against COVID-19.[24]

In **Latvia**, there have been isolated incidents of specific politicians and institutions unwilling to share information and answer difficult questions. However, lack of access to information has not been a systemic issue. While facilitating the public's access to information was considered a burdensome and low-priority task in Moldova and Ukraine, Latvian officials prioritized this objective as a requisite component of a successful pandemic response. The government ensured that society was closely informed about its decisions through regular press briefings, in which the Prime Minister, Health Minister, health specialists and other officials responded to direct questions by journalists. In addition, ten days after Latvia's state of emergency was declared in March, the State Chancellery introduced a 24-hour hotline allowing citizens to ask COVID-19 related questions.[25] The government also launched an informative website that it updated regularly, including with regular reports on the health situation in the country, detailed explanations for all new pandemic-related restrictions, and emergency contact information for government offices.[26]

Financial support to media

The global economic crisis triggered by the pandemic disproportionately impacted the media sector, which has traditionally depended on advertising and subscription revenues that have often been deemed "unessential" in the present crisis. At the same time, the pandemic has put new financial pressures on outlets to continue reporting in remote and distanced formats; for example, journalists now need computers and high-speed internet to work from home, and require personal protective equipment (PPE) to continue reporting from the field.[27] In order to successfully overcome these new budgetary challenges, media outlets require targeted financial support from governments to ensure they can effectively deliver information to the public.

In **Moldova**, despite continued support for some outlets by international partners and donors, revenues for independent media have shrunk considerably. The government has not attempted to provide targeted financial aid to media institutions to face this challenge. According to managers of several media outlets, some outlets were able to receive support from general tax relief programs established for small and medium businesses to prevent bankruptcy and mass layoffs during the crisis. However, these programs generally require recipients to be registered as LLCs, making them inaccessible to freelance journalists and independent outlets registered as NGOs.[28] Other government decisions exacerbated this financial strain – notably, in early April 2020, the Moldovan postal service ceased distributing newspapers and magazines in order to reduce postal workers' contact with the public, depriving media institutions of a basic mechanism to distribute their products. The postal service resumed delivery a week later after intense criticism from media organizations.[29]

Ukraine's media sector also suffered substantially, seriously undermining the operating environment for quality reporting. According to a survey from the National Union of Journalists of Ukraine (NUJU), COVID-related budget cuts have caused over half of Ukrainian outlets to cut down on implementing new projects – 44 percent have reduced the volume of media production, and nine percent of media outlets have shut down completely.[30] Together with almost 100 local media outlets, NUJU proposed an anti-crisis package to support Ukrainian media in April 2020.[31] However, as in Moldova, the government has yet to adopt the package or any other targeted financial support for media. Without this support, NUJU's Chairman publicly predicted in November 2020 that up to 20 percent of Ukrainian media outlets would not survive the pandemic.[32]

As in Moldova and Ukraine, the **Latvian** media faced dire circumstances in the early stages of the pandemic. The initial government response omitted targeted support for media; due to lost advertising revenues, nearly all major outlets faced the prospect of deep budget cuts to continue operation.[33] [34] The crisis hit regional media the hardest, as they lack resources to develop technological capabilities to adapt to the growing audience of digital content and the shrinking audience for printed and other kind of content.[35] Recognizing the severity and systematic nature of the issue, Latvian civil society and media institutions immediately launched the nationwide advocacy and public awareness campaign

"Don't let the media die!" The effort was led by the Latvian Journalists' Association, which conducted a survey of Latvian media outlets that clearly demonstrated the sector's financial challenges.[36] Advocacy efforts by local civil society were soon joined by Latvia's regulatory National Electronic Mass Media Council, which supported the campaign with a press release highlighting the vital role of local media in providing the public with reliable information during the pandemic.[37]

