



**European Commission**  
**European Instrument for Democracy and Human Rights (EIDHR)**

**Monitoring political/electoral actors' presence on the main television channels during the pre-electoral, electoral and post-electoral period of the 2009 parliamentary elections**

FINAL REPORT

- Analyzing Monitoring Results
- Lessons Learnt and Lessons to Learn
- Good Practice Guide

Chişinău, 2009



This Project is funded by  
The European Union



A Project implemented by  
The Electronic Press Association from Moldova

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This report is carried out within the project “Monitoring political/electoral actors’ presence on the main television channels during the pre-electoral, electoral and post-electoral period of the 2009 parliamentary elections” with the support of the Delegation of the European Commission to Moldova within the European Instrument for Democracy and Human Rights.

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## Foreword

This report, proposed for your judgment, is an important result of a project carried out for the first time in the Republic of Moldova. For the first time, benefiting from the support of the Delegation of the European Commission to Moldova, the Electronic Press Association from Moldova (APEL) carried out the complex and long-lasting monitoring of the presence of political and electoral actors in the programs of 9 television stations with national coverage or almost.

The monitoring reports, presented within this project, were compiled in such a manner that the beneficiaries should know the used methodology, the basic indices found according to the monitoring cards, their quantity and quality analyses by compartments, by television and in general about all the televisions, as well as the experts' conclusions.

The monitoring sessions carried out during the first 10 months of the year 2009, a period during which parliamentary and repeated parliamentary elections took place in Moldova, showed the degree to which the monitored TV channels observed the law, the Central Election Commission's Regulation on the media's coverage of the electoral campaigns, the Broadcasting Code, the Broadcasters Conduct Code and the professional ethical norms.

This work is structured into three chapters comprising an analyses of the monitoring results, materials of the public debates "Lesions learnt and lessons to learn" and a Good Practice Guide to help televisions mirror events of major social interest, particularly the electoral campaigns.

The authors consider that the materials from the report can be of real use, in future, for the authorities regulating the field (the Central Election Commission, the Broadcasting Coordinating Council), broadcasters, political actors, the civil society and may serve as a support to adjust and improve the national legislation, in order to develop editorial policies matching the national regulations and the international standards, as well as ground to make broadcasters and politicians more responsible as to the respect of the ethical norms in the process of informing citizens.

The results of the project carried out by APEL are but a research on the segment of the presence of political actors in TV programs, but they actually synthesize the realities with exact data and pertinent commentaries and outline a real picture of broadcasters' behavior in terms of respecting the principles of broadcasting communication established in the national legislation.

## ANALYZING THE MONITORING RESULTS

### I. Project Objectives

Monitoring the presence of political / electoral actors on the main TV channels during the pre-electoral, electoral and post-electoral terms of the parliamentary elections was done for the first time in the Republic of Moldova on such a wide scope (9 TV stations with national coverage or almost) during such a long period (10 months: 1 January – 31 October 2009).

The project authors realized that the year 2009 was to be an electoral one and holding parliamentary elections in free and fair conditions – a test of society's level of democratization – largely depended on the degree of the citizens' being informed. According to opinion polls, the large majority of citizens (about 70%) are informed from TV channels. Consequently, the television's role, especially during electoral terms, is essential. That is why, the authors selected to monitor the televisions, which, according to audience shares, are the main sources of information of the information at the national level and are important players in shaping the public opinion.

In accordance with the Moldovan law, the broadcasters, regardless of their statute (public or private), are bound to insure, in their editorial policies, balance and pluralism in presenting political actors, and in electoral campaigns – fair conditions for all the electoral competitors. In fact, according to some Moldovan experts from the civil society, mass-media, and to some international experts, most of the Moldovan television stations used to present, in a imbalanced, disproportionate and tendentious manner, the political actors, practicing partisanship. Moreover, the behavior of some televisions during the precedent electoral races was far from being adequate, openly defying the legal provisions, as national and international observers concluded.

Under these circumstances, the project implementing team, who set the goal to monitor the presence of the political / electoral actors on the main television stations during the pre-electoral, electoral and post-electoral terms of the 2009 parliamentary elections, pursued the following objectives:

#### *General objectives:*

1. Contributing to the development of free and fair elections;
2. Contributing to the formation of correct behavior and to teach political / electoral actors political culture;
3. Contributing to the usage of democratic practices in presenting political actors by TV channels (especially in presenting electoral actors in the electoral race).

#### *Specific objectives:*

1. Highlighting the frequency and the mode in which the political actors are presented in program services of the monitored TV channels (electoral debates – separately);
2. Watching the way in which the TV channels respect the law, the CEC Regulation on media's covering elections, the Broadcasters Conduct Code;
3. Notifying the national and international opinion over the monitoring results;
4. Contributing to strengthening the capacity of the civil society to monitor events of major social interest;

5. Drafting and publishing recommendations and suggestions regarding the televisions' behavior in relation to the political actors during pre-electoral, electoral and post- electoral periods.

## **II. Activities unfolded to attain the objectives**

The monitoring proper of the TVG channels was preceded by a preparing 2-month stage in order to insure all the conditions necessary for the good implementation of the project. During this period, selected and tested were the monitors, experts, technical staff, the monitored equipment was purchased and adjusted, the monitoring methodology was developed and tested. Consequently, we set up a team of: 4 experts in the field (Constantin Marin, doctor lecturer, the dean of the Faculty of Journalism and Communication Science of the Moldovan State University, Victor Moraru, doctor lecturer, university professor, Ion Bunduchi, university professor, APEL's executive manager, Vlad Țurcanu, journalist, former BCC member); 4 permanent monitors – media specialists having monitoring experience (during the electoral period the team was joined by 4 monitors more).

During the first month of implementing the project, jointly with the expert team, the monitoring methodology was developed in accordance with the specific objectives of the project, with the national legislation in the field and the Broadcasters Conduct Code, taking into account internationally known research methods. Basing on the approved methodology, monitoring cards were developed for newscasts, programs with the presence of political actors, electoral debates, advertising.

In the second month of unfolding the project, test monitoring sessions were carried out on the basis of the cards drafted for newscasts and programs attended by political actors. The purchased and installed equipment was tested. The exactitude of taking down data was checked up and security measures were taken to test the functionality of the technical equipment. Before publicly launching the project on December 23, 2008, the implementation team was certain it was prepared to carry out the complex tasks provided by the project.

### **Methodological frame**

**Period:** 01 January – 31 October 2009

**Object of monitoring<sup>1</sup>:** news/current affairs and programs with the presence of political actors (interval: 6.00 – 24.00).

**Goal:** determining the presence of political actors in news/current affairs programs and in thematic programs, in terms of quantity and quality, from the perspective of the legal and professional requirements established for broadcasters.

**Monitored TV stations<sup>2</sup>:** EuTV, Moldova1, N4, NIT, Prime, ProTV, TV7, TVC21, 2 Plus.

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<sup>1</sup> *During electoral races, additionally to the basic indices mentioned above, the methodology separately considered the presence of electoral contestants in debates and the electoral advertising.*

<sup>2</sup> *In order to create a full picture of the presence of the political/electoral actors on television during the period of developing the methodology and of preparing the launch of the project, the project implementing team reached the conclusion that it should include Moldova 1 into the list of the monitored TV stations, as this station used to be monitored by APEL in another project supported by the Soros Foundation-Moldova. It's worth mentioning that this*

### Monitored political actors:

- **Presidency** (Moldovan president, presidential advisors, the presidency's spokesperson);
- **Parliament** (parliamentary factions, independent parliamentarians);
- **Government** (members of the government, deputy ministers, the government's spokesperson);
- **Local public administration** (general mayor of Chisinau, Municipal Council's chairperson, district presidents and deputy presidents, councilors, mayors);
- **Political parties** (representatives/supporters of political parties and their opponents).

### Quantity analysis:

- **Frequency** and **duration** of political actors' appearing in news: *a) direct interventions; b) mentions/appearance;*
- **Frequency** and **duration** of political actors' appearing in programs: *a) direct interventions; b) mentions/appearance;*
- **Share** of duration of news with the presence of political actors as related to the total duration of newscasts;
- **Number of sources** used in conflict-related stories: *a) 1 information source; b) 2 and more information sources independent from one another.*

### Quality analysis:

- **Content of information:** a) positive; b) negative; c) neutral.
- **Journalist's attitude:** a) favoring; b) disfavoring; c) impartial.

*Content of information: a) positive; b) negative; c) neutral*

Categories of information political actors are associated with:

- Information with positive content was defined the information in which the political actors are associated with positive actions, and the TV story contains positive feelings and emotions, appraisals, admiration, etc.
- Information with negative content was defined the information in which the political actors are associated with negative actions, and the TV story contains negative emotions, accusations, criticism, etc.
- Information with neutral content was defined the information in which the political actors are associated with neither positive, nor negative actions, and the TV story does not bear expressive or emotional charge.

*Journalist's attitude: a) favoring; b) disfavoring, c) impartial.*

- The orientation of a journalist's attitude is identified from analyzing the text, and the video images from the televised story.

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*addition to the list of the monitored stations was later done with the agreement of the project coordinators of the Delegation of the European Commission to the Republic of Moldova and of the Soros Foundation-Moldova.*



Launching the project publicly. Through its press release of 17 December 2008, APEL invited mass-media, representatives of the broadcasters, the civil society and everybody interested, to the news conference on 23 December 2008 at which the project “Monitoring the political-electoral actors' presence on the main television channels during the pre-electoral, electoral and post-electoral periods of the 2009 parliamentary elections”.

At the launching conference, one mentioned the project pursued to contribute to create conditions to insure a free, fair, transparent and democratic electoral process in 2009 and to develop professional skills at televisions in order to present the political and electoral actors in an equidistant, impartial and balanced mode in news and current affairs programs, in programs dealing with social and political issues and in TV debates. One mentioned that fact, that for that purpose, the programs aired by 8 TV stations were to be monitored: EuTV, NIT, N4, Prime, Pro TV, TV 7, TVC 21, 2 Plus (Moldova 1 joined the list later). The public was told details about the authority funding the project, specifying that it was financed by the Delegation of the European Commission to Moldova within the European Instrument for Democracy and Human Rights and about the budget of the project, which is EUR120,530, including the donors' contribution of EUR 94,750. The audience was informed on the methodology and mode of performing the monitoring, of presenting the obtained results, the list of domestic and external beneficiaries, as well as other requested information.

Monitoring the program services of those 9 TV stations started on 1 January 2009 and ended on 31 October 2009. During this period, 16 monitoring reports were compiled and presented to the public, 16 news conferences were organized and held, 16 press releases and files were spread out. All the materials resulting from monitoring were posted in Romanian and English on APEL's web site: [www.apel.md](http://www.apel.md), the chronological order being as follows:

1. Monitoring report of political actors' presence in programs of television stations during the pre-electoral period of the 2009 parliamentary elections (period: 1 January – 3 February 2009) publicly presented on 23.02.2009;

2. Monitoring report of political/electoral actors' presence in programs of television stations during the electoral period of the 2009 parliamentary elections (period: 4 – 17 February 2009) publicly presented on 02.03.2009;

3. Monitoring report of political/electoral actors' presence in programs of television stations during the electoral period of the 2009 parliamentary elections (period: 18 February – 03 March 2009) publicly presented on 18.03.2009;

4. Monitoring report of political/electoral actors' presence in programs of television stations during the electoral period of the 2009 parliamentary elections (period: 04 – 17 March 2009) publicly presented on 30.03.2009;

5. Monitoring report of political/electoral actors' presence in programs of television stations during the electoral period of the 2009 parliamentary elections (period: 18 – 24 March 2009) publicly presented on 03.04.2009;

6. Final monitoring report of political/electoral actors' presence in programs of television stations during the electoral period of the 2009 parliamentary elections (period: 04 February – 05 April 2009) publicly presented on 14.04.2009;

7. Monitoring report of political actors' presence in programs of television stations during the post-electoral period (period: 06 – 30 April 2009) publicly presented on 12.05.2009;

8. Monitoring report of political actors' presence in programs of television stations during the post-electoral period (period: 01 – 31 May 2009) publicly presented on 17.06.2009;

9. Monitoring report of political actors' presence in programs of television stations during the pre-electoral period of the 2009 early parliamentary elections (period: 1 – 16 June 2009) publicly presented on 30.06.2009;

10. Monitoring report of political/electoral actors' presence in programs of television stations during the electoral period of the early parliamentary elections of 29 July 2009 (period: 17 – 30 June 2009) publicly presented on 10.07.2009;

11. Monitoring report of political/electoral actors' presence in programs of television stations during the electoral period of the early parliamentary elections of 29 July 2009 (period: 01 – 14 July 2009) publicly presented on 21.07.2009;

12. Monitoring report of political/electoral actors' presence in programs of television stations during the electoral period of the early parliamentary elections of 29 July 2009 (period: 15 – 21 July 2009) publicly presented on 27.07.2009;

13. Monitoring report of political/electoral actors' presence in programs of television stations during the electoral period of the early parliamentary elections of 29 July 2009 (period: 17 June – 29 July 2009) publicly presented on 07.08.2009;

14. Monitoring report of political actors' presence in programs of television stations during the post-electoral period (period: 30 July – 31 August 2009) publicly presented on 14.09.2009;

15. Monitoring report of political actors' presence in programs of television stations during the post-electoral period (period: 01 – 30 September 2009) publicly presented on 16.10.2009;

16. Monitoring report of political actors' presence in programs of television stations during the post-electoral period (period: 01 – 31 October 2009) publicly presented on 17.11.2009.

It is worth mentioning that in drafting the project, one did not foresee that early elections may be held and when they were called, it became clear that the implementing team does not have enough means and human resources to perform the monitoring in electoral race regime. After our notifications to the Delegation of the European Commission to Moldova, we were informed that the project could not be supplemented at that moment and that we lodged a funding request to the Eurasia Foundation from Moldova, which promptly responded to our request and we thus managed to insure the same monitoring regime in the repeated elections, as it had been in the first campaign. During the respective period, the names of the co-donors were mentioned in the presented reports.

The monitoring results, the broadcasters' editorial policies, the presence of electoral contestants on televisions, exerting the citizens' rights to objective and full information about electoral contestants and the behavior of the authorities responsible with the regulation and supervision of the coverage of the electoral campaigns in broadcasting generated diverse and contradictory opinions in society. In order to analyze the electoral process with the participation of all the sides involved, the Electronic Press Association organized, on June 2 – 3, 2009, public debates regarding the experience of the Moldovan televisions in covering electoral races, named "**Lessons learnt and lessons to learn**". The debates unfolded in a very appropriate moment, since the impressions and conclusions of all those involved in the electoral campaign for the April 5 elections 2009 were still fresh, as society was bracing for the early parliamentary elections of 29 July 2009.

Parliamentarians, members of the Central Election Commission and of the Broadcasting Coordinating Council, representatives of broadcasters, including from the national and regional public services, candidates and representatives of the electoral contestants, representatives of the university environment and of the civil society, media experts and representatives were invited and attended the debates. Realizing the will of Moldova's

European integration, its adhesion to the European values and standards, the Electronic Press Association from Moldova invited, as an expert, the general director of the Superior Council of Audiovisual from Belgium, Mr. Jean-François Furnémont.

The public debate allowed to highlight the positive experience gained by televisions in covering the electoral campaign, and also the deviations from the legal provisions and ethical norms. The wide exchange of opinions with the participation of the representatives of all the sides involved in elections allowed analyzing the work of the televisions in detail. The debate conclusions were, at the same time, the lesson to be learnt by televisions and politicians, but, especially, by the authorities responsible for the good unfolding of the electoral campaign (the Central Election Commission and the Broadcasting Coordinating Council).

After presenting the final report on monitoring the presence of political/electoral actors in the race of the 29 July 2009 early parliamentary elections, after systematizing the experience gained and the conclusions made in the reports monitoring the conduct of the televisions, the implementing team: analyzed the national practice of covering electoral races; studied the international recommendations and practices; made a comparative study of the results of the monitoring sessions made by APEL during electoral races and of other monitoring sessions carried out by the Moldovan civil society and the elections observing international missions; worded recommendations for televisions, political players and for the authorities responsible for the good unfolding of the electoral campaign; published the **Good Practice Guide**, which is part of this report.

The monitoring reports were presented within the Civic Coalition for Free and Fair Elections – Coalition 2009 and served it to assess the mode of holding the electoral campaigns. The monitoring reports, publicly presented at news conferences and posted on APEL's web site, were also sent to 31 internal beneficiaries (authorities dealing with the sector, monitored broadcasters, political parties, civil society entities) and to 25 external beneficiaries (the Delegation of the European Commission to Moldova, the Office of the Council of Europe to Moldova, to the embassies of the EU member countries, to representatives of international bodies from Moldova).

On the basis of the monitoring reports, the APEL experts made public presentations at conferences held by Coalition 2009, the Central Election Commission, Amnesty International Moldova, the Independent Press Association, the Office of the Council of Europe to Moldova. The conclusions of the monitoring reports were presented at the public hearings organized by the parliamentary committee in charge and were mentioned in the documents of the Election Observing Mission.

### **III. Implementation issues**

Assuming responsibility for the good execution of activities envisaged in this project, the implementation team had to cope with complex and even intricate tasks in monitoring the presence of political actors on televisions channels: processing a big volume of broadcasting (monitoring 9 TV stations from 06.00 to 24.00 o'clock); watching the political actors' presence on all the news programs and in all programs under the circumstances when the program schedules of some televisions were unstable and fluctuating; the complexity of the monitoring cards containing diverse quantity and quality indices; the impossibility of quantifying public manipulating techniques used by some televisions, etc. Under such circumstances, the implementation team managed to carry out its tasks established in accordance with the project objectives, minding the exactitude and correctitude of gathering data so that the monitoring reports should be objective.

The broadcasters responded in different manners to the results of the monitoring sessions made public. Most of them aired reports about the reports presented at news conferences, which also had different approaches. The broadcasters' attitudes towards the results of the monitoring sessions, judging by the way of displaying them, could be conventionally divided into several approaches: some televisions had criticizing reactions, others appreciated the results of the reports every time and showed interest for them, and a third category of televisions (fewer) had an indifferent attitude. The only television to have critical reactions publicly displayed was Moldova 1. The administration of the national public station reacted several times expressing its disagreement with the results of the monitoring sessions, but the reasons invoked did not necessarily refer to the correctness of the data contained in the monitoring reports, but to the qualities of the implementation team, pretending it would have a political interest and its research would have been ordered.

In addition to the monitored televisions, other main beneficiaries of the project were the Central Election Commission, the Broadcasting Coordinating Council, the Observers Council of the public company "Teleradio-Moldova". Those authorities appreciated in a specific manner the monitoring reports they were regularly receiving. On the one hand, they stated their interest for the content of APEL's researches; on the other hand, the implementing team was puzzled there were no reaction on the verge of the monitoring reports, especially in the cases in which severe violations of the law committed by some televisions were reported.

The monitoring reports APEL performed in the electoral races were discussed and analyzed at several sittings of the Civic Coalition for Free and Fair Elections – Coalition 2009. On the basis of the conclusions of APEL's reports, and of other observation reports of NGOs having monitored the mode of unfolding the electoral campaigns, Coalition 2009 grounded its statement declaring the 2009 elections as partially free and unfair. We consider that, following its activity within Coalition 2009 and its signing the statement appreciating the elections, the APEL Association (as other signatory NGOs) was checked up by the fiscal authorities, which verified the projects unfolded in 2008-2009, and especially the sources of financing the activities. Exactly in that period of time, APEL received a letter from the Moldovan Justice Ministry ordering the Association to present information about its involvement in organizing the riots of 7 April 2009, to appreciate those events and to inform about the measures it undertook not to admit them.

