Introduction

Freedom of speech and access to information are key elements of a democracy. They allow citizens to independently form opinions as well as provide information that is vital to making enlightened decisions.

However, in Gagauzia, an autonomous territorial unit of Moldova, these rights are restricted by several issues:

- The spread of propaganda and Russian disinformation
- Political capture of large media outlets
- Media law that is inconsistent with European norms

In Gagauzia politicians use local media to promote their interests and discredit their opponents. A recent example of such politization is the approval of a Shor party representative as the executive director of Gagauzia Radio Television (GRT), which is Gagauzia's largest media outlet and which receives public funds from the region's budget. In 2023 GRT received more than 14 million lei (nearly 800,000 USD) in public funds. The new leadership promotes pro-Russian narratives and discredits both directly and indirectly the idea of Moldova's European integration. This is part of a larger spread of Russian disinformation, which often distorts facts and takes them out of context. These narratives contribute to the destabilization of the political situation in the region. In this analytical brief, I will assess local legislation, describe the media market and environment, and provide recommendations for the People's Assembly of Gagauzia and the Parliament of the Republic of Moldova. For this brief I interviewed media experts Ion Bunduchi, chairman of the Electronic Press Association (APEL), Ruslan Mikhalevsky, member of the Audiovisual Council and Victor Gotișan, researcher in the field of media.
Legal regulation of the media in Gagauzia

In Gagauzia, media freedom is a subject of intense scrutiny. Most people get their news from Russian sources, which often spread disinformation and propaganda. This leads to a distorted perception of politics and decreased trust in local Moldovan media. For this reason, analyzing legislation regulating the media in Gagauzia is of particular interest. The main problem is that local legislation contradicts European standards and national legislation.

I will draw attention to four laws:

1. **Law No. 66 of March 1, 2016, “On Television and Radio Broadcasting.”**
   a. This law does not have a holistic and logically consistent structure. The declared purpose of the law and its content do not align. For example, the law's second chapter contains 12 principles that regulate the media. Among them are important measures that ensure the independence of media outlets and the protection of journalists and minors. However, the chapter also contains principles that do not relate to the overall goals of establishing audiovisual regulation, such as compliance with the code of ethics and consumer rights. Additionally, the principles are listed without hierarchy, making them difficult to understand and apply. Some principles are fundamental, and their observance is necessary for the observance of other principles. For example, freedom of expression is a fundamental principle without which media independence cannot be maintained. Furthermore, the law does not contain the concept of propaganda and disinformation. Many provisions of the law have been repealed by court decisions, in particular the chapter on licensing. One of the biggest shortcomings of this law is the regulation of the activities of GRT: Article 34 of the law stipulates the powers of the supervisory board, which clearly limit the publishing and editorial independence of the company. The principles of audiovisual communication are real norms that must be followed by the media, so these principles must be complete and comprehensible.

2. **Regulations on the accreditation of media representatives at the People's Assembly of Gagauzia,** approved by Resolution of the Presidium of the People's Assembly of Gagauzia No. 5-II/V dated December 12, 2012.
   a. The accreditation regulation includes unnecessary information, making the legislation cumbersome. The content of the regulation creates the impression that it is not the People's Assembly that exists for the media, but the media for the People's Assembly, and that the media are in some way obliged to the government body. The provision also contains several illegal provisions. The situation, for the most part, does not correspond to either positive domestic experiences or OSCE recommendations.

3. **Electoral Code of Gagauzia No. 60-XXVII/V dated July 31, 2015.**
   a. The Electoral Code's section on media coverage of elections and referenda needs to be supplemented and improved. Article 65 should be rewritten, as most of its norms are ambiguous or otherwise impossible to enforce. Other provisions on the specifics of election coverage in the media, designed to specify the principles of coverage, conflict with the norms in Article 65. The Electoral Code does not regulate election coverage through video content on online platforms. There is no direct ban on the media engaging in election campaigning. There is no independent and competent body that would monitor the media's compliance with election coverage requirements and that would respond adequately and quickly in cases of violations. In the analyzed sections, the Electoral Code only minimally corresponds to the generally accepted election coverage standards.

This review shows that special attention should be paid to the Law on Television and Radio Broadcasting of Gagauzia, which, according to media experts, was archaic even at the time it was adopted in May 2016. The head of the Electronic Press Association of Moldova, Ion Bunduchi, said, “by [May 2016] the main EU audiovisual directive of 2010 was already widely known and could have served as an excellent guideline for Gagauz legislators. But legislators (or the authors of the bill) had a different goal. In fact, the law is not about television and radio broadcasting, but about cracking down on GRT, because the lion's share of [the law’s] articles concerns GRT. The law was bad from the very beginning. This is clearly proven by the practices seen during its seven years of existence: there is no order in the audiovisual market/space of the region, and GRT has never acquired independence, as is necessary for the normal operation of any media outlet, including public media, in a democratic country.”