Less than two weeks after the campaign's launch, the Latvian government allocated more than two million euros from the emergency budget to fund a new program to support independent media.[38] To receive funding, outlets were required to demonstrate that their content provided useful information and contributed to a pluralistic media landscape. Although the Latvian Center for Investigative Journalism later revealed that some of these funds went to entertainment-oriented media of questionable informative value,[39] the National Electronic Mass Media Council concluded that the funding was granted predominantly to well-recognized, reliable analytical news programs.[40] At the same time, media outlets have argued that the financial support provided by the state will not be nearly enough to cover the losses caused by the pandemic. They have also expressed disappointment that the Latvian government did not follow the examples of Estonia and Lithuania, where the state placed advertisements in commercial media as part of government-sponsored advertising campaigns, providing additional revenues for media during the crisis.[41]

Disinformation and the "infodemic"

The World Health Organization has recognized that one of the most dangerous aspects of the COVID-19 pandemic is its accompanying "infodemic" of fake news and disinformation. False or misleading information shows public distrust in public health measures and leads citizens to make misinformed decisions that contribute to the spread of the virus.[42] This is a particularly important challenge for Latvia, Moldova, and Ukraine, where disinformation, exacerbated by a fragmented, multilingual informational space, has been a long-standing issue even before the coronavirus outbreak. The ability of governments to effectively and transparently to combat dis- and misinformation is key in preserving the health of its citizens.

In **Moldova**, the government's failure to provide complete and consistent information created a vacuum in the country's information landscape – which both external and internal actors have filled with disinformation.[43] Russian language media has been particularly active in spreading anti-Western and pro-Russian narratives, including conspiracy theories about the use of the virus in secret, US-funded laboratories[44] and alarmist claims that the EU has failed to tackle the pandemic.[45]

The Moldovan government has not only failed to effectively combat this wave of pandemic-related disinformation – in some cases, it has also been responsible for spreading it. Government-based disinformation has been largely aimed at deflecting criticism from its poor COVID-19 response, as when President Dodon famously asserted he is "almost a doctor" to justify brushing aside questions about his leadership and personal behavior.[46] In other cases, the government's disinformation has attempted to cover up hypocritical violations of virus-related restrictions. A prominent example of this occurred in September 2020, when Prime Minister Chicu claimed that his son's wedding with hundreds of guests was a mere "dinner party."[47]

The limited actions taken by Moldovan authorities to combat disinformation have been inconsistent and non-transparent. Notably, in March 2020, the Security and Intelligence Service blocked 52 fake news websites without any warning or public explanation.[48] Media NGOs criticized this action, calling on authorities "to develop and implement clear and transparent decision-making mechanisms… to exclude possible abuses … of freedom of expression, search, reception and dissemination of public interest."

The baseline social conditions in **Ukraine**, where there is low public trust and faith in the state healthcare system, created an ideal environment for pandemic-related disinformation to flourish. That said, much of the disinformation circulating in Ukraine has originated from external actors, particularly from Russia. As early as February 2020, there were several such examples, including an incident in which an email sharing a false claim about the coronavirus' spread in Ukraine was sent to the distribution list of the Ministry of Health. The email, which was inauthentic and originated from outside of the country, provoked a mass hysteria, including protests and clashes with riot police in several locations throughout the country. This type of disinformation – spread through fake emails and on social media such as Facebook and Twitter – has been a regular feature of Ukraine's online information space for the duration of the pandemic.

Ukrainian law enforcement used existing laws to prosecute the spread of rumors and disinformation about the pandemic. The Security Service of Ukraine (SSU) reportedly launched 18 investigations on Russian involvement in coordinated behavior to spread false information about the disease, while the National Police of Ukraine (NPU) conducted an additional 367 investigations.[49] Contradictory information published by the authorities about the number of cases under investigation further demonstrated the lack of transparency about government policy regarding such cases.[50]

Latvia's government has worked to provide information on the coronavirus and the health situation in the country to combat the spread of virus-related fake news.[51] Nevertheless, COVID-19 has underlined preexisting divides between Latvian-speaking and Russian-speaking citizens and media spheres. Many Russian speakers choose to consume Russian-based media, which – as in Moldova and Ukraine – often spreads pro-Russian and anti-Western false narratives

about the origins of the virus and/or various government responses.[52] The Latvian government attempted to combat this issue by temporarily allowing Latvia-based commercial media, including Russian-language media, to use content created by public broadcasters for free;[53] to date, several outlets have taken advantage of this.[54] The government also explicitly denied media-specific financial support to media outlets which were identified as disseminators of Russian-based disinformation.[55] Despite these efforts, the President of Latvia has admitted that the government's information campaigns could have been more successful, particularly in reaching social media "bubbles" which share fake news and conspiracy theories.[56] The Director of NATO's Strategic Communications Centre of Excellence in Latvia also has emphasized that government messages should be diversified so that they can reach different segments of society.[57]