#### **IV. Analyzing results**

##### **Newscasts. General data**

From 01 January to 31 October 2009, 8 televisions of those 9 monitored aired programs with political actors: EuTV, Moldova 1, N4, NIT, Prime, ProTV, TV7 and TVC21. The only television, which, during the reference period, did not air news, or programs with the presence of political actors was 2 Plus. It's also worth mentioning that three televisions had an unsteady presence in terms of airing news programs during all those 10 months of monitoring. Thus, Prime aired newscasts only from 23 March to 15 September 2009 (about 4 months less than the other monitored televisions); TVC21, with some exceptions (3 days during the electoral race), did not air news during those three summer months (June – August 2009); EuTV halted airing news on 3 October, so it was not present in the info-space in October, the last monitored month in the project.

During 10 months, those 8 TV stations aired newscasts with the total duration of 8,775,653 sec. (2,437.68 h), with a monthly average of almost 244 h of news broadcasting. The monitored programs contained 33,570 news stories with the presence of political actors (a monthly average

of 3,357 stories), and their total duration was 3,975,240 sec. (1,104.23 h), i.e. about 110 h monthly. About ¼ (8,229 stories) of the news presenting political actors were related to conflicts. About 57 % of the conflict-related stories with political actors aired by the monitored televisions matched the professional informing requirements of getting information from 2 and more sources (see table 1).

**Table 1. General data about news programs**

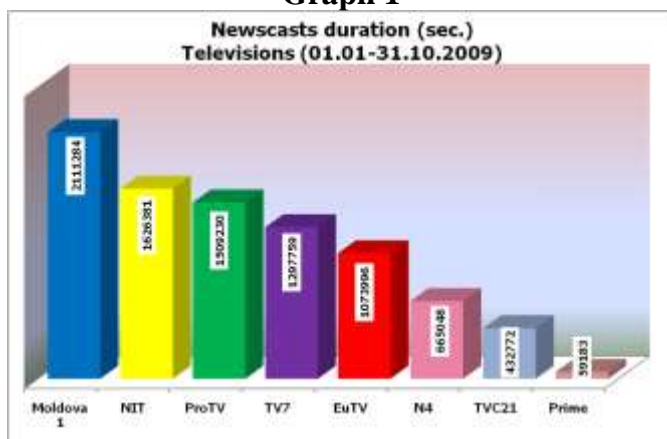
TV	Reporting periods <sup>3</sup>	Duration of newscasts (sec.)	Duration of news with p.a. (sec.)	Share of duration of news with p.a. (%)	Number of stories with p.a.	Number of conflict stories	Share of conflict stories (%)	1 info source:	2 & > info sources:	Share of 2 & > sources (%)	Frequency of tendentious attitudes
<b>EuTV</b>											
<i>Pre-elect. mon. (1)</i>	01.01-03.02.09	104376	30068	28,8%	297	62	20,9%	44	18	29,0%	128
<i>Electoral mon. (1)</i>	04.02-05.04.09	231185	63667	27,5%	634	161	25,4%	87	74	46,0%	175
<i>Post-el. mon. (1-1)</i>	06.04-30.04.09	111284	32911	29,6%	291	89	30,6%	46	43	48,3%	21
<i>Post-el. mon. (1-2)</i>	01.05-31.05.09	138850	41075	29,6%	350	99	28,3%	44	55	55,6%	27
<i>Pre-elect. mon. (2)</i>	01.06-16.06.09	66918	27048	40,4%	228	79	34,6%	19	60	75,9%	24
<i>Electoral mon. (2)</i>	17.06-29.07.09	184529	92965	50,4%	816	305	37,4%	146	159	52,1%	67
<i>Post-el. mon. (2-1)</i>	30.07-31.08.09	123236	51732	42,0%	425	76	17,9%	35	41	53,9%	4
<i>Post-el. mon. (2-2)</i>	01.09-30.09.09	104210	49464	47,5%	405	79	19,5%	17	62	78,5%	16
<i>Post-el. mon. (2-3)</i>	01.10-31.10.09	9408	6506	69,2%	55	18	32,7%	4	14	77,8%	0
<b>Total EuTV</b>	<b>9 periods</b>	<b>1073996</b>	<b>395436</b>	<b>36,8%</b>	<b>3501</b>	<b>968</b>	<b>27,6%</b>	<b>442</b>	<b>526</b>	<b>54,3%</b>	<b>462</b>
<b>Moldova 1</b>											
<i>Pre-elect. mon. (1)</i>	01.01-03.02.09	229070	81666	35,7%	636	57	9,0%	26	31	54,4%	43
<i>Electoral mon. (1)</i>	04.02-05.04.09	375474	117531	31,3%	1200	162	13,5%	106	56	34,6%	248
<i>Post-el. mon. (1-1)</i>	06.04-30.04.09	203320	80418	39,6%	557	65	11,7%	36	29	44,6%	15
<i>Post-el. mon. (1-2)</i>	01.05-31.05.09	220027	85582	38,9%	678	109	16,1%	34	75	68,8%	24
<i>Pre-elect. mon. (2)</i>	01.06-16.06.09	113320	54530	48,1%	399	132	33,1%	48	84	63,6%	18
<i>Electoral mon. (2)</i>	17.06-29.07.09	301620	138267	45,8%	1212	385	31,8%	162	223	57,9%	42
<i>Post-el. mon. (2-1)</i>	30.07-31.08.09	224140	83474	37,2%	673	129	19,2%	41	88	68,2%	59
<i>Post-el. mon. (2-2)</i>	01.09-30.09.09	210334	101306	48,2%	729	269	36,9%	97	172	63,9%	21
<i>Post-el. mon. (2-3)</i>	01.10-31.10.09	233979	109181	46,7%	836	285	34,1%	65	220	77,2%	5
<b>Total Moldova 1</b>	<b>9 periods</b>	<b>2111284</b>	<b>851955</b>	<b>40,4%</b>	<b>6920</b>	<b>1593</b>	<b>23,0%</b>	<b>615</b>	<b>978</b>	<b>61,4%</b>	<b>475</b>
<b>N4</b>											
<i>Pre-elect. mon. (1)</i>	01.01-03.02.09	51876	37955	73,2%	325	53	16,3%	41	12	22,6%	111
<i>Electoral mon. (1)</i>	04.02-05.04.09	130497	92220	70,7%	838	315	37,6%	228	87	27,6%	228
<i>Post-el. mon. (1-1)</i>	06.04-30.04.09	96947	57318	59,1%	382	64	16,8%	45	19	29,7%	69
<i>Post-el. mon. (1-2)</i>	01.05-31.05.09	63549	44229	69,6%	317	97	30,6%	72	25	25,8%	27
<i>Pre-elect. mon. (2)</i>	01.06-16.06.09	41820	32588	77,9%	200	111	55,5%	62	49	44,1%	109
<i>Electoral mon. (2)</i>	17.06-29.07.09	117588	100909	85,8%	745	378	50,7%	220	158	41,8%	866
<i>Post-el. mon. (2-1)</i>	30.07-31.08.09	30292	22000	72,6%	170	61	35,9%	53	8	13,1%	111
<i>Post-el. mon. (2-2)</i>	01.09-30.09.09	65615	51942	79,2%	361	208	57,6%	85	123	59,1%	62
<i>Post-el. mon. (2-3)</i>	01.10-31.10.09	66864	53781	80,4%	329	211	64,1%	59	152	72,0%	7
<b>Total N4</b>	<b>9 periods</b>	<b>665048</b>	<b>492942</b>	<b>74,1%</b>	<b>3667</b>	<b>1498</b>	<b>40,9%</b>	<b>865</b>	<b>633</b>	<b>42,3%</b>	<b>1590</b>
<b>NIT</b>											
<i>Pre-elect. mon. (1)</i>	01.01-03.02.09	89724	43176	48,1%	317	51	16,1%	33	18	35,3%	48
<i>Electoral mon. (1)</i>	04.02-05.04.09	354059	172822	48,8%	1363	202	14,8%	147	55	27,2%	292
<i>Post-el. mon. (1-1)</i>	06.04-30.04.09	117826	62704	53,2%	441	68	15,4%	60	8	11,8%	38
<i>Post-el. mon. (1-2)</i>	01.05-31.05.09	140778	65601	46,6%	472	55	11,7%	40	15	27,3%	47
<i>Pre-elect. mon. (2)</i>	01.06-16.06.09	69522	45766	65,8%	311	81	26,0%	69	12	14,8%	79
<i>Electoral mon. (2)</i>	17.06-29.07.09	273674	186827	68,3%	1300	305	23,5%	220	85	27,9%	674
<i>Post-el. mon. (2-1)</i>	30.07-31.08.09	189040	114461	60,5%	809	86	10,6%	48	38	44,2%	751
<i>Post-el. mon. (2-2)</i>	01.09-30.09.09	202116	102576	50,8%	656	154	23,5%	117	37	24,0%	229
<i>Post-el. mon. (2-3)</i>	01.10-31.10.09	189642	88008	46,4%	733	151	20,6%	118	33	21,9%	149
<b>Total NIT</b>	<b>9 periods</b>	<b>1626381</b>	<b>881941</b>	<b>54,2%</b>	<b>6402</b>	<b>1153</b>	<b>18,0%</b>	<b>852</b>	<b>301</b>	<b>26,1%</b>	<b>2307</b>
<b>ProTV</b>											
<i>Pre-elect. mon. (1)</i>	01.01-03.02.09	144714	49176	34,0%	499	56	11,2%	0	56	100,0%	0
<i>Electoral mon. (1)</i>	04.02-05.04.09	338677	100344	29,6%	1134	371	32,7%	0	371	100,0%	16

<sup>3</sup> During those 2 electoral campaigns, 7 intermediate monitoring reports were compiled, the data of which were inserted in the final reports covering the periods 04 February – 05 April 2009 and 17 June – 29 July 2009.

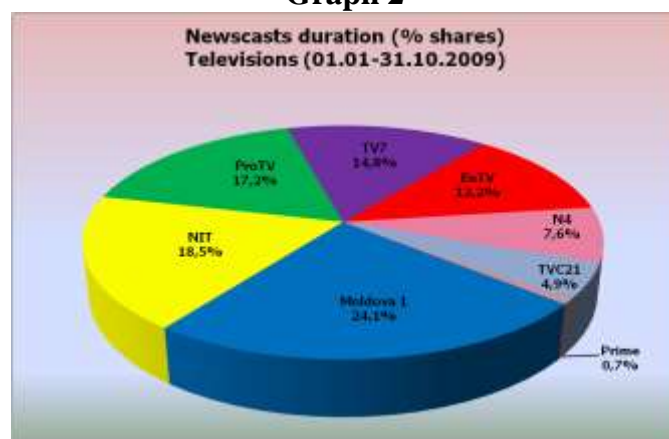
Post-el. mon. (1-1)	06.04-30.04.09	125278	40225	32,1%	356	129	36,2%	0	129	100,0%	0
Post-el. mon. (1-2)	01.05-31.05.09	144530	54051	37,4%	435	130	29,9%	0	130	100,0%	6
Pre-elect. mon. (2)	01.06-16.06.09	85317	38858	45,5%	323	129	39,9%	4	125	96,9%	5
<b>Electoral mon. (2)</b>	<b>17.06-29.07.09</b>	<b>233325</b>	<b>82177</b>	<b>35,2%</b>	<b>841</b>	<b>482</b>	<b>57,3%</b>	<b>11</b>	<b>471</b>	<b>97,7%</b>	<b>0</b>
Post-el. mon. (2-1)	30.07-31.08.09	162572	62139	38,2%	505	180	35,6%	0	180	100,0%	0
Post-el. mon. (2-2)	01.09-30.09.09	137318	54787	39,9%	419	121	28,9%	1	120	99,2%	12
Post-el. mon. (2-3)	01.10-31.10.09	137499	55151	40,1%	517	141	27,3%	0	141	100,0%	6
<b>Total ProTV</b>	<b>9 periods</b>	<b>1509230</b>	<b>536908</b>	<b>35,6%</b>	<b>5029</b>	<b>1739</b>	<b>34,6%</b>	<b>16</b>	<b>1723</b>	<b>99,1%</b>	<b>45</b>
<b>TV7</b>											
Pre-elect. mon. (1)	01.01-03.02.09	110966	52940	47,7%	576	103	17,9%	7	96	93,2%	0
<b>Electoral mon. (1)</b>	<b>04.02-05.04.09</b>	<b>282153</b>	<b>140150</b>	<b>49,7%</b>	<b>1558</b>	<b>243</b>	<b>15,6%</b>	<b>42</b>	<b>201</b>	<b>82,7%</b>	<b>6</b>
Post-el. mon. (1-1)	06.04-30.04.09	100216	51179	51,1%	464	81	17,5%	20	61	75,3%	0
Post-el. mon. (1-2)	01.05-31.05.09	130380	56893	43,6%	512	40	7,8%	0	40	100,0%	0
Pre-elect. mon. (2)	01.06-16.06.09	68848	37643	54,7%	334	70	21,0%	10	60	85,7%	0
<b>Electoral mon. (2)</b>	<b>17.06-29.07.09</b>	<b>188916</b>	<b>100836</b>	<b>53,4%</b>	<b>1005</b>	<b>268</b>	<b>26,7%</b>	<b>56</b>	<b>212</b>	<b>79,1%</b>	<b>0</b>
Post-el. mon. (2-1)	30.07-31.08.09	126960	57417	45,2%	558	70	12,5%	0	70	100,0%	0
Post-el. mon. (2-2)	01.09-30.09.09	132830	54622	41,1%	518	74	14,3%	0	74	100,0%	5
Post-el. mon. (2-3)	01.10-31.10.09	156490	62190	39,7%	663	72	10,9%	5	67	93,1%	0
<b>Total TV7</b>	<b>9 periods</b>	<b>1297759</b>	<b>613870</b>	<b>47,3%</b>	<b>6188</b>	<b>1021</b>	<b>16,5%</b>	<b>140</b>	<b>881</b>	<b>86,3%</b>	<b>11</b>
<b>TVC21</b>											
Pre-elect. mon. (1)	01.01-03.02.09	32762	14847	45,3%	101	31	30,7%	14	17	54,8%	7
<b>Electoral mon. (1)</b>	<b>04.02-05.04.09</b>	<b>188943</b>	<b>76038</b>	<b>40,2%</b>	<b>707</b>	<b>96</b>	<b>13,6%</b>	<b>16</b>	<b>80</b>	<b>83,3%</b>	<b>25</b>
Post-el. mon. (1-1)	06.04-30.04.09	49410	19618	39,7%	151	29	19,2%	3	26	89,7%	0
Post-el. mon. (1-2)	01.05-31.05.09	60020	28556	47,6%	230	22	9,6%	2	20	90,9%	0
Pre-elect. mon. (2)	01.06-16.06.09	-	-	-	-	-	-	-	-	-	0
<b>Electoral mon. (2)</b>	<b>17.06-29.07.09</b>	<b>2460</b>	<b>952</b>	<b>38,7%</b>	<b>9</b>	<b>3</b>	<b>33,3%</b>	<b>0</b>	<b>3</b>	<b>100,0%</b>	<b>0</b>
Post-el. mon. (2-1)	30.07-31.08.09	-	-	-	-	-	-	-	-	-	0
Post-el. mon. (2-2)	01.09-30.09.09	52263	27082	51,8%	235	38	16,2%	6	32	84,2%	0
Post-el. mon. (2-3)	01.10-31.10.09	46914	20214	43,1%	226	25	11,1%	0	25	100,0%	0
<b>Total TVC21</b>	<b>7 periods</b>	<b>432772</b>	<b>187307</b>	<b>43,3%</b>	<b>1659</b>	<b>244</b>	<b>14,7%</b>	<b>41</b>	<b>203</b>	<b>83,2%</b>	<b>32</b>
<b>Prime</b>											
Pre-elect. mon. (1)	01.01-03.02.09	-	-	-	-	-	-	-	-	-	-
<b>Electoral mon. (1)</b>	<b>04.02-05.04.09</b>	<b>8890</b>	<b>2019</b>	<b>22,7%</b>	<b>31</b>	<b>0</b>	<b>0,0%</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0</b>
Post-el. mon. (1-1)	06.04-30.04.09	9494	2383	25,1%	34	2	5,9%	2	0	0,0%	1
Post-el. mon. (1-2)	01.05-31.05.09	11303	2526	22,3%	36	3	8,3%	3	0	0,0%	1
Pre-elect. mon. (2)	01.06-16.06.09	5024	1780	35,4%	23	4	17,4%	3	1	33,3%	0
<b>Electoral mon. (2)</b>	<b>17.06-29.07.09</b>	<b>14715</b>	<b>3802</b>	<b>25,8%</b>	<b>51</b>	<b>4</b>	<b>7,8%</b>	<b>4</b>	<b>0</b>	<b>0,0%</b>	<b>0</b>
Post-el. mon. (2-1)	30.07-31.08.09	7365	1731	23,5%	22	0	0,0%	-	-	-	0
Post-el. mon. (2-2)	01.09-30.09.09	2392	640	26,8%	7	0	0,0%	-	-	-	0
Post-el. mon. (2-3)	01.10-31.10.09	-	-	-	-	-	-	-	-	-	-
<b>Total Prime</b>	<b>7 periods</b>	<b>59183</b>	<b>14881</b>	<b>25,1%</b>	<b>204</b>	<b>13</b>	<b>6,4%</b>	<b>12</b>	<b>1</b>	<b>8,3%</b>	<b>2</b>
<b>TV Synthesis</b>	<b>-</b>	<b>8775653</b>	<b>3975240</b>	<b>45,3%</b>	<b>33570</b>	<b>8229</b>	<b>24,5%</b>	<b>2983</b>	<b>5246</b>	<b>56,9%</b>	<b>4924</b>

Moldova 1 is an absolute leader in the ranking of televisions concerning the general duration of newscasts. Thus, during the reference period, this station aired 586.46 h of newscasts, which is 24.1 % of the total duration of news programs aired by all those 8 monitored TV stations (see graphs 1 and 2). Coming up next in this ranking is NIT with 451.77 h (18.5%) and ProTV with 419.23 h (17.2%). The other televisions have the following percentage shares: TV7 (14.8 %), EuTV (12.2%), N4 (about 7.6%), TVC21 (4.9%) and Prime (0.7%).

**Graph 1**

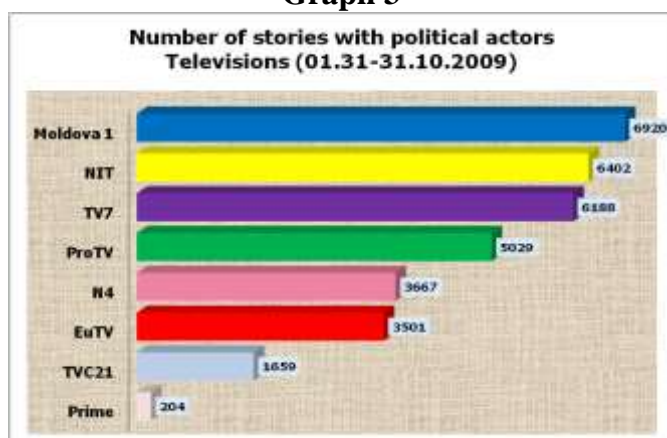


**Graph 2**

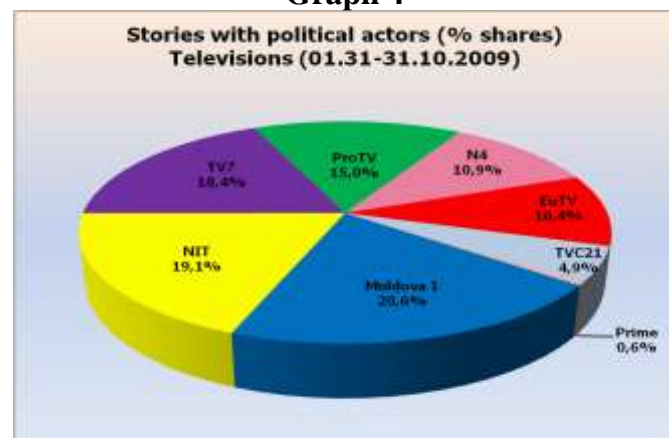


Moldova 1 was also leading in terms of number of stories with the presence of political actors among all the monitored TV services – 6,920 stories or 20.6%. The public television was followed by NIT with 6,402 stories (19.1%) and TV7 with 6,188 stories (18.4 %). These three televisions had a monthly average of over 600 stories with the presence of political actors (see graphs 3 and 4). ProTV monthly aired about 500 stories with the presence of political actors (15.0%). In this regard, N4 and EuTV respectively registered 10.9% and 10.4%, and TVC21 – 4.9%. During those 10 months of monitoring Prime aired but 204 stories with political actors present (0.6%).