Gaps and contradictions between national and regional communications, media, and licensing legislation, and the unclear delineation between the authority of Chisinau and Gagauzia provide an opportunity for individual providers and distributors of media services (TV channels and cable networks) to work outside the national legislative framework. These inconsistencies also create the preconditions for significant influence from political factors on public media. "GRT does not have complete editorial independence. The most recent example is that a person affiliated with Ilan Shor became the executive director of GRT," noted Ruslan Mikhalevsky, member of the Audiovisual Council of the Republic of Moldova.

Of Moldova's regions, Gagauzia is likely the most affected by propaganda and disinformation. “And it is not difficult to see the explanations for this,” noted media expert Victor Gotişan. He continued: “Just look at the results of the latest elections.
Thus, in national elections—parliamentary, presidential—pro-Russian candidates and parties receive the majority of votes. In the recent Bashkan elections it is very well known who won: a representative of a political party that has been outlawed. An indirect indicator that proves how at home disinformation and propaganda feel in this region. What if the local media (GRT) itself broadcasts shows and programs that spread misinformation, fake news and conspiracy theories?”

“A local law that is poor in contrast to national law leads to depressing and dangerous consequences,” emphasized Bunduchi. He went on to illustrate the difference between national and local media providers, where the national provider’s known annual budget is guaranteed, but the regional providers are reliant on the whims of the regional parliament. The strong influence of regional politicians in the media sphere inevitably gives rise to self-censorship. Under such circumstances, the financial and editorial independence of the media in Gagauzia remains under question.

Gagauzia’s legislation on freedom of speech and information contains problems that negatively affect free expression and access to information. Challenges to freedom of speech in Gagauzia carry several consequences. First, they limit citizens’ access to reliable information, making it difficult for them to participate in the democratic process. Secondly, they contribute to the spread of disinformation and propaganda, which can lead to the destabilization of Gagauzia’s political situation. Third, they pose a threat to the safety of journalists, who are subject to harassment and threats.

These deficiencies create opportunities for abuse by government agencies and local politicians. Despite official legal guarantees, the application and enforcement of these laws remains insufficient as no government body in Gagauzia has full powers to enforce them. This lack of enforceability of norms leads to violations of the freedom of speech and to bias in regional media.

The spread of disinformation and propaganda

In Gagauzia there is an observed tendency towards media politicization. Local politicians use the media to promote their interests and discredit their opponents. One of the most striking examples is the situation with GRT. In March 2022, GRT’s leadership was replaced by individuals close to politicians in power. The new leadership, in particular Mihail Vlah, promoted pro-Russian narratives and discredited Moldova’s European integration. The audiovisual space continued to face serious security risks, as it was flooded with media products from the Russian Federation, some of which were clearly manipulative. More people say that their trust in state broadcasters and television has fallen (28%) rather than increased (15%).

The spread of disinformation and propaganda contributes to the destabilization of Gagauzia’s political situation. The Russian news agenda in the region often distorts facts and presents them out of context. Russian news and analytical programs are not just about informing the population. Russian authorities consider them one of the most important weapons in hybrid warfare. Ruslan Mikhailovsky believes that in this context, the refusal of Gagauz cable operators to comply with measures protecting the national audiovisual space and with national legislation is very telling. He notes that this happens with the encouragement of regional authorities. One case of such encouragement is the refusal of the Executive Committee to provide the Audiovisual Council with information about who received broadcast licenses in Gagauzia.

One source of disinformation and propaganda is GagauzNews, a website and Telegram channel that publishes news and information about Gagauzia. The Information and Security Service (ISS) of Moldova blocked the site in February 2022, but GagauzNews continues to publish information on social networks. The site’s editor-in-chief is Nikolai Kostyrkin, who supports Russia and is a critic of the West. In June 2022, Kostyrkin was detained on suspicion of inciting hatred and war but was later released.

GagauzNews often publishes material that does not reflect reality. In October 2022, the site posted an article about the construction of a new checkpoint on the Moldova-Romanian border. The article stated that Romanian security forces might need this checkpoint to invade Gagauzia or Bender. However, the Ministry of Internal Affairs of Moldova stated that the new checkpoint is being built to facilitate the cross-border movement of goods and people.

GagauzNews is closely associated with the ex-deputy of the People’s Assembly of Gagauzia and current Deputy Bashkan Viktor Petrov. Petrov is a supporter of Russia and advocates the rapprochement of Gagauzia with Russia and the countries of the Eurasian Economic Union. After the Moldovan authorities blocked the website “gagauznews.md”, GaugazNews continues to operate at a new domain, “gagauznews.com.” Petrov is also associated with political figure Ilan Shor. On February 22, 2024, Viktor Petrov was included in the list of people sanctioned by the European Union for “actions and policies that undermine and threaten democracy, the rule of law and stability in the Republic of Moldova. Overall, GagauzNews

Coverage of the war in Ukraine

Pro-Russian propaganda contributes to the spread of disinformation and incitement of hatred in Gagauzia. In particular, after the start of Russia’s full-scale invasion of Ukraine, there has been a proliferation of fake news, propaganda, and disinformation. There are also several Gagauz media outlets, such as gagauzinfo.md, that cover the war in Ukraine without using the term “war.” They also often avoid mentioning the reasons for and details of the fighting.
Other media, such as Nokta and Laf.md, cover the war in Ukraine more objectively and provide reliable information. However, their activities are met with challenges, including threats and insults from supporters of pro-Russian politics, which manifest themselves aggressively on social media.