Conclusions & recommendations

The cases of Moldova, Ukraine, and Latvia demonstrate that societies that are both well-informed about the pandemic, and demonstrate robust adherence to and support for media freedoms, are ultimately better equipped in facing its multifaceted challenges. By serving its important function of providing the public with objective, timely information about the virus and government measures to contain it, the media is a key actor and government partner in fighting the worst effects of the pandemic. The ability of the media to fulfill this role effectively depends heavily on the government's regulatory approach, as well as on the actions of civil society and the international community to support positive policy change.

To ensure the media can effectively contribute to nationwide efforts to combat the spread of the virus, the **Moldovan government** and other governments in the region should:

- Prioritize addressing the pandemic by putting restrictions in place in such a way that key human rights, including freedom of expression, are not unduly or selectively curtailed. Emergency restrictions must be clearly communicated and enacted in a transparent, time-restricted and proportionate way.

- Shape policy to recognize the vital role of a free press during times of emergency. There should be no state censorship or other undue restrictions on the free flow of information. All efforts must be made to provide and maintain access to the internet and other communication platforms. Governments should work to counter any falsehoods or disinformation around the pandemic by delivering clear, accurate, and up-to-date information.[58]

- Recognize that a functioning civil society – which includes NGO workers, journalists, lawyers, think tanks, activists, labor unions, and small businesses – is essential to defending rights, advancing a reform agenda, and holding government accountable. Many of these actors are struggling under pandemic conditions due to the

disruption in their day-to-day work, office closures, and limited funding. Governments should make sure that there is ample aid and relief to ensure that civil society has the financial support it needs to continue functioning under pandemic conditions.[59]

- Uphold the principles of mutual transparency, openness, and proactive dialogue between government and civil society to ensure that both sets of stakeholders can best address ongoing challenges under the current crisis. The Moldovan government must engage civil society so they can provide needed input into the decision-making process for emergency measures that affect civil and human rights, including freedom of the media.

To ensure government remains accountable during the crisis, and does not abuse emergency powers to curtail freedom of the press and citizens' access to life-saving information, **civil society organizations** should:

- Continue to monitor, document, and condemn abuses on the part of government when they occur. In Moldova and Ukraine, while democracy declined under pandemic conditions, civil society actors continued to monitor, document, and denounce authorities on their undue restrictions of rights and freedoms, as well as their shortcomings in handling the coronavirus. The situation facing marginalized communities, particularly LGBT+, refugees, and other religious, ethnic, and racial minorities, must be assiduously documented, as they often are more vulnerable during a pandemic.

- Work to ensure that inauthentic behavior and misinformation campaigns online are monitored and curtailed. In Moldova, civil society actors successfully managed this in 2019 around the parliamentary elections;[60] it is important that they be ready, with support from the international community, to carry out these efforts under pandemic conditions, and in the context of elections or other major political events that occur during the pandemic as well.[61]

To support Moldova, Ukraine, and other countries in the region effectively manage the pandemic, the **international community** should:

- Set a positive example by addressing domestic disinformation in a way that upholds respect for freedom of expression. Moldova, its Eastern Partnership neighbors, EU member states, and the US must tackle pandemic-related disinformation that has spread so prolifically across social media platforms. Blocking websites or restricting social media platforms is not the answer; however, governments must hold tech companies accountable to ensuring that inauthentic behavior and dangerous pandemic-related disinformation is targeted, flagged, and removed in a transparent way that upholds respect for international principles of freedom of expression.

- Support governments in their efforts to address corruption. This is critical during the pandemic, as foreign governments, international institutions, and private donors have provided millions of dollars to governments to address COVID-19. The international community, in providing financial aid to Moldova and other countries, must ensure that the funds are stewarded for their specific purposes and not used for personal enrichment on the part of corrupt officials.[62]

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