**Graph 3**

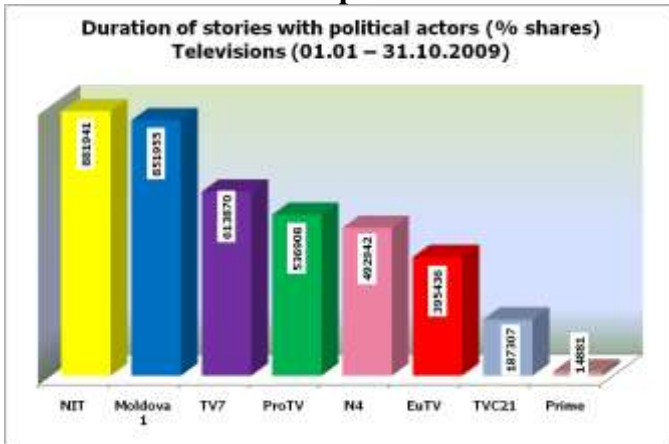


**Graph 4**

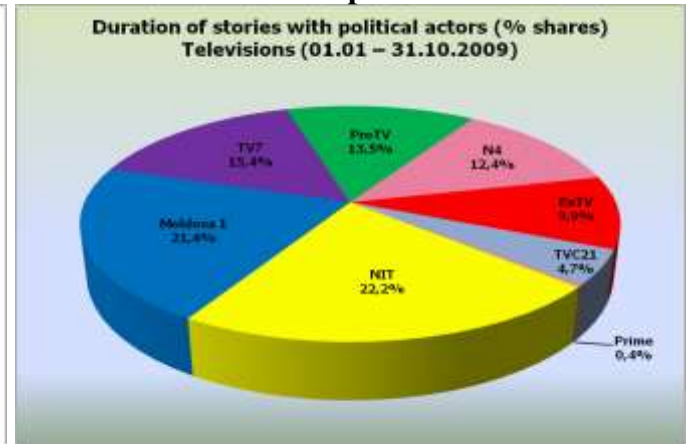


Among those 8 stations, NIT is the television having allotted most of the space, as duration, to the stories with political actors present – almost 245 h or with over 8 h more than Moldova 1 (236.65 h). The shares held by these two televisions in the total duration of the news with the presence of political actors was 22.2% on NIT and 21.4% on Moldova 1 (see graphs 5 and 6). The following places were occupied by TV7 (15.4%), ProTV (13.5%), N4 (12.4%) and EuTV (9.9%). TVC21 (4.7%) and Prime (0.4%) end the ranking of the televisions established in function of the airtime allotted to the stories presenting political actors.

**Graph 5**

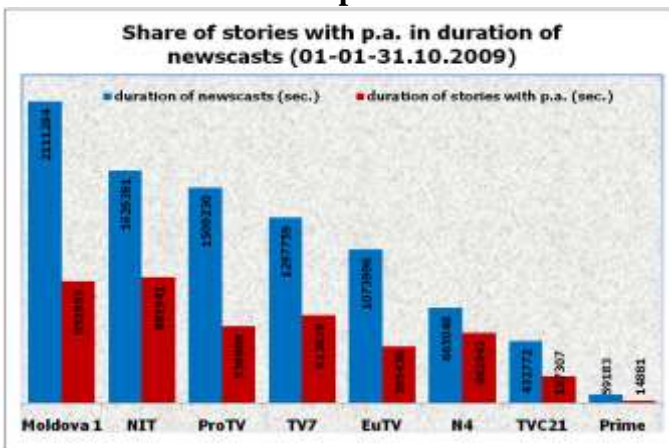


**Graph 6**

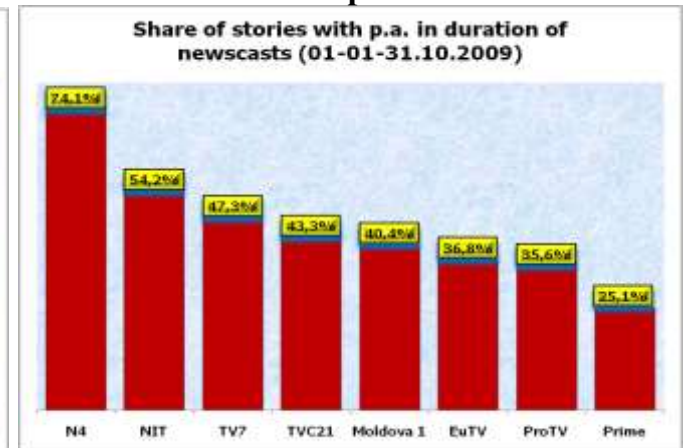


Related to the general volume of newscasts on every monitored TV station, the largest share of the duration of the news with the presence of political actors was noticed at N4. Thus, on N4, almost  $\frac{3}{4}$  of the duration of the newscasts is accounted for by stories with political actors (74.1%). In other words, although holding but position 5 in terms of duration of newscasts, N4 favored the political stories as compared to other information (see graphs 7 and 8). Prime is at the opposite pole, since it reserved to stories about politicians but a quarter (25.1%) of the total duration of the news. The share of the stories with the presence of political actors in newscasts at other televisions, with percentages comprised between 54.2% (NIT) and 35.6% (ProTV) is shown in graph 8.

**Graph 7**



**Graph 8**

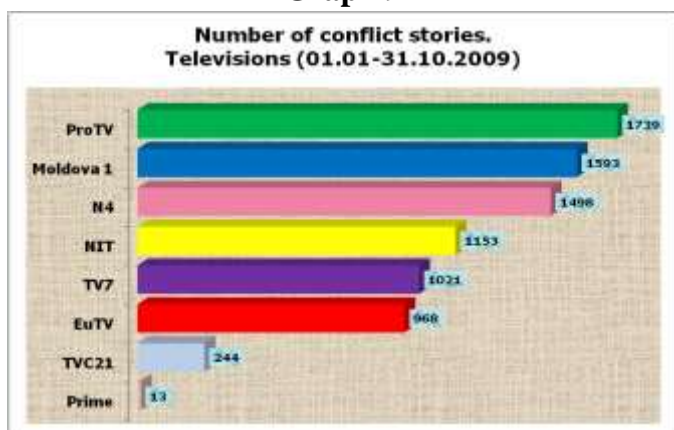


During the reference period, ProTV aired the largest number of stories related to conflicts in which politicians were involved – 1,739. The following positions are held by Moldova 1 and N4 with, respectively, 1,593 and 1,498 conflict-related stories. The leading trio is followed by other three televisions: NIT (1,153), TV7 (1,021) and EuTV (968). TVC21 aired 244, and Prime – but 13 conflict-related stories (see graph 9).

N4 (40.9%), ProTV (34.6%) and EuTV (27.6%) are the televisions holding the largest percentages according to the quotas of conflict-related stories in the total number of stories with political actors at each particular TV stations (see graph 10).



**Graph 9**

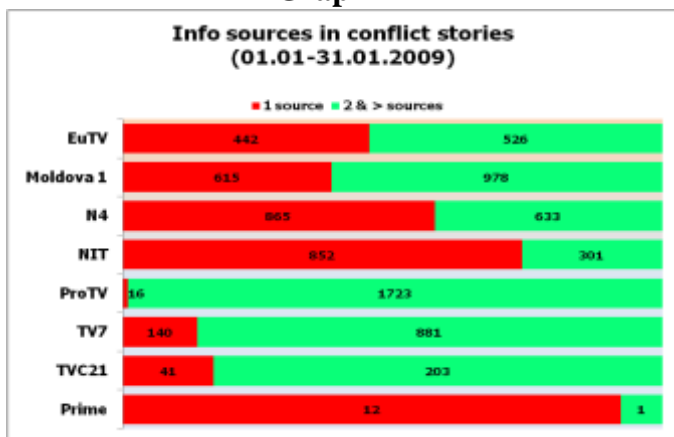


**Graph 10**

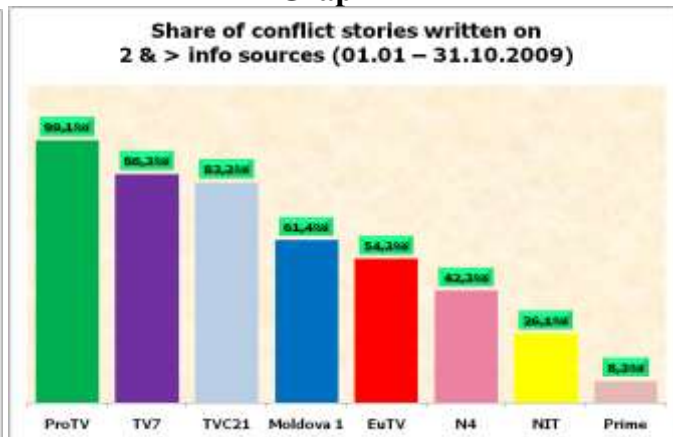


ProTV recorded the best result (99.1%) by share of conflict-related stories with political actors written on the basis of several information sources, independent from one another. Out of those 1,739 conflict-related stories aired by ProTV, 1,723 had 2 and more information sources. Other two televisions, TV7 (86.3%) and TVC21 (83.2%) were more or less close to the professional standards of writing conflict-related stories. At two other televisions, Moldova 1 (61.4%) and EuTV (54.3%), the number of stories written on the basis of several information sources exceeds 50 % of the total number of conflict-related stories. At NIT (26.1%), almost 3/4 of the total number of conflict-related stories do not match the legal and professional requirements. Prime (8.3%) aired very few conflict-related stories (13), but almost all of them (12) – on the basis of a single information source (see graphs 11 and 12).

**Graph 11**



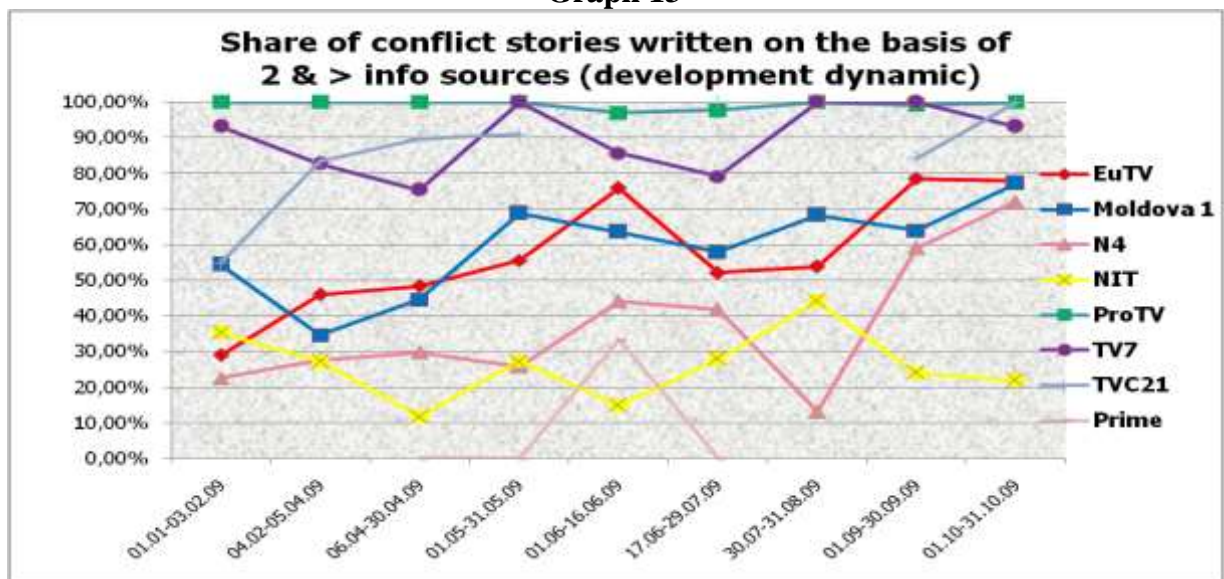
**Graph 12**



One must need remark that three televisions had perfect indices (100%) in editing conflict-related stories with political actors on the basis of several information sources during different reporting periods during those 10 monitoring months (see graph 11). Thus, ProTV aired all its conflict-related stories involving all the information sources required in 6 of those 9 reporting periods, TV7 – in 3, and TVC21 – in 2 periods of this kind. ProTV recorded the weakest result (96.9%) in the first half of June (pre-electoral monitoring of the second campaign), TV7 had the weakest index in this respect (75.3%) in April, and TVC21 (54.8%) – in January 2009. Moldova 1 had 2 consecutive periods in which the share of the stories written on the basis of several sources was below 50 %: 34.6% during the first electoral campaign (February – March) and 44.6 in the first post-electoral month (April 2009). The best result on Moldova 1 (77.2%) came by the end of the monitoring in October

2009. EuTV experienced 3 stages in which the share of conflict stories edited according to the professional requirements was below 50 %, all – during the first 3 period of the monitoring (January – April 2009), of which the weakest (29%) was noticed in the first monitoring month. As was at Moldova 1, at EuTV, the best indices were recorded during the last 2 monitoring months, September-October 2009 (78.5% and 77.8%). Also, during the last 2 monitoring months, N4 had better results in this regard (59.1% and 72%), in the rest of periods this index being under 50 %. NIT aired most of its conflict stories with political actors by violating the professional standards: the weakest result (11.8%) was noticed in April, and the best (44.2%) – in August 2009. In its few conflict-related stories (13) Prime almost completely neglected the information from several sources: only one story from the ones aired in the first half of June matched the professional standards (see graph 13).

**Graph 13**



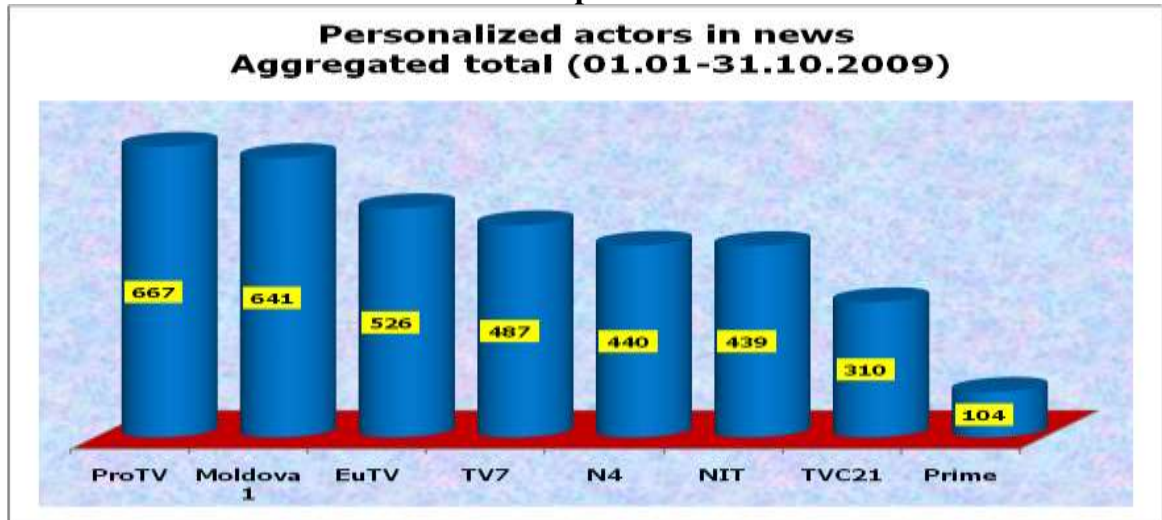
During the reporting period, four televisions had the most favoring/disfavoring attitudes towards political actors. The first in this regard was NIT with 2,307 cases of displaying tendentious attitudes. N4, Moldova 1 and EuTV displayed favoring or disfavoring attitudes towards actors in, respectively, 1,590, 475 and 462 cases. At the other 4 televisions this index is: ProTV – 45, TVC21 – 32, TV7 – 11 and Prime – 2 cases.

### **Political actors in news**

#### **Personalized actors. General data**

During the reference period, the largest number of personalized political actors was covered by ProTV. On this television, the aggregated total including the amount of actors from those 9 reporting periods raised to 667 personalized actors. Moldova 1 holds position 2 in this top list with 641 personalized actors. Although stopping to produce news after the first two days of the last monitored month, EuTV ranked the third in this regard with 526 personalized actors covered (see graph 14).

Graph 14



By number of personalized actors covered in the news, Moldova 1 (5 times, particularly, by the end of the monitoring) and ProTV (3 times, preponderantly in the first half of the year) held, by turns, the first position in 8 of those 9 reporting stages, and EuTV was the best in this regard in the first month after the repeat elections (see table 2). ProTV recorded the best result in the period of the electoral race for the parliamentary elections of 5 April 2009 (124 actors), followed by TV7 (99 actors) and TVC21 (78 actors). During the period of the campaign for the early parliamentary elections Moldova 1 covered, in news, the largest number of personalized actors (121 actors) and overcame ProTV (115 actors), EuTV being on the third position (110 actors).

**Table 2. Personalized actors in newscasts**

Periods / TV	EuTV	Moldova 1	N4	NIT	ProTV	TV7	TVC21	Prime
01.01-03.02.09	36	50	43	45	56	44	41	-
04.02-05.04.09	68	75	65	63	124	99	78	10
06.04-30.04.09	38	45	29	33	43	34	36	12
01.05-31.05.09	63	71	41	38	79	49	45	19
01.06-16.06.09	50	61	36	28	57	35	-	17
17.06-29.07.09	110	121	94	83	115	90	14	23
30.07-31.08.09	57	51	24	42	48	36	-	11
01.09-30.09.09	76	88	49	53	80	43	51	12
01.10-31.10.09	28	79	59	54	65	57	45	-
<b>Aggregated total: 01.01-31.10.09</b>	<b>526</b>	<b>641</b>	<b>440</b>	<b>439</b>	<b>667</b>	<b>487</b>	<b>310</b>	<b>104</b>

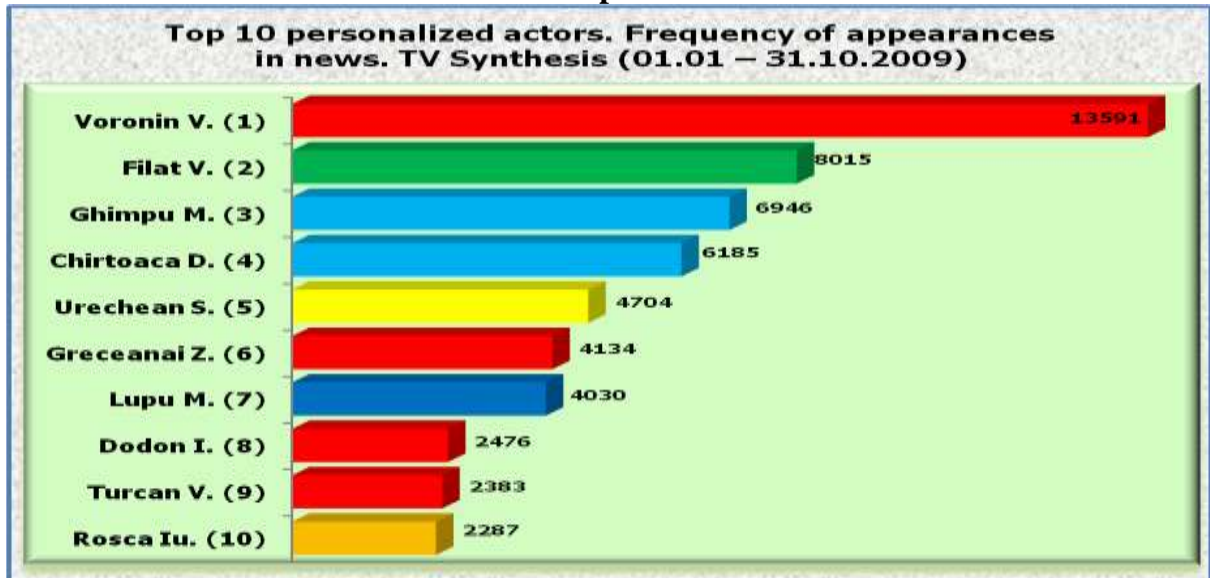
**Personalized actors. Quantity indices: frequency and duration of appearances**

From 1 January through 31 October 2009, PCRM leader Vladimir Voronin was the mostly covered political actor on all the monitored televisions aggregated. The ex-president's visibility was clearly superior to other top actors both as frequency and duration of appearances. In the ranking of the most covered 10 personalized actors, there are 4 PCRM representatives, 2 PL representatives and by 1 coming from the PLDM, AMN, PDM and PPCD.