The spread of fake news in Gagauzia about the war in Ukraine is a serious problem. The prevalence of disinformation is connected to the influence of Russian propaganda in the region. Disinformation also exerts pressure on independent media. It influences public opinion about the war and increases political tensions in Gagauzia. An analysis of Moldova and Transnistria in the context of Russia's war with Ukraine showed that residents of Gagauzia have a more negative perception of the war than residents of Moldova. Only six percent of Gagauzia's residents support Ukraine in the conflict, while 52 percent support Russia. Their main sources of information about the war are international social networks (60%) and Russian television (52%). At the same time, only 38 percent of Gagauzia's residents receive information about the war from the Moldovan media.

The mediascape in Gagauzia: 8/10 – in quantity, 2/10 – in quality

Gotișan noted that the recent study Mapping Local Media in the Republic of Moldova shows that the media space in Gagauzia is one of the richest in terms of number of outlets and diversity of publication formats among the regions of Moldova.

But when it comes to quality, Gotișan notes, "I am not sure that we will find too many media outlets that are engaged in independent and quality journalism. I think they come down to Nokta.md, Laf.md, and that’s it. These media, even if they do quality journalism and have a good audience, cannot significantly change the situation. It's like a drop of water in the ocean. However, one should not think that this drop does not matter, it is of great importance, because a drop, as we know, wears away stone. So, to assess the media sector of Gagauzia, it would be something like 8/10 – in terms of quantity and local coverage and 2/10 – in terms of quality, that is, the average value would be 5/10."

Nokta.md and Laf.md face new threats

Recently, independent media in Gagauzia, such as Nokta and Laf.md, have faced new threats. Russian hackers and local pro-Russian politicians organize digital attacks on independent media to limit access to reliable information in Gagauzia. To protect their sites, Nokta and Laf.md, who are already cash-strapped, are forced to spend additional resources on security. These challenges pose a serious threat to freedom of speech and democracy in Gagauzia, and they require action from the Moldovan authorities and international organizations.

Another factor that limits citizens’ access to reliable information and hinders the development of democracy in the region is the ineffective implementation and protection of journalists’ rights within the existing legal framework. This situation has led to serious negative consequences for independent media in Gagauzia. In practice, this manifests itself as a widespread culture of self-censorship. Journalists are wary of covering topics that might be perceived negatively by authorities or local politicians.

Recommendations

- The People’s Assembly of Gagauzia needs to adopt a law on media that complies with international standards of human rights protections. Such a law should guarantee the media's rights to independence, access to information, and to publish without censorship. An important part of the government’s positive obligations to promote freedom of expression and media freedom is the development of pluralism within the media sector and assurance of equal access. The right to freedom of expression is the cornerstone of the international human rights regime, which includes the right of everyone to receive and impart information and ideas without interference from authorities and regardless of national borders. An example of good practice is the EU Audiovisual Media Services Directive. The last revision and addition of this document occurred on November 14, 2018, after adoption by the European Parliament and approval by the Council of the EU.

- The Parliament of the Republic of Moldova should create an independent body both in Moldova and in Gagauzia to protect journalists from persecution and threats. Such a body should be empowered to investigate cases of harassment of journalists and take measures to protect them.

- Civil society and independent media in Gagauzia must be more active in combating the spread of disinformation and propaganda. This can be accomplished by raising the population’s awareness about the risks of disinformation as well as by supporting independent media that provide reliable information. Since Gagauzia is susceptible to Russian propaganda, Moldovan authorities should take a more stringent approach to applying national legislation to regulate media in Gagauzia.

- The prosecutor’s office and the police must ensure the protection of independent media in Gagauzia from threats from pro-Russian forces.

- International organizations and Moldova’s development partners should consider supporting independent media in Gagauzia to ensure respect for freedom of speech in the region.
Endnotes


2. Law No. 15-IX/II, July 7, 2000 “On licensing of certain types of activities on the territory of Gagauzia.” The law was unable to ensure the impartiality and competence of licensing authorities and did not prohibit them from applying political criteria when issuing licenses. The law did not provide for the independence of licensing authorities from government institutions, nor for their accountability to civil society. The problem of licensing in the audiovisual sector of Gagauzia has existed for many years. In October 2022, the Supreme Court of Justice put an end to the lawsuit in which the State Chancellery demanded the repeal of the regional law in the field of licensing. It was canceled by a court decision.


4. Author’s note: Ruslan Mikhalevsky expresses his own position, and not the position of the Council on Television and Radio.

5. Editor’s note: The highest political position in Gagauzia.


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