Vladimir Voronin appeared 13,591 times on the television distanty leading the top 10 list by frequency of appearances (see graph 15). Positions 2, 3 and 4 are held by PLDM president Vlad Filat (8,015 appearances) and PL leaders Mihai Ghimpu (6,946 appearances) and Dorin Chirtoacă (6,185 appearances). The next group of 3 politicians in function of the

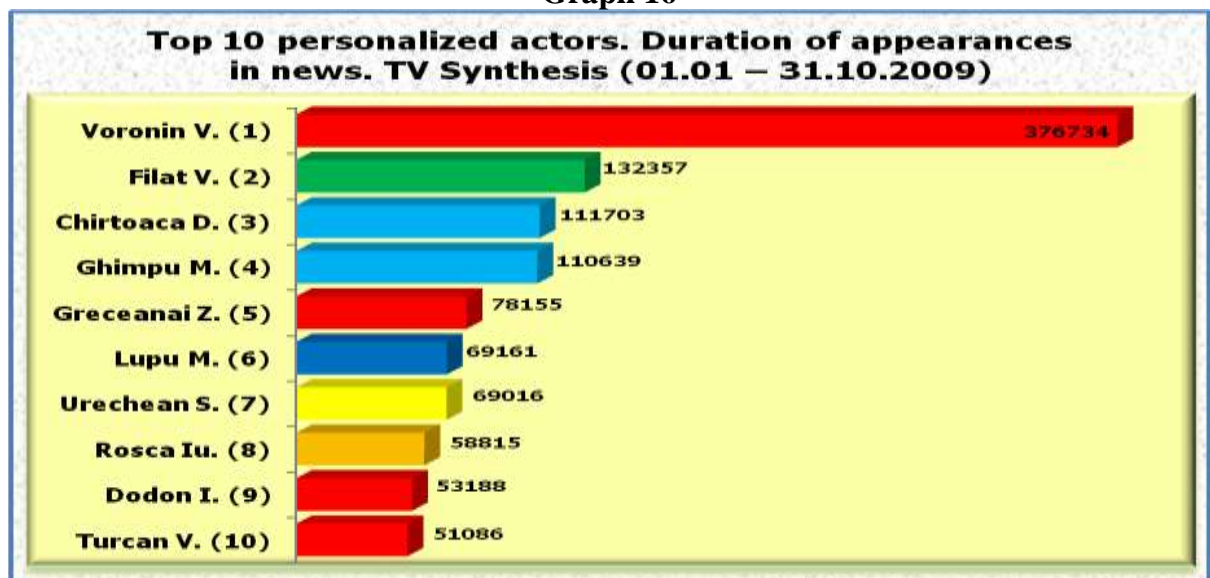
intensity of the coverage is made up from AMN leader Serafim Urechean (4,704 appearances), former Communist premier Zinaida Greceanâi (4,134 appearances) and PDM president Marian Lupu (4,030 appearances). The last 3 positions from the top 10 list were occupied by Igor Dodon (2,476 appearances) and Vladimir Țurcan (2,383 appearances), both from the PCRM, and PPCD leader Iurie Roșca (2,287 appearances).

**Graph 15**



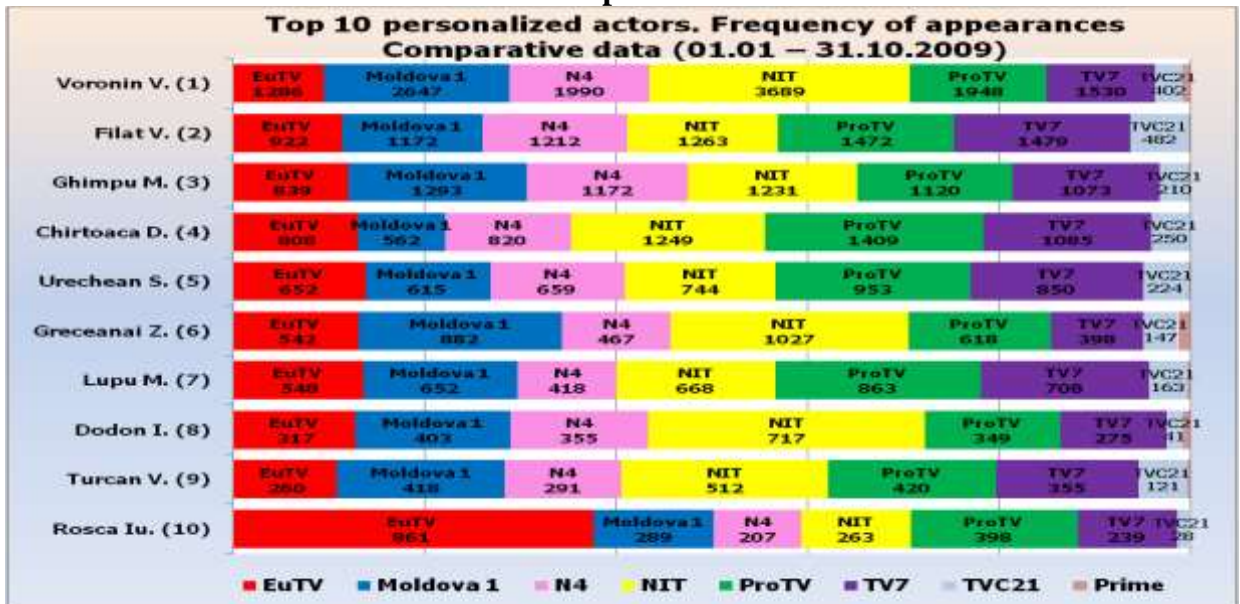
Vladimir Voronin, also in terms of duration of appearances, holds the first position with almost 105 h (376,734 sec.), being at far distance from the following three candidates: Vlad Filat with 36.76 h (132,357 sec.), Dorin Chirtoacă and Mihai Ghimpu, both with about 31 h (respectively, 111,703 and 110,639 sec.) The TV appearances of Zinaida Greceanâi lasted for almost 22 h (78,155 sec.), and Marian Lupu and Serafim Urechean were seen on the monitored TV stations during 19 h each (respectively, 69,161 and 69,016 sec.) The last 3 top actors, Iurie Roșca (58,815 sec.), Igor Dodon (53,188 sec.) and Vladimir Țurcan (51,086 sec.) had TV appearances with the duration varying from 16 and 14 h (see graph 16).

**Graph 16**

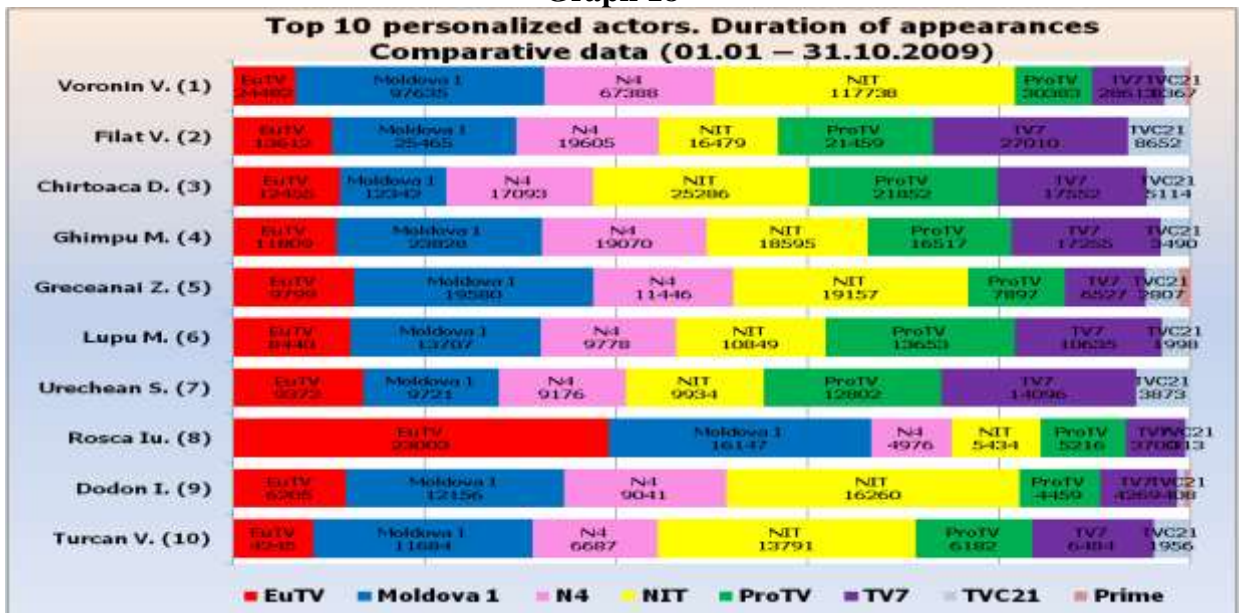


The monitoring results show that ex-president V. Voronin was on position 1 both as frequency and duration of appearances on all the televisions, less on TVC21 where he was overcome only by V. Filat. It's worth remarking that about 60 h from the total of 105 h (57%) of Voronin are insured by his appearances on two televisions: NIT (32.70 h) and Moldova 1 (27.12 h). Also, the number of appearances of the PCRM leader on NIT (3,689) and Moldova 1 (2,647) represents slightly less than half (about 47%) of the total number of his appearances on all the televisions. The same, other two representatives of the PCRM, Z. Greceanăi and I. Dodon, gathered, on NIT and Moldova 1, by about 46 per cent of the number of appearances, and as duration, respectively, almost 50 % and over 53% from the duration of appearances on all the televisions joined. About 38% of the number of all the TV appearances of Iu. Roșca and 39% of their duration are accounted for by a single television, EuTV. It's also worth remarking that half of the number of Iu. Roșca's appearances and 2/3 (66.6%) of their duration are accounted for by only 2 televisions: EuTV and Moldova 1 (see graphs 17 and 18).

Graph 17



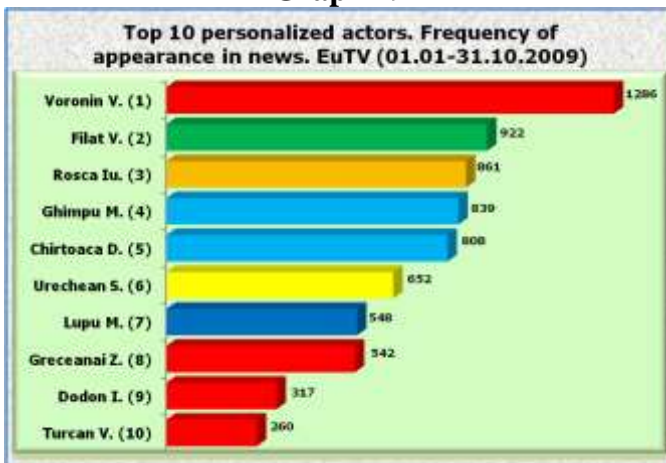
Graph 18



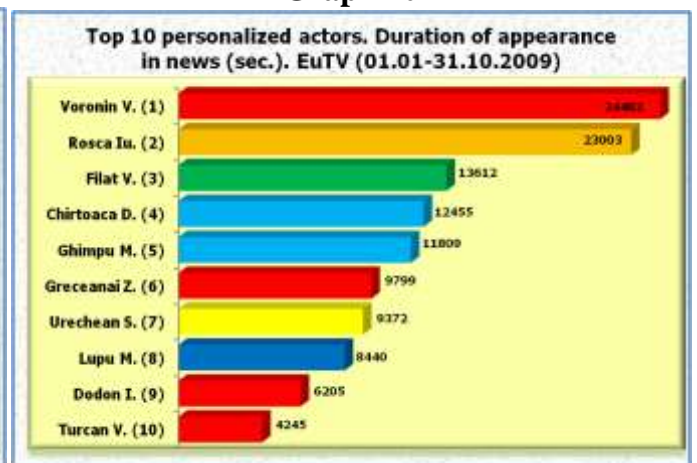
The mostly covered 10 personalized actors according to the general data, with some exceptions, are found on the top 10 list, as frequency and duration, on each of the monitored TV services. The monitored televisions differently treated the personalized political players. Some covered, in an imbalanced mode, the personalized actors, as this treatment is especially found in the discrepancy between the coverage of the first and the second actor from the top list, on the one hand, and, on the other hand, between the first and the last actor from the first 10.

EuTV propelled PPCD leader Iu. Roșca up to the third position in the frequency top list (861 appearances) and to position 2 by duration (23,003 sec.), while in the general classification of all the televisions he respectively occupies positions 10 and 8. On this television, V. Voronin (the first in the top 10 list) appeared 1,286 times, which is 1.4 times more often than the actor on position 2 (V. Filat, 922 appearances) and 4.9 times more often than the last actor from the top (V. Țurcan, 260 appearances). The duration of V. Voronin's appearances (24,482 sec.) was compared with the duration of Iu. Roșca's appearances (position 2 with 23,003 sec.), and 5.8 bigger than the duration of the presence of the last actor from the top (V. Țurcan, 4,245 sec.). The quantity data about the coverage of those 10 top actors by EuTV are broken down in graphs 19 and 20.

**Graph 19**

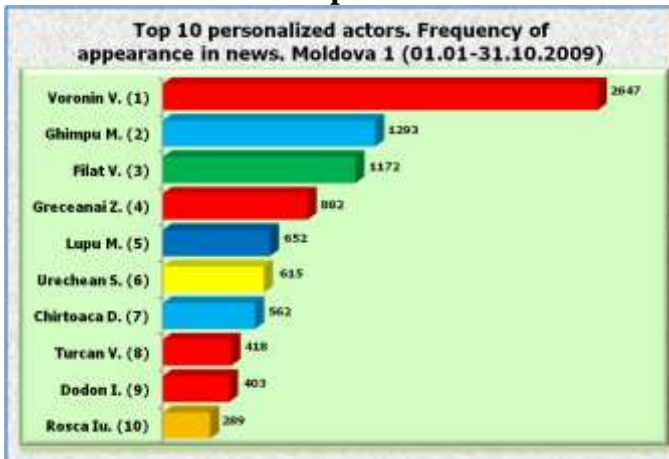


**Graph 20**

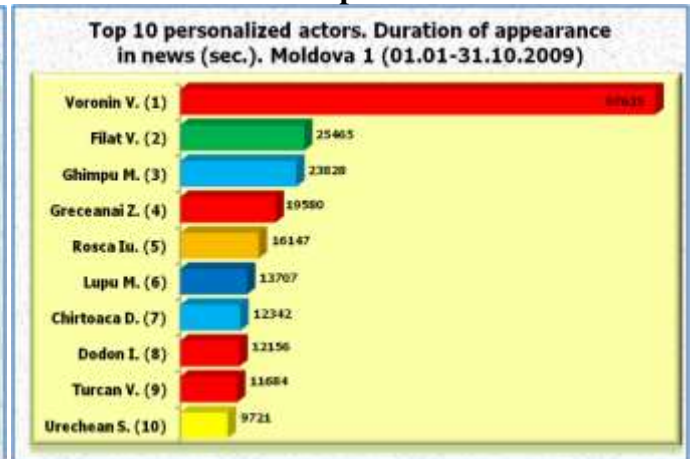


On Moldova 1, the first in top 10 by number of appearances is V. Voronin (2,647 times), the PCRМ leader being the first also by duration of appearances (97,635 sec.) The public station presented V. Voronin over 2 times more often than M. Ghimpu (position 2 with 1,293 appearances) and 9.1 times more often than the last actor from the top list (Iu. Roșca, 289 appearances.) The time enjoyed by the former president on Moldova 1 (about 27 h) is 3.8 times more than the time allotted to the player on the second position (V. Filat, 25,465 sec. i.e. 7 h) and about 10 times more than the duration of the presence of the last actor from the top (S. Urechean, 9,721 sec. i.e. 2.7 h). The quantity data about the coverage of those 10 top players by Moldova 1 are displayed in graphs 21 and 22.

**Graph 21**

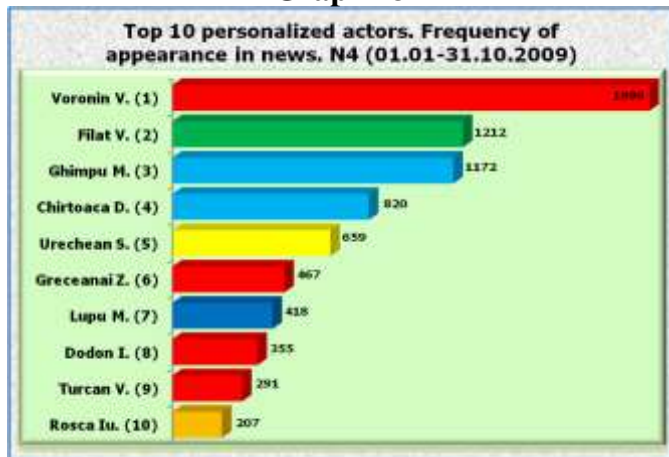


**Graph 22**

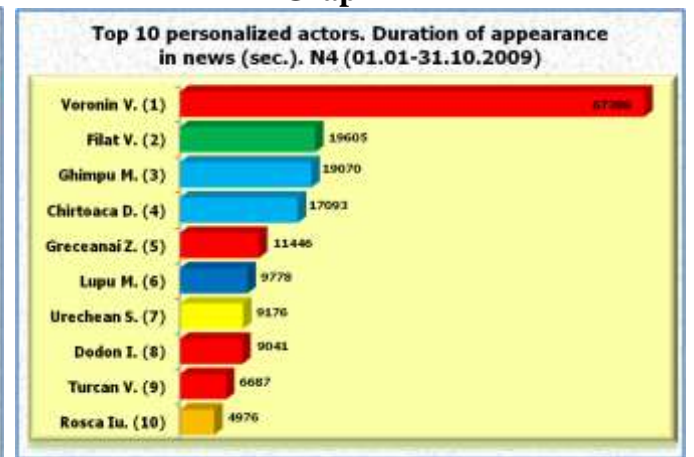


N4 mirrored V. Voronin (position 1 with 1,990 appearances) 1.6 times more often than the actor on the second position (V. Filat, 1,212 appearances) and 9.6 times more often than last actor in the top list (Iu. Roșca, 207 appearances). The duration of V. Voronin’s appearances on N4 (67,388 sec.) was over 3.4 times more than V. Filat’s appearances (position 2, 19,605 sec.) and 13.5 times more than the presence of the last top actor (Iu. Roșca, 4,976 sec.) The quantity data about the coverage of those 10 top actors by N4 are shown in graphs 23 and 24.

**Graph 23**

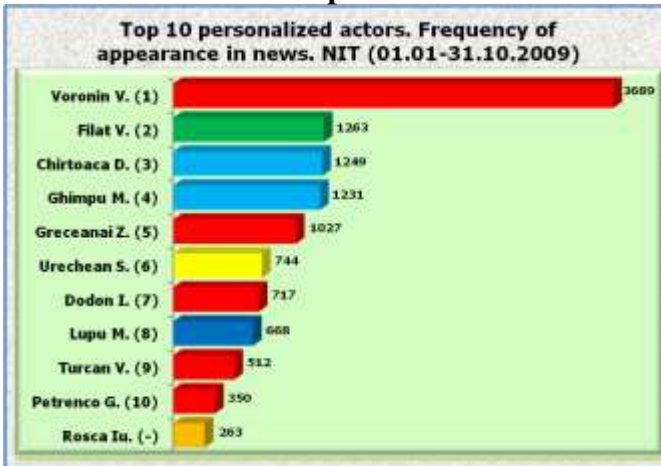


**Graph 24**

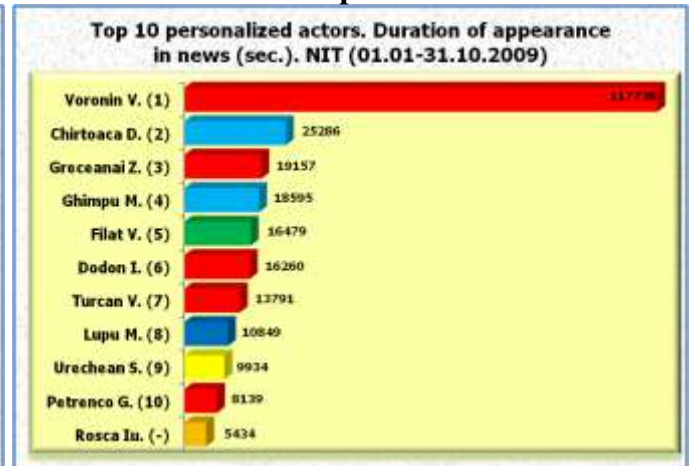


On NIT, the platoon of the mostly covered personalized actors gets one more PCR representative, G. Petrenco, who replaces Iu. Roșca both as frequency and duration of appearances, in the top 10 list. V. Voronin appeared, on this television, 3,689 times, i.e. 2.9 times more often than the holder of position 2 (V. Filat, 1,263 appearances) and 10.5 times more than the actor on position 10 (G. Petrenco, 350 appearances). Much more imbalanced are those discrepancies by duration of appearances of the political actors. V. Voronin (position 1 with 117,738 sec. i.e. 32.7 h) enjoyed, on this station, 4.6 times more TV time than D. Chirtoacă (position 2, 25,286 sec.) and about 14.5 times more than the actor on position 10 (G. Petrenco, 8,139 sec.). The quantity data about the coverage of those 10 top actors by NIT are shown in graphs 25 and 26.

**Graph 25**



**Graph 26**

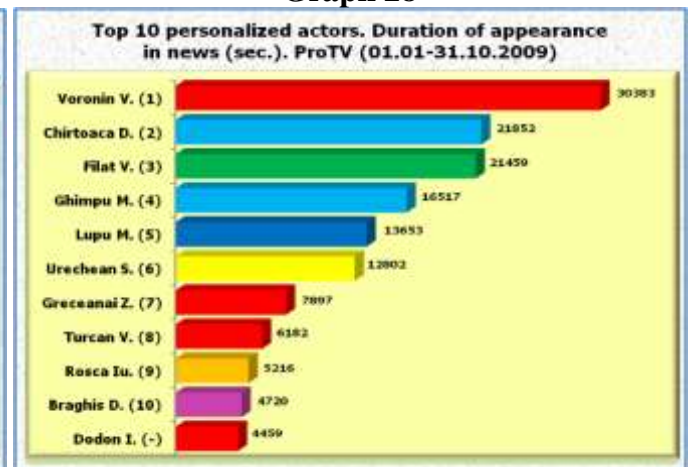


Compared to the general ranking, the only change at ProTV intervenes in the top duration of appearances of political actors: I. Dodon gets out from the first 10 yielding his position to D. Braghiș. ProTV covered V.Voronin (position 1 with 1,948 appearances) 1.3 times more often than the actor on position 2 (V. Filat, 1,472 appearances) and 5.6 times more often than the last actor in the top list (I. Dodon, 349 appearances). The duration V. Voronin's appearances on ProTV (30,383 sec.) is almost 1.4 times more than the duration of D. Chirtoacă's appearances (position 2, 21,852 sec.) and 6.4 times more than the duration of the presence of the last actor from the top (D. Braghiș, 4,720 sec.). The quantity data about the coverage of those 10 top actors by ProTV are shown in graphs 27 and 28.

**Graph 27**



**Graph 28**



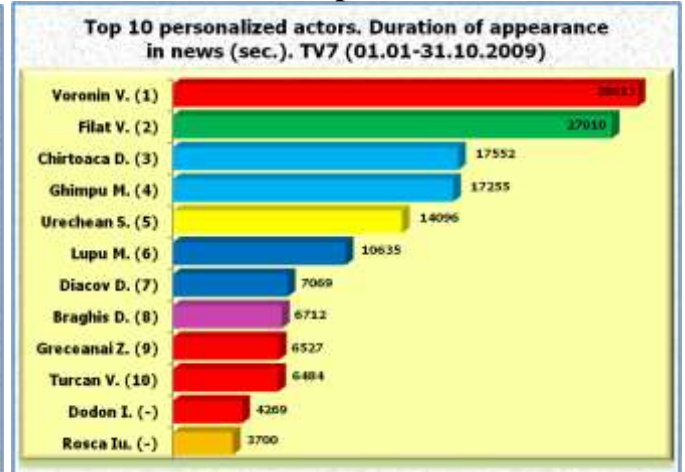
I. Dodon and Iu. Roșca disappear from top 10 on TV7, their positions being overtaken by D. Diacov and D. Braghiș. Also on this television, the PCRM leader held the leading positions at both categories, but the distances between V. Voronin and the following actors are insignificant. TV7 mirrored V. Voronin 1,530 times, and V. Filat (position 2) – 1,479 times. However, the discrepancy between the first and the last actors in the ranking (V. Turcan, 355 appearances) is 4.3 times. The same situation is noticed in terms of duration of appearances. V. Filat (position 2, 27,010 sec.) is at short distance from the holder of the first position (V. Voronin, 28,613 sec.), the PCRM leader enjoying 4.4 times more airtime than V. Turcan (6,484 sec.), who closes up the top 10 ranking of personalized actors (see graphs 29 and 30).



**Graph 29**

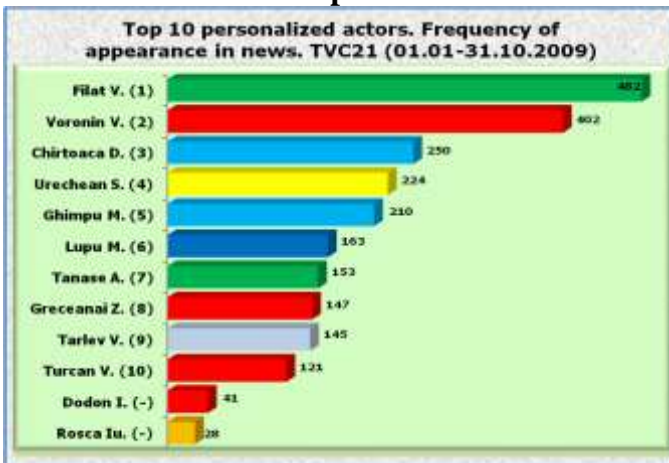


**Graph 30**

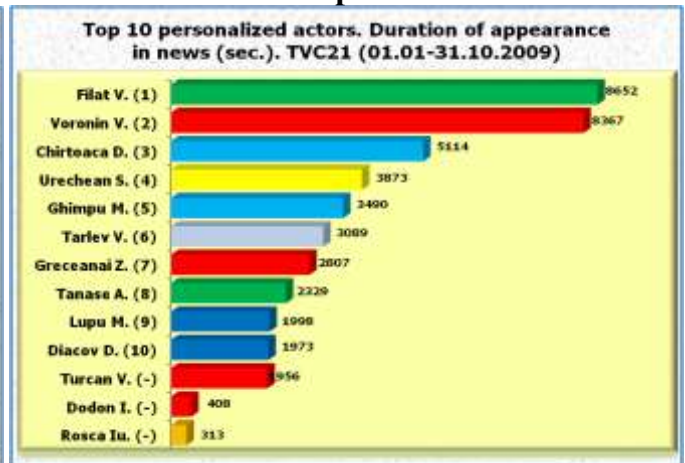


At TVC21, there appear three new actors in comparison with the general ranking and namely, A. Tănase, V. Tarlev and D. Diacov. Consequently, ousted from the top 10 list were Iu. Roșca, I. Dodon and V. Țurcan (the latter remain in the frequency top list, however). TVC21 gave priority to V. Filat (position 1 with 482 appearances) mirroring him 1.2 times more often than the actor on position 2 (V. Voronin, 402 appearances) and about 4 times more often than the last actor from the top list (V. Țurcan, 121 appearances). V. Filat leads also in term of appearances with 8,652 sec, slightly more than those 8,367 sec. of V. Voronin’s presence (position 2), and the discrepancy between the time of covering the PLDM leader and the last actor from the top (D. Diacov, 1,973 sec.) is 4.4 times (see graphs 31 and 32).

**Graph 31**

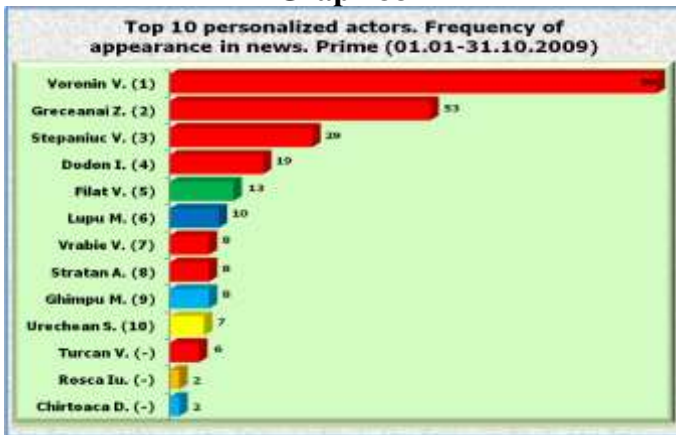


**Graph 32**

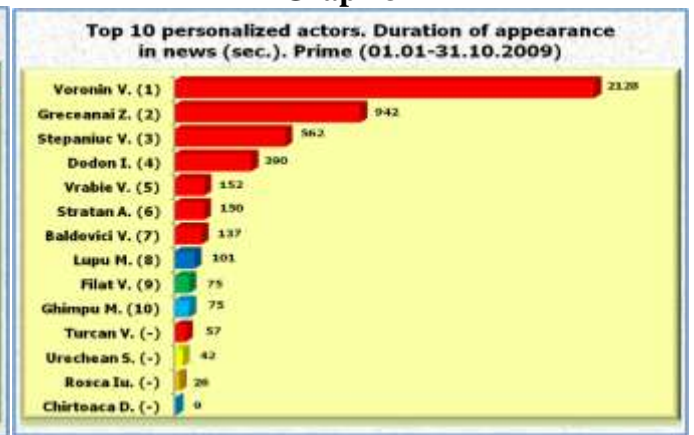


At Prime, the respective discrepancies are significant, and the imbalance of presenting the political actors is rather obvious, as is shown by the data from graphs 33 and 34. Thus, the first 7 actors from the top 10 list, by duration of appearances, represent a single political color – the Communist rule.

**Graph 33**



**Graph 34**



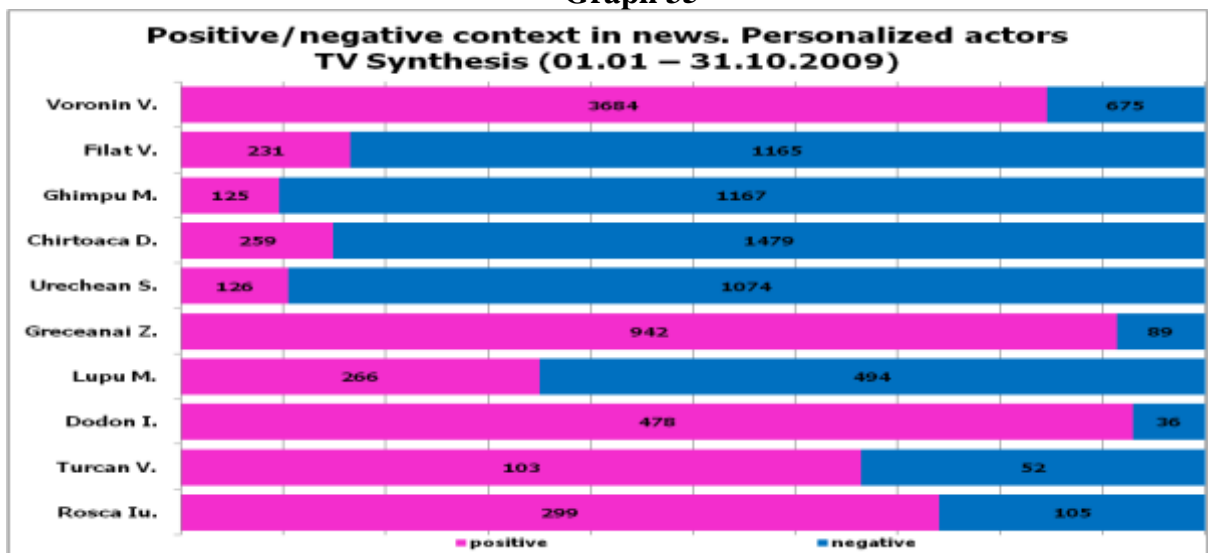
**Personalized actors. Quality indices: positive/negative context**

The mostly covered personalized political actor, in a positive context, in news, was Vladimir Voronin. According to general data, during the reference period, the former president had 3,684 TV appearances in a positive context, and the other 9 top actors jointly gathered 2,829 appearances in a positive context. About half of the appearances in a positive context V. Voronin got on NIT (1,803), other 1,540 appearances being accounted for by 2 televisions: N4 (775) and Moldova 1 (765). Positions 2 and 3 in this ranking were occupied by other two PCRM representatives, Z. Greceanai (942) and I. Dodon (478).

Four personalized political actors were covered in a negative context: D. Chirtoaca (1,479), M. Ghimpu (1,167), V. Filat (1,165) and S. Urechean (1,074), who jointly gathered 4,885 appearances in a negative context in the newscasts of all the monitored TV stations. About 63 % of the appearances in a negative context of those political actors were accounted for by N4 (1,853) and NIT (1,217). Moldova 1, the third station in terms of intensity of negative coverage, presented those four actors 637 times.

The frequency of appearances in a positive/negative context of the top actors in the news is broken down in graph 35.

**Graph 35**



**Personalized actors. Quality indices: favoring/disfavoring attitude**

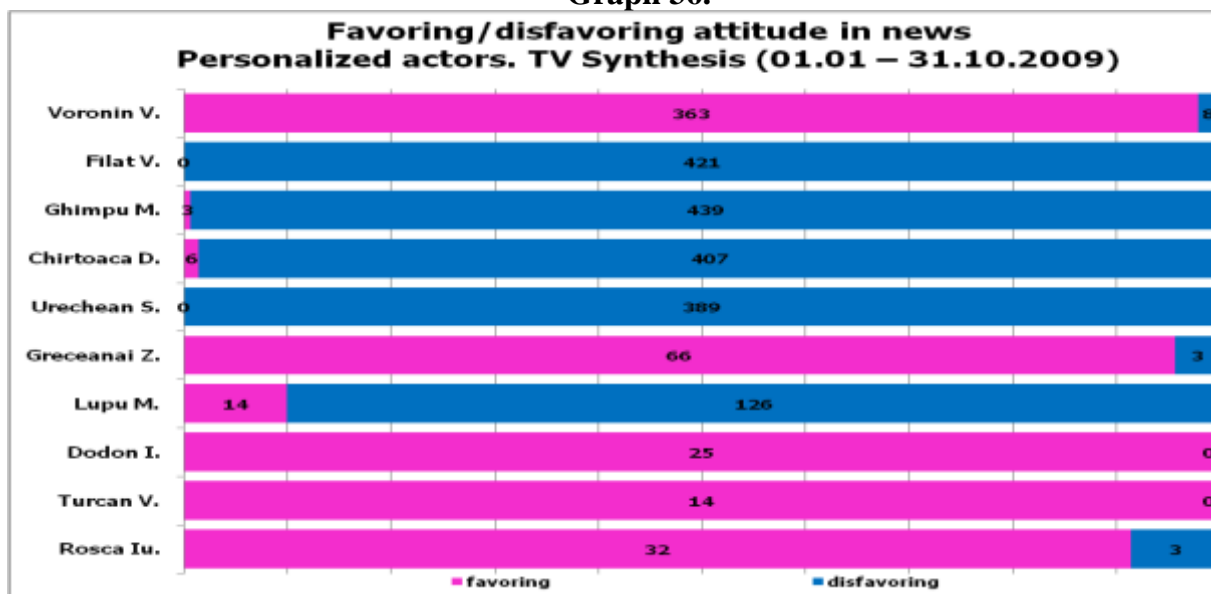
Vladimir Voronin was the most favored political actor in news (363 times) on all the watched televisions, at a big distance from the following 2 actors in the top list, Zinaida Greceanai (66 times) and Iurie Roşca (32 times). Half of the favoring attitudes towards V.

Voronin (182 times) were found on NIT. Moldova 1 favored V. Voronin 93 times, N4 – 69 times and EuTV – 19 times. Z. Greceanăi was favored in the news by the same 4 televisions, and Iu. Roșca – only on EuTV.

Most of the disfavoring attitudes were noticed in relation to five personalized political actors: M. Ghimpu (439), V. Filat (421), D. Chirtoacă (407), S. Urechean (389) and M. Lupu (126). The televisions massively disfavoring those 5 actors were NIT and N4: M. Ghimpu (224 and 181), V. Filat (194 and 177), D. Chirtoacă (250 and 132), S. Urechean (162 and 163) and M. Lupu (84 and 42).

The frequency of the favoring/disfavoring attitudes displayed by televisions towards the top actors in news is shown in graph 36.

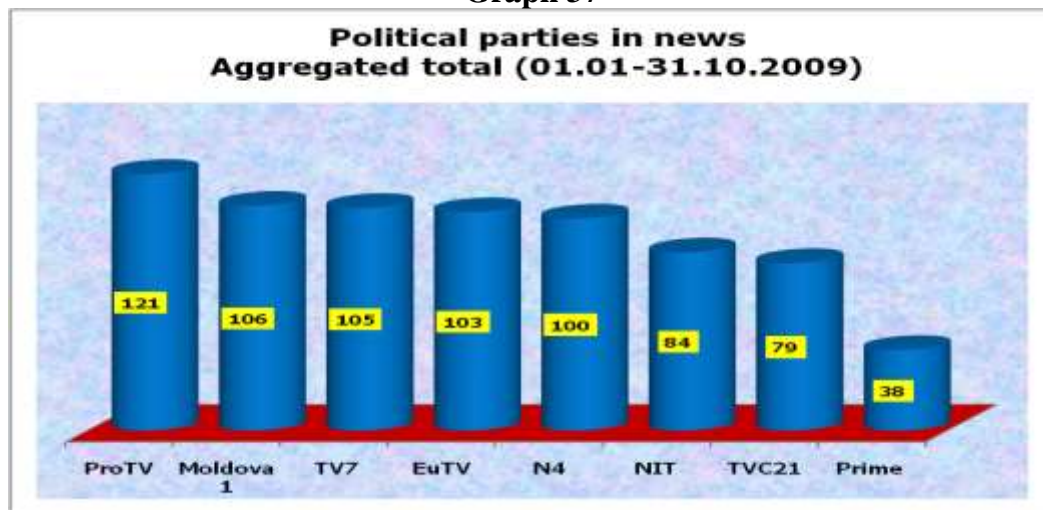
**Graph 36.**



**Political parties. General data**

During the reference period, the largest number of political parties was covered by ProTV. At this television, the aggregated total including the number of political parties covered during those 9 reporting periods rose to 121. Other four televisions recorded close indices: Moldova 1 (106), TV7 (105), EuTV (103) and N4 (100). The general picture is presented in graph 37.

**Graph 37**



By the number of the parties presented in the news, ProTV ranked the first in five of those nine reporting periods, Moldova 1 – in 3, TV7 – in 2, and EuTV – in 1 of the monitored periods. ProTV recorded the best result during the electoral race ending in the 5 April 2009 elections (20 parties), being followed by Moldova 1 and TVC21, both with 19 mirrored parties each. During the campaign for the early parliamentary elections, Moldova 1 covered the largest number of parties in the news (17), the following positions being occupied by EuTV, N4 and ProTV, all with about 16 political parties presented in the news (see table 3).

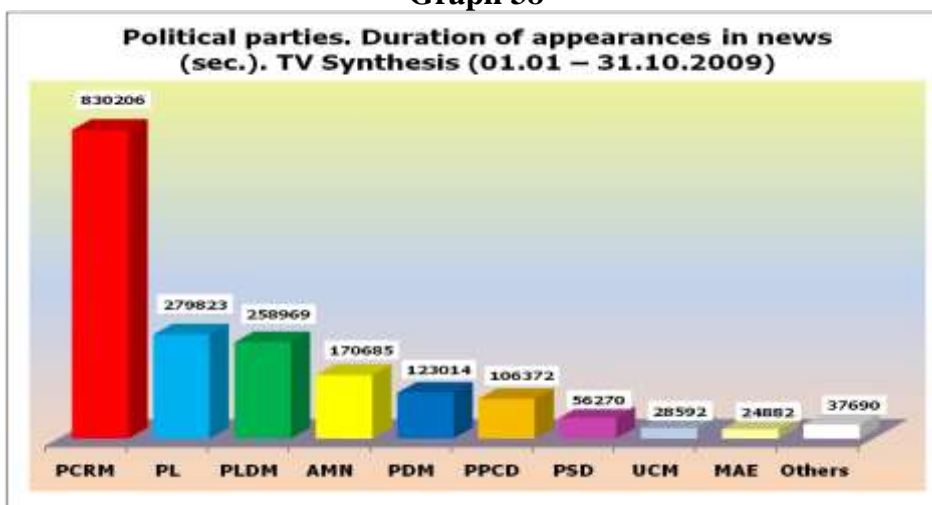
**Table 3. Political parties in news**

Periods / TV	EuTV	Moldova 1	N4	NIT	ProTV	TV7	TVC21	Prime
01.01-03.02.09	9	8	12	10	14	12	12	-
04.02-05.04.09	14	19	17	13	20	17	19	2
06.04-30.04.09	10	12	10	8	10	10	9	4
01.05-31.05.09	15	10	9	8	17	14	13	4
01.06-16.06.09	12	11	8	7	12	8	-	5
17.06-29.07.09	16	17	16	12	16	15	7	10
30.07-31.08.09	10	9	9	9	10	11	-	8
01.09-30.09.09	10	9	9	10	12	7	11	5
01.10-31.10.09	7	11	10	7	10	11	8	-
<b>Aggregated total: 01.01-31.10.09</b>	<b>103</b>	<b>106</b>	<b>100</b>	<b>84</b>	<b>121</b>	<b>105</b>	<b>79</b>	<b>38</b>

**Political parties. Quantity indices: frequency and duration of appearances**

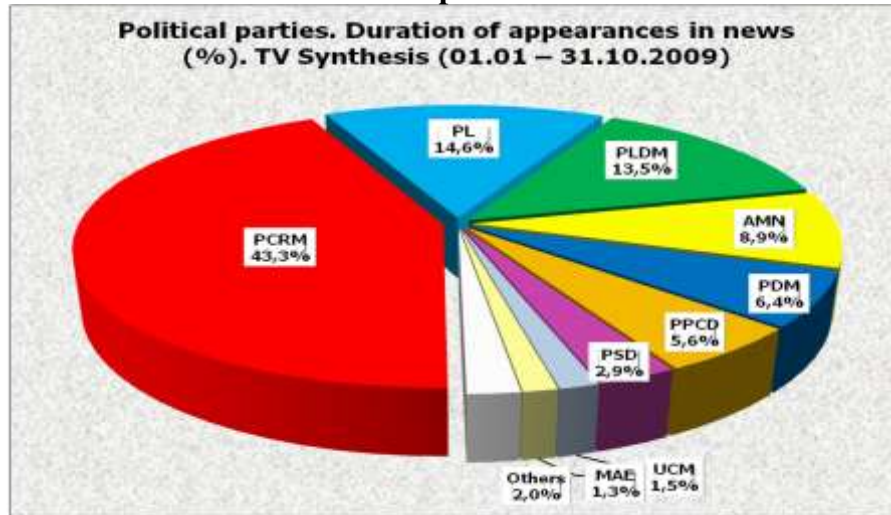
From 1 January through 31 October 2009, the most covered political party on all the televisions was the PCRM. The Communists' visibility was distantly superior to other parties both as frequency (37,312 appearances) and, especially, as duration of appearances, which raised to 230 h. The coverage airtime from which the PCRM representatives benefited (830,206 sec.) is comparable to the joined duration of the PL, PLDM, AMN and PDM (832,483 sec. or about 231 h), ranking on the following 4 positions. The PL had 17,730 appearances on TV with the duration of about 78 h, the PLDM – 15,817 appearances during 72 h, AMN – 11,665 appearances during over 47 h, and the PDM – 7,972 appearances during 34 h. In the ranking of the mostly covered parties as actors, there are also the PPCD (29.5 h), PSD (15.6 h), UCM (8.1 h) and MAE (6.9 h). The other political parties covered in the news (Ravnopravie, PSMMPR, PEMAVE, PNL, PPR, PC, PDSMU, PPNT, PUM, PAM, PLD, UMPR, PRM) jointly gathered about 10 h (see graph 38).

**Graph 38**



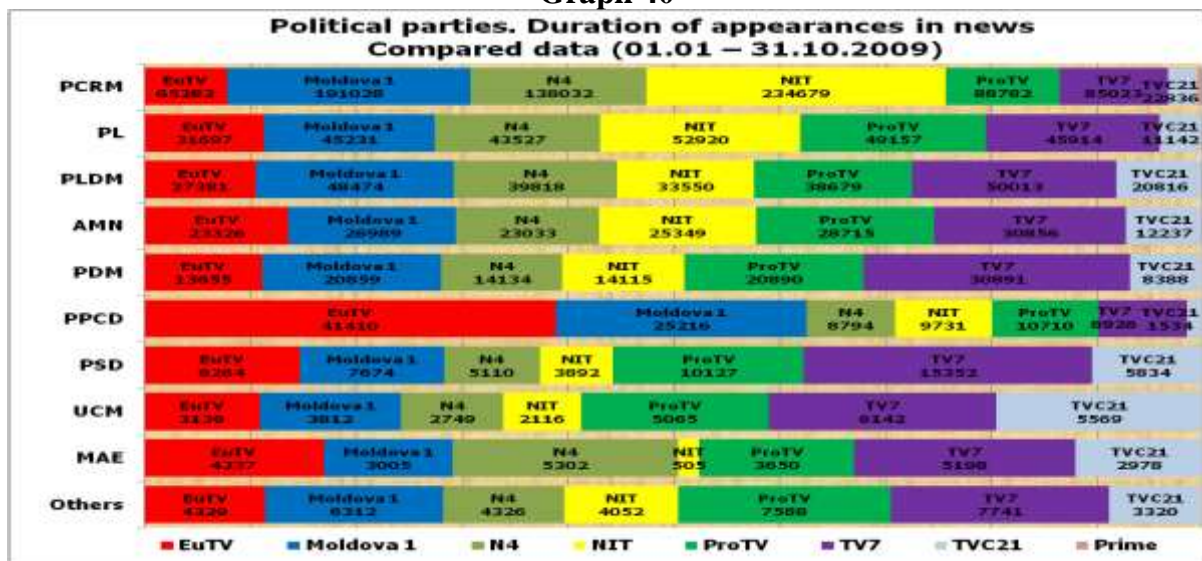
The PCRM gained 43.3% of the general duration of the airtime offered by the monitored televisions to the political parties. The PL (14.6%), PLDM (13.5%), AMN (8.9%) and PDM (6.4%) jointly had 43.4% from the total duration of the appearances of the representatives of the political parties in TV news (see graph 39).

Graph 39



The monitoring results show that the PCRM is on the first position in terms of appearances on all those 8 televisions. It's worth remarking that of those 230 h representing the general duration of TV appearances of the PCRM representatives, 118 h, i.e. over a half (51.2%) rest with two televisions: NIT (65.18 h) and Moldova 1 (53.06 h). The third television by duration of covering the PCRM is N4 (38.34 h). EuTV offered the PCRM about 18 h, and ProTV and TV7 – about 23-24 h. The PL was mostly covered on NIT (14.7 h, i.e. 18.9% of the party's total duration). The PLDM and AMN had the best time on TV7 (respectively: 13.8 and 8.5 h, i.e. 19-18% of the parties' totals). The PDM recorded the longest duration on TV7 (8.5 h), which is ¼ of the party's general total. About 39 % of the general duration of the PPCD's appearances (11.5 h of the total of 29.5 h) are accounted for by a single television – EuTV. The general picture of the quantity presence of political parties in news on the monitored televisions is shown in graph 40.

Graph 40

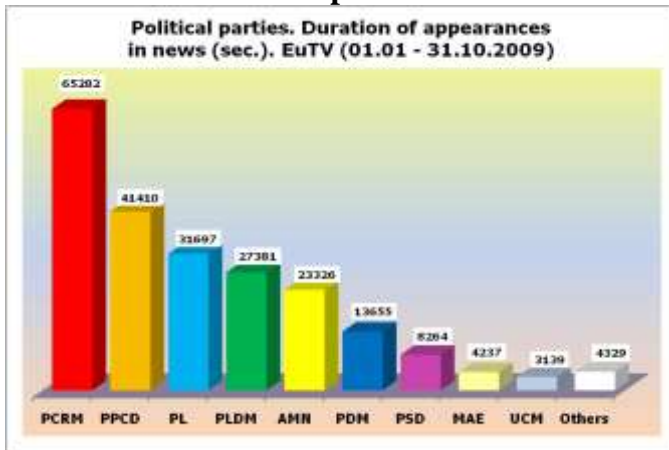


With some exceptions, the most covered political parties, according to general data, are present on every monitored TV service, as a rule, in the order established by the general ranking. Some televisions covered the political parties in an imbalanced mode, other showed relative equilibrium. These different approaches are found especially in the discrepancies existent between the duration of covering the first party (PCRM) and the second, of the first and the other parties not being in the top list, and between the opposition/government relation and vice versa.

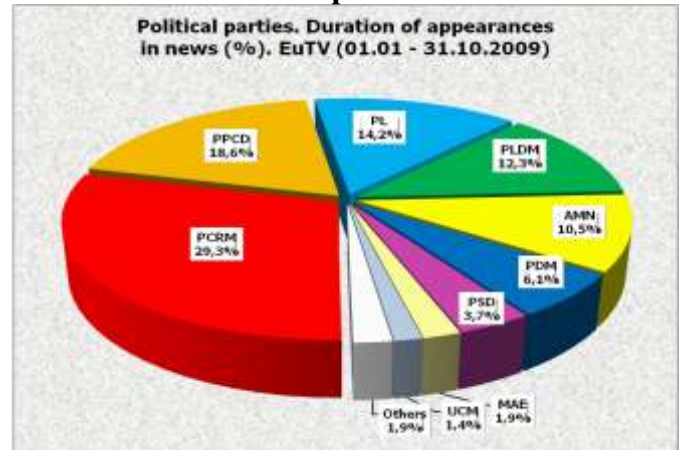
EuTV offered the PCRM more than 18 h of news broadcasting (29.3% of the total), i.e. 1.5 times more than the PPCD, which was on the second position (11.5 h) and 15 times more than it allotted to the other parties, outside the top list. The AIE member parties (with an aggregated total of about 26 h) had 1.4 times more coverage time on EuTV than the PCRM. It's worth mentioning, that on this TV station, the PPCD held a share of 18.6% of the airtime allotted to mirror political parties in the circumstances of a general average of 5.6% on the background of all the televisions.

The quantity data about EuTV's covering the political parties are shown in graphs 41 and 42.

**Graph 41**

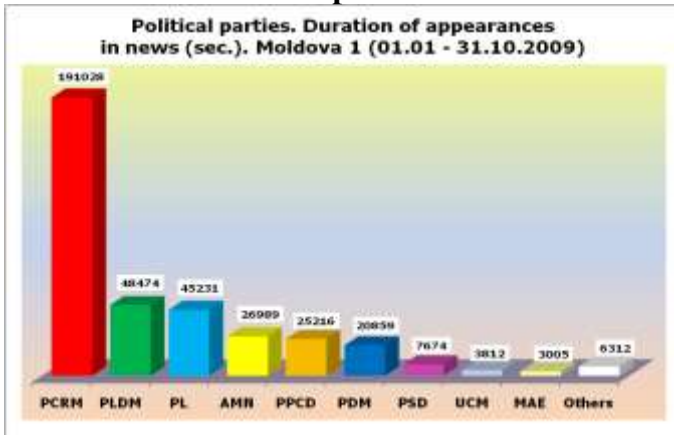


**Graph 42**

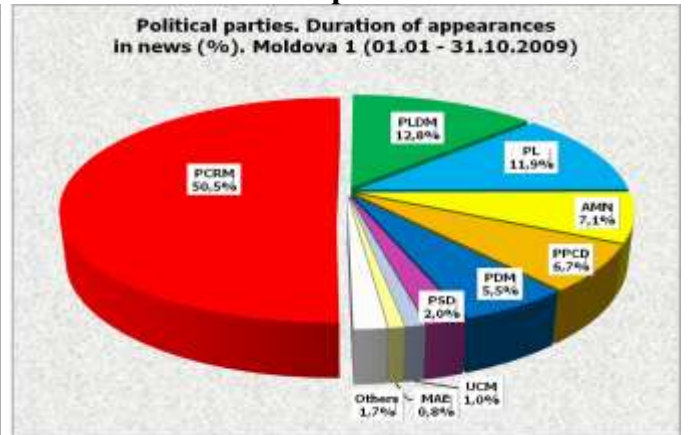


Moldova 1 granted the PCRM more than a half of all the airtime allotted to all the political parties. The public station covered the PCRM in news about 53 h, i.e. 3.9 times more than the time granted to the party on the second position (PLDM with 13.4 h) and 30 times more than the time offered to other parties outside the top list. At the same time, Moldova 1 offered the PCRM 1.3 times more coverage than to all those four parties from the AIE all together (PL, PLDM, AMN and PDM have a total of 39 h). The quantity data about covering the political parties by Moldova 1 are shown in graphs 43 and 44.

**Graph 43**

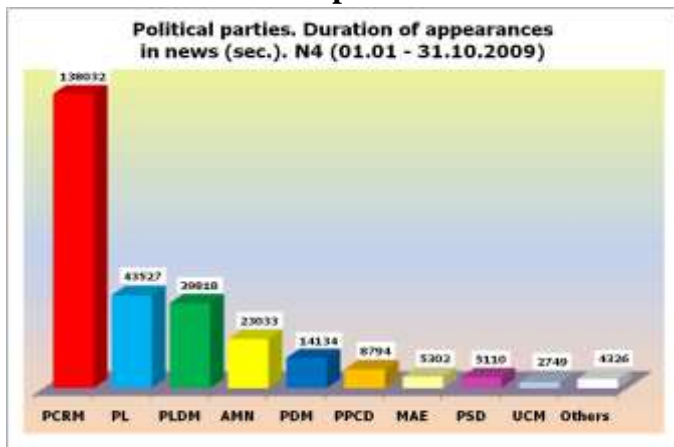


**Graph 44**

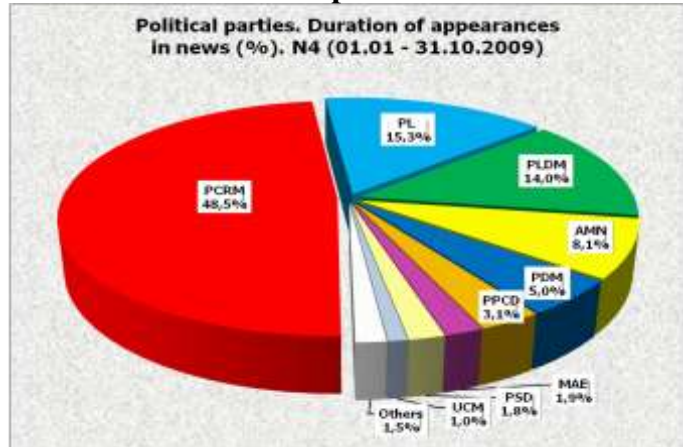


N4 offered the PCRML almost half of the coverage allotted to all the political parties (38 h or 48.5% of the total). The PCRML was covered in N4's news 3.1 times more than the party on position 2 (the PL, about 12 h) and 31.9 times more than the other parties outside the top list. N4 also granted the PCRML 1.1 times more coverage time (with about 5 h more) than to those four parties from the AIE all together (aggregated total – 33 h). The quantity data about N4's coverage of political parties are shown in graphs 45 and 46.

**Graph 45**

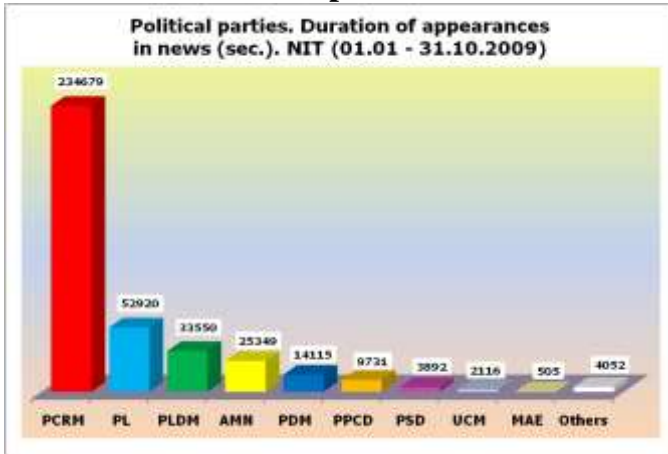


**Graph 46**

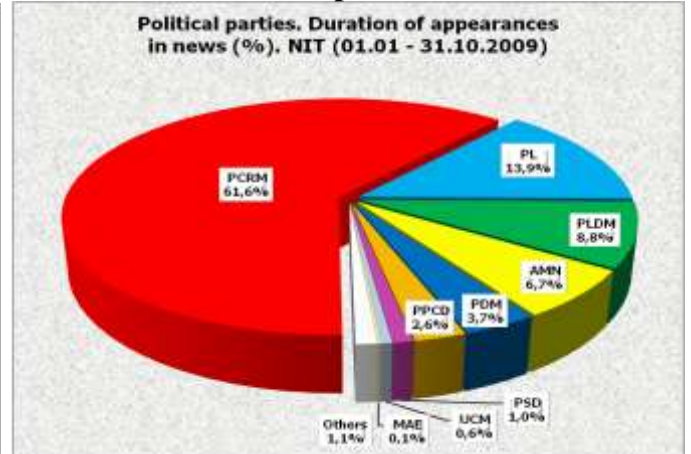


NIT granted a single party (PCRML, 61.6% of total airtime) much more time than to all the parties all together (38.4%). The share of 65 h offered to the Communists is 4.4 times more than the share allotted to the PL (under 15 h or 15.3% of the total), the party on position 2 and 57.9 times more than the time allotted to the other parties outside the top list. NIT also granted the PCRML 1.8 times more time (about 30 h more) than to all those four parties from the AIE, which jointly gathered about 35 h. The quantity data about NIT's coverage of the political parties are shown in graphs 47 and 48.

**Graph 47**

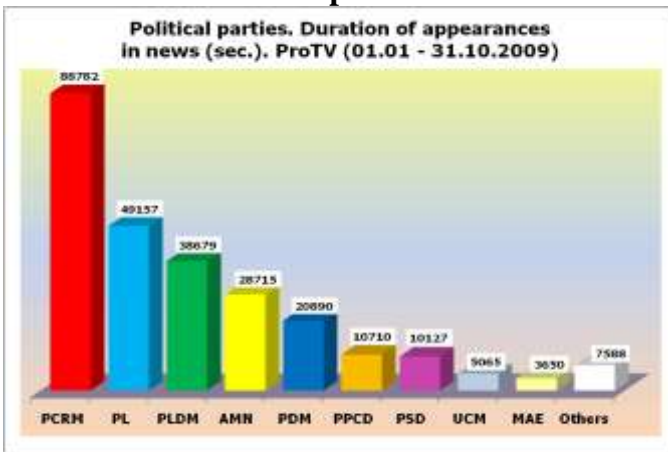


**Graph 48**

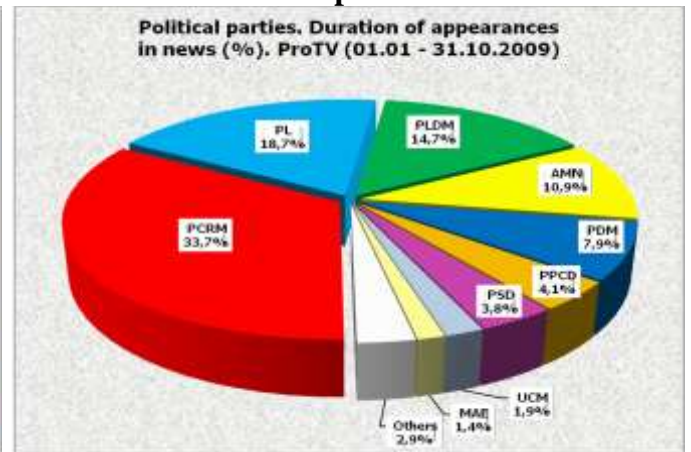


ProTV covered the PCRML during about 25 h (33.7% of the total) i.e. 1.8 times more than the duration of the appearances of the party on the second position (the PL with 13.6 h or 18.7% from the total) and 11.7 times more than the duration of the appearances of the parties outside the top list (slightly more than one hour). On this TV station, the parties from the AIE jointly have 38 h, with 13 h more or 1.5 h more than the PCRML. The quantity data about the coverage of the political parties by ProTV are displayed in graphs 49 and 50.

**Graph 49**



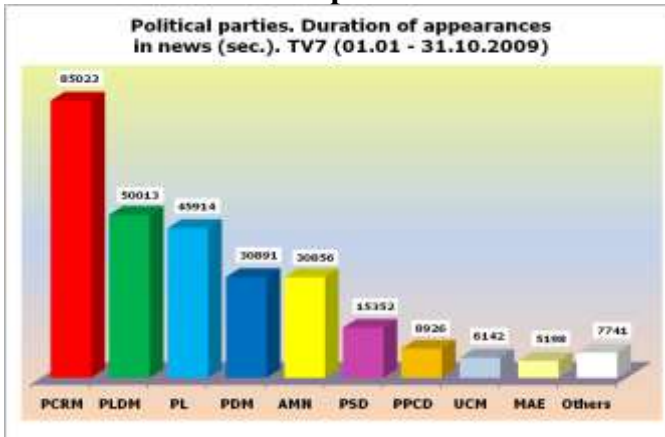
**Graph 50**



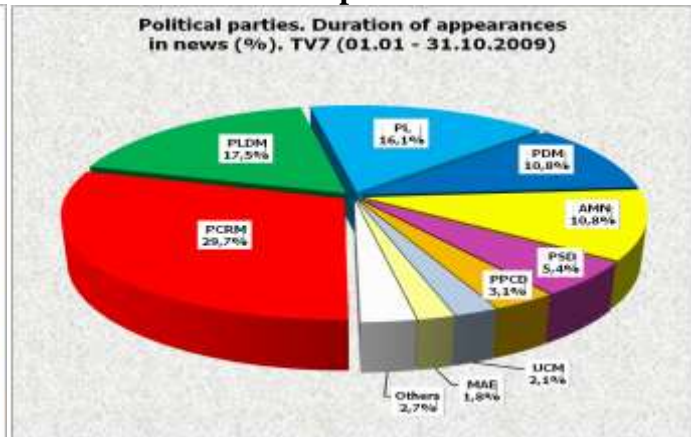
TV7 covered the PCRML during 23 h (29.7% from the total) i.e. 1.7 times more than the duration of the appearances of the party on the second place (the PLDM with 13.8 h or 17.5% from the total) and 10.9 times more than the duration of the appearances of the parties outside the top list all together (slightly more than one hour). On TV7, the AIE parties jointly gathered 43.7 h, with 14 h more than or 1.8 times more than the PCRML. The quantity data about the coverage of the political parties by TV7 are shown in graphs 51 and 52.



**Graph 51**

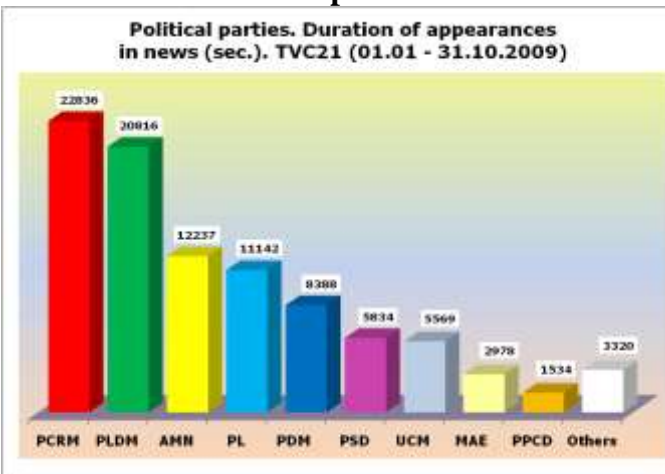


**Graph 52**

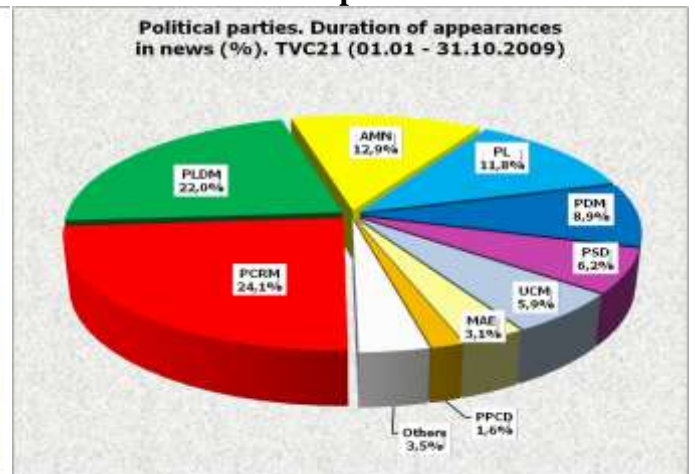


TVC21 also allotted the widest coverage to the PCRM (6.3 h i.e. 24.1% from the total) approximately by half an hour more than the party on the second position (the PLDM with 5.7 h or with 22.0% from the total). The time allotted to the PCRM is 6.8 times more than the duration of the presence of the parties outside the top list, which gathered 55 minutes all together. At TVC21, the joint duration of the AIE parties' appearances (14.6 h) is 2.3 h more than the duration of the PCRM's appearances. The quantity data about the coverage of the political parties by TVC21 are displayed in graphs 53 and 54.

**Graph 53**

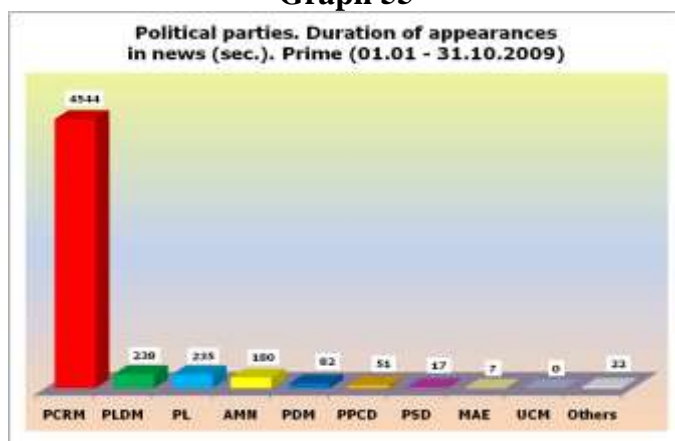


**Graph 54**

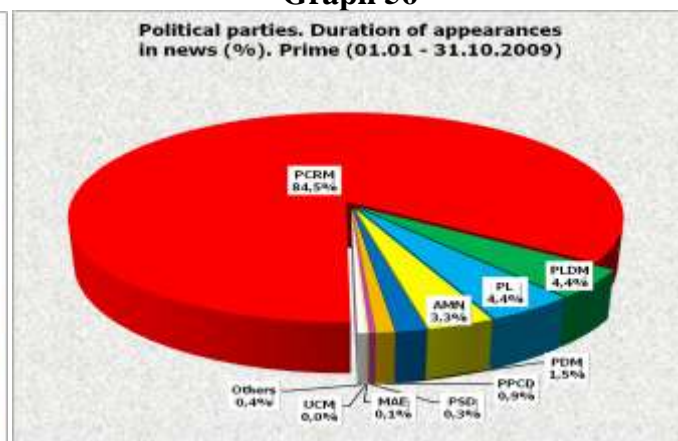


Prime covered the PCRM during about 1.2 h, but this time is 84.5% of the total duration of the appearances of political parties on this TV channel. The imbalance of presenting the political parties is obvious on this station, as is shown in graphs 55 and 56.

**Graph 55**



**Graph 56**



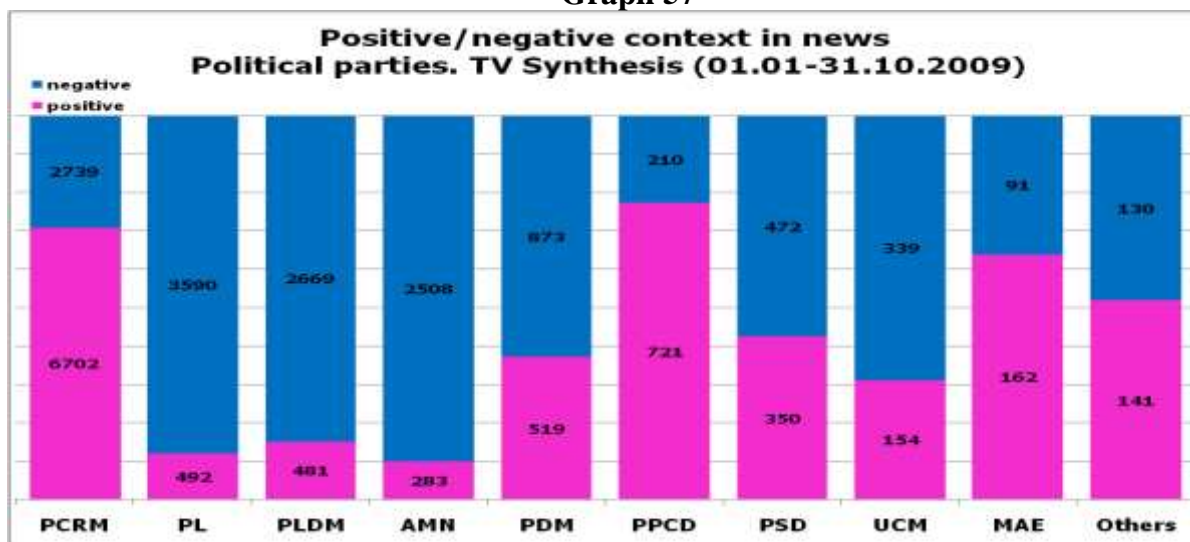
**Political parties. Quality indices: positive/negative context**

The mostly covered political party, in a positive context, in news was the PCRML. According to general data, during the reporting period, the PCRML enjoyed 6,702 TV appearances in a positive context, over 2 times more than the other political parties all together (3,303 appearances). About half (46.1%) of the PCRML's appearances in a positive context were aired by NIT (3,090), other 2,812 appearances were insured by 2 televisions: Moldova 1 (1,447) and N4 (1,365). The PPCD is on position 2 in this ranking with 721 appearances in a positive context, of which over a half (383 or 53.1% of the party's total) rest with one television (EuTV). The PDM was on the second position with 519 appearances (of which 292 or 56.2% on TV7), followed by the PL (492), the PLDM (481), the PSD (350) and the AMN (283).

In a negative context, the mostly covered was the PL with 3,590 appearances, 65% of those occurring on two televisions: N4 (1,286) and NIT (1,025). The PCRML is on the second position in the top list of the parties presented in a negative context (2,739 times), closely followed by the PLDM (2,669) and the AMN (2,508). The PCRML gathered most of the mentions in a negative context on ProTV (1,061) and TV7 (1,016). The PLDM and AMN gained the largest number of negative context mentions on N4 and NIT, and on EuTV and Moldova 1.

Three parties (PCRML, PPCD and MAE) were covered in a positive context more than in a negative context. As for the PPCD, the positive/negative relation is 3.4 : 1, for the PCRML – 2.4 : 1, and for MAE – 1.7 : 1. Six parties from those nine from the top list were covered in a negative context more than in a positive context. As for AMN, the positive/negative relation is 1 : 8.8, for the PL – 1 : 7.2, for the PLDM – 1 : 5.5, for the UCM – 1 : 2.2, for the PDM – 1 : 1.6, for the PSD – 1 : 1.3. The parties outside the top list were covered in a relatively balanced manner (about 1 : 1) in both positive and negative contexts (see graph 57).

Graph 57

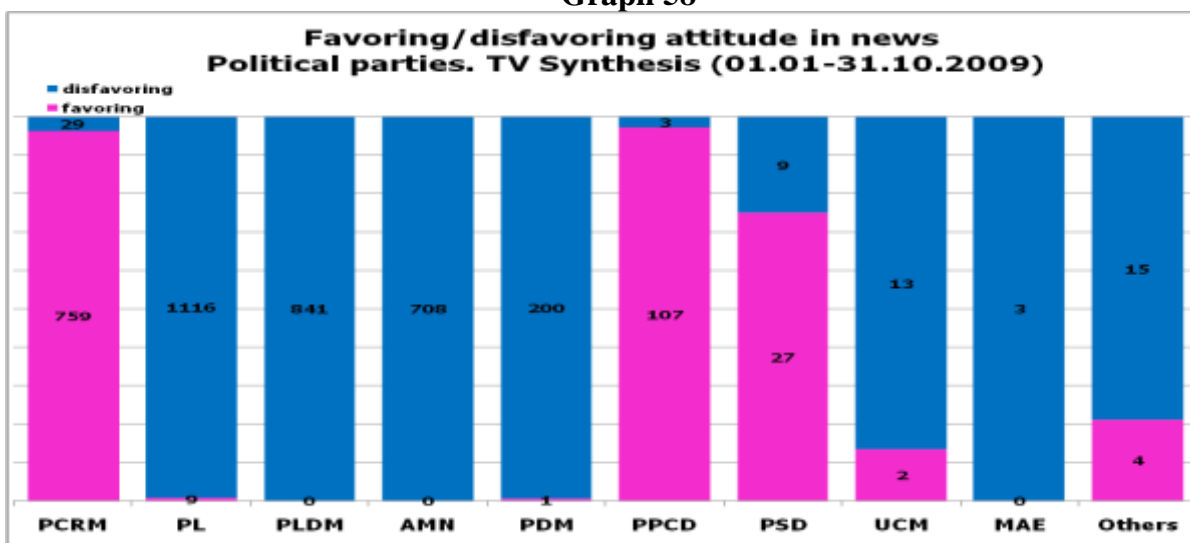


**Political parties. Quality indices: favoring/disfavoring attitudes**

The PCRM was the most favored political party in the news (759 times) on all the monitored TV stations, at a big distance from two other parties, which enjoyed privileged treatment on the part of televisions, the PPCD (107 times) and the PSD (27 times). Half of the favoring attitudes towards the PCRM (391) were seen on NIT. Moldova 1 favored the PCRM 174 times, N4 – 158 times and EuTV – 36 times. Besides the EuTV, at which it benefited from 96 of those 107 favoring attitudes, the PPCD was also favored in the news from Moldova 1 and N4. The PSD was favored in the news of all the televisions barring ProTV, TV7 and Prime.

The most disfavoring attitudes were displayed by the televisions towards three political parties: the PL (1,116), the PLDM (841) and AMN (708). These three parties were massively disfavored on NIT (PL – 579, PLDM – 346 and AMN – 238 times) and N4 (PL – 435, PLDM – 368 and AMN – 307 times). A significant number of tendentious attitudes towards the same three parties were displayed on EuTV (PL – 35, PLDM – 90 and AMN – 96 times) and Moldova 1 (PL – 67, PLDM – 36 and AMN – 61 times). Also the PDM (200 times) enjoyed biased treatment on the part of the same four televisions, but preponderantly on NIT (118 times) and N4 (72 times). The frequency of favoring/disfavoring attitudes displayed by televisions towards political parties in the news is shown in graph 58.

Graph 58



### **Programs. General data**

From 01 January through 31 October 2009, except from 2 Plus, all the monitored televisions aired programs with political actors. At the same time, it's worth mentioning that some televisions (N4, TV7) were not constantly present on the segment of programs with the presence of political actors during all those 10 monitored months, while others (TVC21, Prime) had but one-two programs during this period. During the reference period, jointly, those 8 televisions aired 89 program series (talk-show, magazine, rubrics, special editions, documentary, other genres of programs in which the presence of political actors was noticed) with the general duration of about 720 h (2,591,618 sec.)

Moldova 1 is leading by number of program series (40) in which they referred, directly or indirectly, to political players. NIT aired 13, EuTV – 12, TV7 – 9, N4 – 7, and ProTV – 6 program titles. Prime (once) and TVC21 (twice) aired by 1 program series presenting political actors.

EuTV allotted the longest time to programs with political actors (about 243 h), being followed by Moldova 1 with about 213 h. ProTV is on position 3 in this ranking with the duration of the programs of about 124 h. NIT and N4 aired programs during 56 and 51 h, respectively, and TV7 aired about 30 h of programs of this type.

ProTV is the television with the longest duration of the programs of appearances of political players, both direct or indirect. Its program “În profunzime” gathered about 116 h of broadcasting during the reference period. The following positions were held by 3 programs from EuTV: “Media Expres” with 102 h, Epicentru with 67 and Post Factum with 36 h. The Press Review aired N4 holds position 5 in this top list with 35 h. It's followed by the series “Rezonans” with 33 h, but it was aired by two televisions: 22 h on NIT and about 11 h on Moldova 1. At the national public station, according to this ranking, the first 3 programs are “Vector european” aired during about 23 h, “La datorie” and “Zona Liberă”, which got respectively, 17 and 16 h of broadcasting. The program “Maxima” from NIT was aired during 16 h during the reporting period and, on TV7, the longest program was Obiectiv – Europa with 14 h.

### **Political actors in programs**

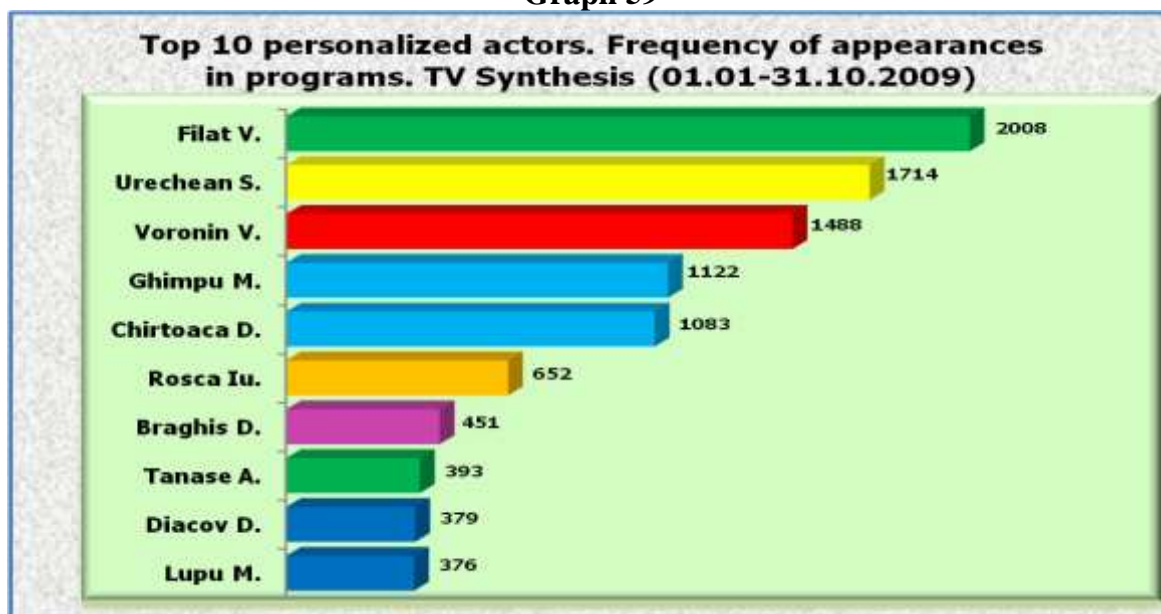
The most covered personalized political actors in the news (top 10), with certain exceptions, are found in the top of the rankings of frequency and duration in programs, too.

### **Personalized actors. Quantity indices: Frequency and duration of appearances**

As was in the newscasts, in programs, PCRM leader Vladimir Voronin remained the mostly covered political actor as for the duration of appearances on all the watched televisions, but he lost the leading position in terms of frequency. In programs., the former president's visibility was not so distant in relation to other top actors, as it happened in the news. In terms of the classification of the mostly covered 10 personalized actors in the programs of the monitored televisions (frequency and duration of appearances) there are 3 PCRM representatives, by 2 representatives of the PL, PLDM and PDM, by one – from AMN, the PSD and the PPCD.

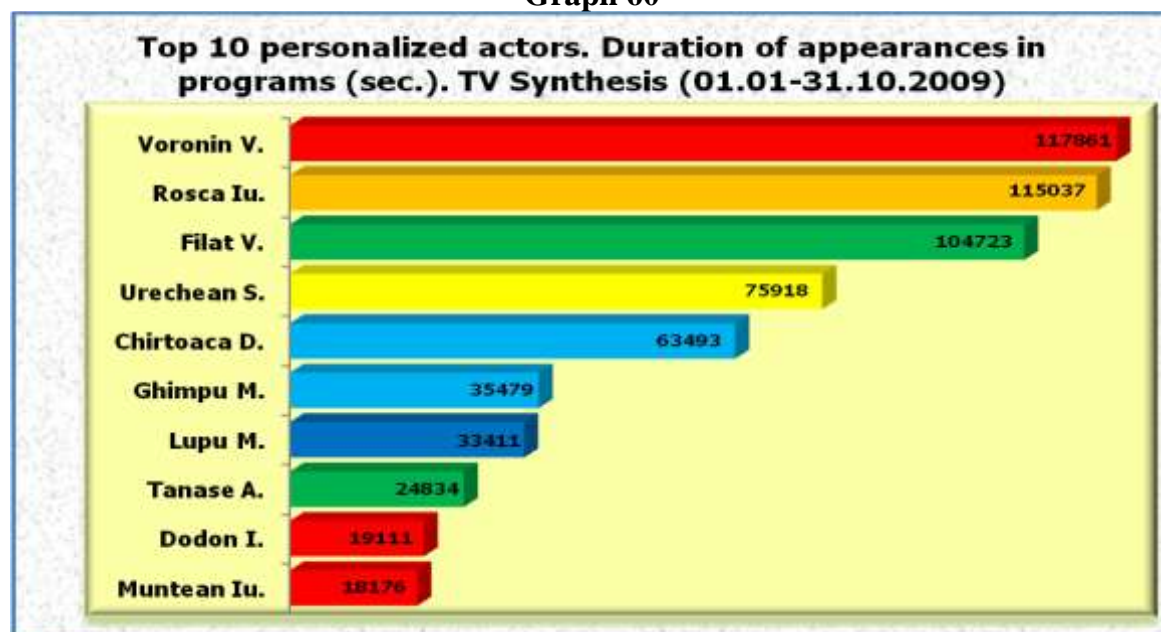
Although leading in terms of appearances in the news, Vladimir Voronin is but on position 3 in the top 10 list, by frequency of appearances in programs (1,488) being overcome by Vlad Filat (position 1 with 2,008 appearances) and Serafim Urechean (position 2 with 1,714 appearances). Positions 4-5 are shared by the PL leaders, Mihai Ghimpu (1,122 appearances) and Dorin Chirtoacă (1,083 appearances). PPCD president Iurie Roșca (652 appearances) is on position 6, the last 4 positions from top 10 list being held by Dumitru Braghiș, Alexandru Tănase, Dumitru Diacov and Marian Lupu (see graph 59).

Graph 59



In terms of category of appearances, Vladimir Voronin holds the first position with 32.7 h (117,861 sec.), being followed at short distance by Iurie Roșca with 31.9 h (115,037 sec.) and Vlad Filat with about 29 h (104,723 sec.). Positions 4-5 were held by Serafim Urechean (75,918 sec. or 21 h) and Dorin Chirtoacă (63,493 sec. Or 17.6 h). Mihai Ghimpu (35,479 sec.) and Marian Lupu (33,411 sec.) gathered similar timing, respectively, 9.8 and 9.2 h. The last 3 top actors, Alexandru Tănase (24,834 sec.), Igor Dodon (19,111 sec.) and Iurie Muntean (18,176 sec.), enjoyed TV presence in programs during 7 and 5 h (see graph 60).

Graph 60



The TV appearances of the top actors in programs on every particular television matches the logic of the editorial approaches shown in the news.

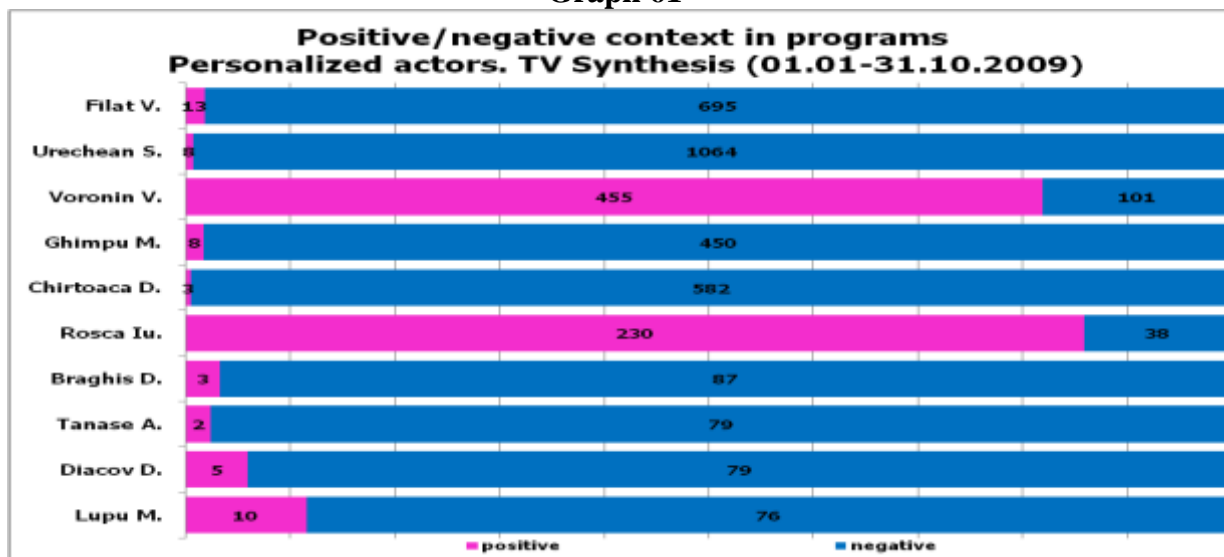
**Personalized actors. Quality indices: positive/negative context**

Vladimir Voronin (455 appearances) and Iurie Roșca (230 appearances) are the most covered personalized actors in a positive context in programs on the general picture of the

monitored televisions. Those two jointly had (685 appearances) about 93 % from the total of appearances in a positive context in programs of the first 10 top actors.

In a negative context, the most references were made to four personalized actors: Serafim Urechean (1,064 appearances), Vlad Filat (695 appearances), Dorin Chirtoacă (582 appearances) and Mihai Ghimpu (450 appearances). Those four jointly have 86% of all the appearances in a negative context of top 10 actors. The frequency of appearances in a positive/negative context of the top actors in programs is shown in graph 61.

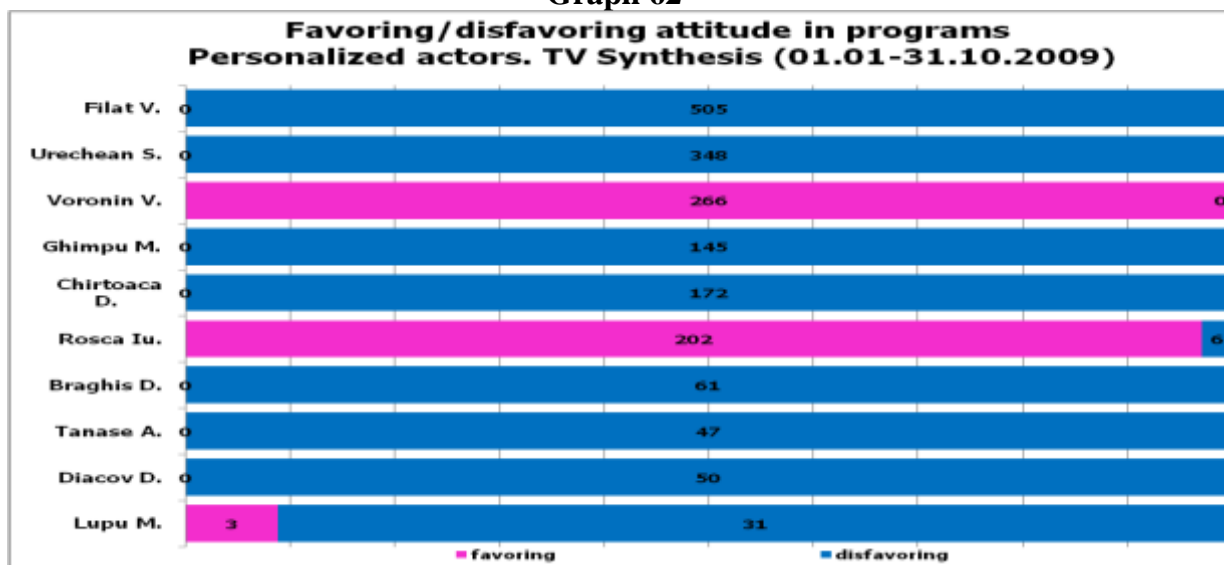
**Graph 61**



**Personalized actors. Quality indices: favoring/disfavoring attitude**

Vladimir Voronin (266 times) and Iurie Roșca (202 times) were the main political actors favored in programs on the general picture of the monitored television. Among the first 10 top actors, only Marian Lupu (3 times) benefited from favoring attitudes on the part of televisions. The frequency of the favoring/disfavoring attitudes shown by the televisions towards the top actors is shown in graph 62.

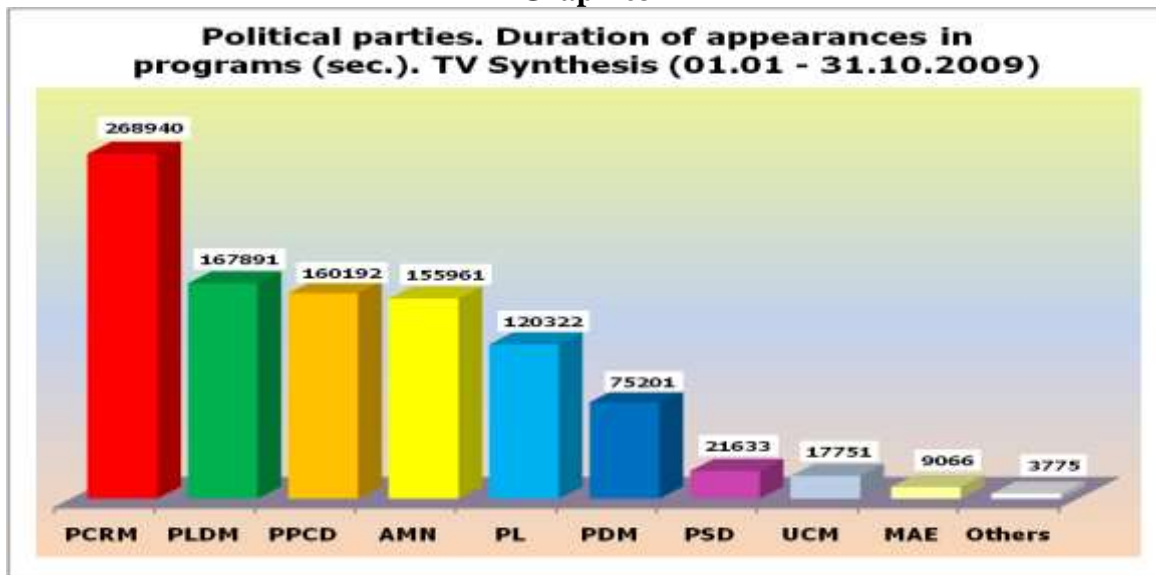
**Graph 62**



**Political parties. Quantity indices: frequency and duration of appearances**

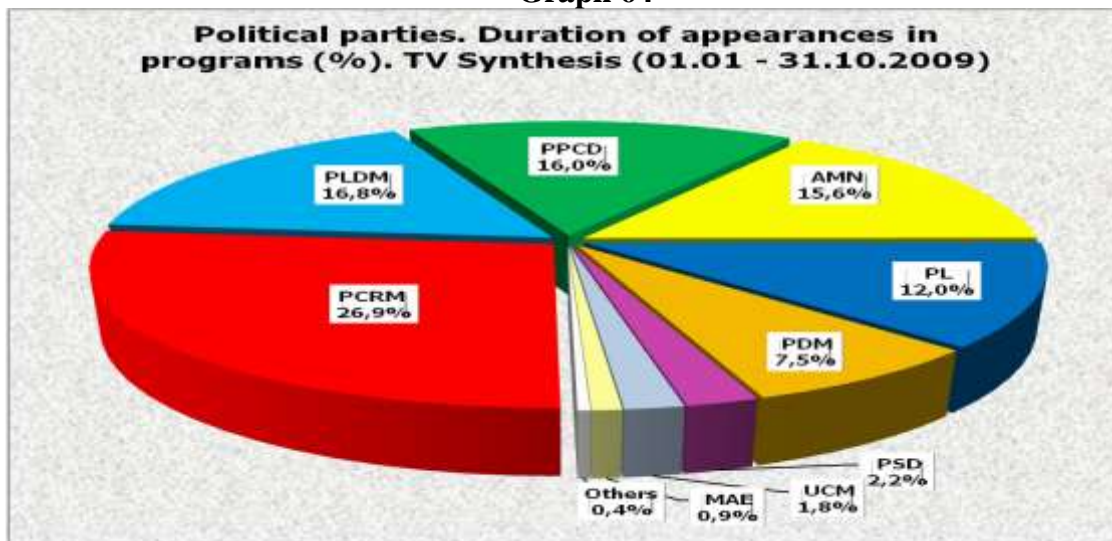
From 1 January through 31 October 2009, the most covered political party in programs on all the televisions was the PCR. The Communists' visibility was highly superior to other parties as actors both in terms of frequency (3,380 appearances) and, especially, as duration of appearances, which amounted about 75 h. The following 3 positions were occupied by the PLDM with 46.6 h, the PPCD with 44.5 h and AMN with 43.3 h. Following are the PL with 22.4 h and the PLDM with 20.8 h. In the ranking of the most covered parties in programs, there are also the PSD (6 h), UCM (5 h) and MAE (2.5 h). The other parties covered in programs jointly gathered slightly more than an hour (see graph 63).

**Graph 63**



The PCR gained 26.9% of the general duration of the airtime allotted in programs to the political parties by the televisions. According to the share in the general duration of the airtime allotted to mirror parties, the other political parties have the following shares: the PLDM (16.8%), the PPCD (16.0%), AMN (15.6%), the PL (12.0%), the PDM (7.5%), PSD (2.2%), UCM (1.8%) and MAE (0.9%). The parties which are not in the top jointly gathered 0.4% from the total duration of appearances of representatives of political parties in programs (see graph 64).

**Graph 64**

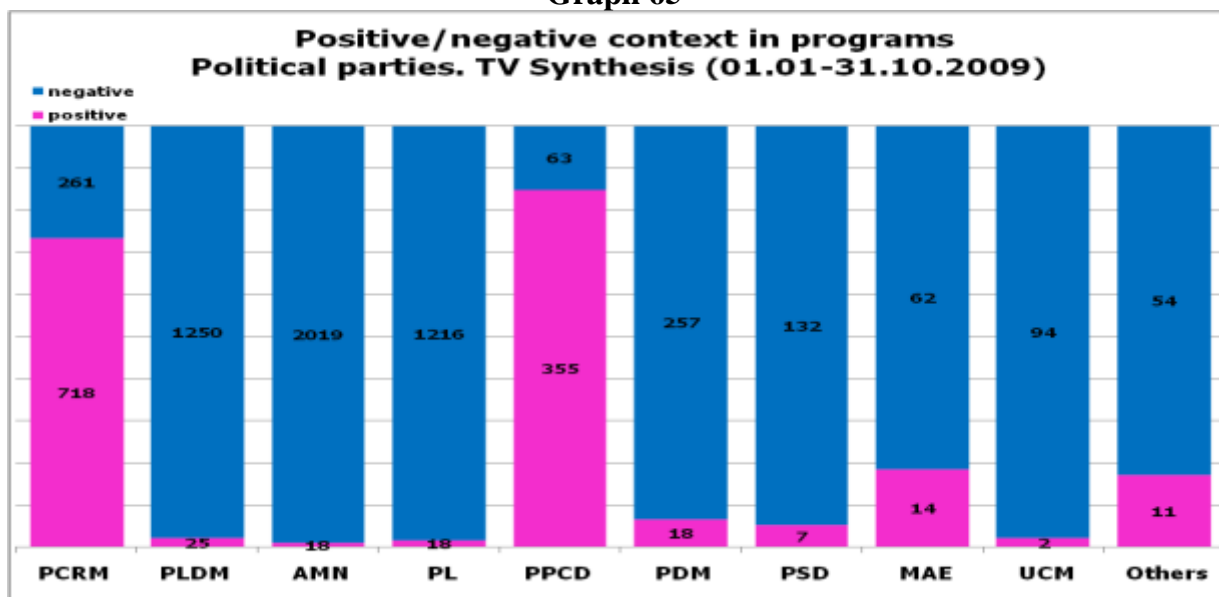


**Political parties. Quality indices: positive/negative context**

The PCRM (718 times) and the PPCD (355 times) are the most covered political parties, in a positive context, in programs. According to the general data, during the reference period, the PCRM and the PPCD jointly had 1,073 TV appearances in a positive context, 9.5 times more than the other political parties all together (113 appearances).

AMN was the party the most covered in a negative context with 2,019 appearances, which is more than 37% from the total of appearances in a negative context in programs of parties in general. Positions 2-3 in the parties ranking are occupied by the PLDM (1,250) and the PL (1,216), both with 23-22% of the general total of appearances in a negative context. The next positions were occupied by the PCRM (261), the PDM (257) and PSD (136). The first 6 parties from that ranking jointly gathered (5,135 appearances) about 95 % of the appearances in a negative context of political parties in programs (see graph 65).

**Graph 65**



### **Political parties. Quality indices: favoring / disfavoring attitude**

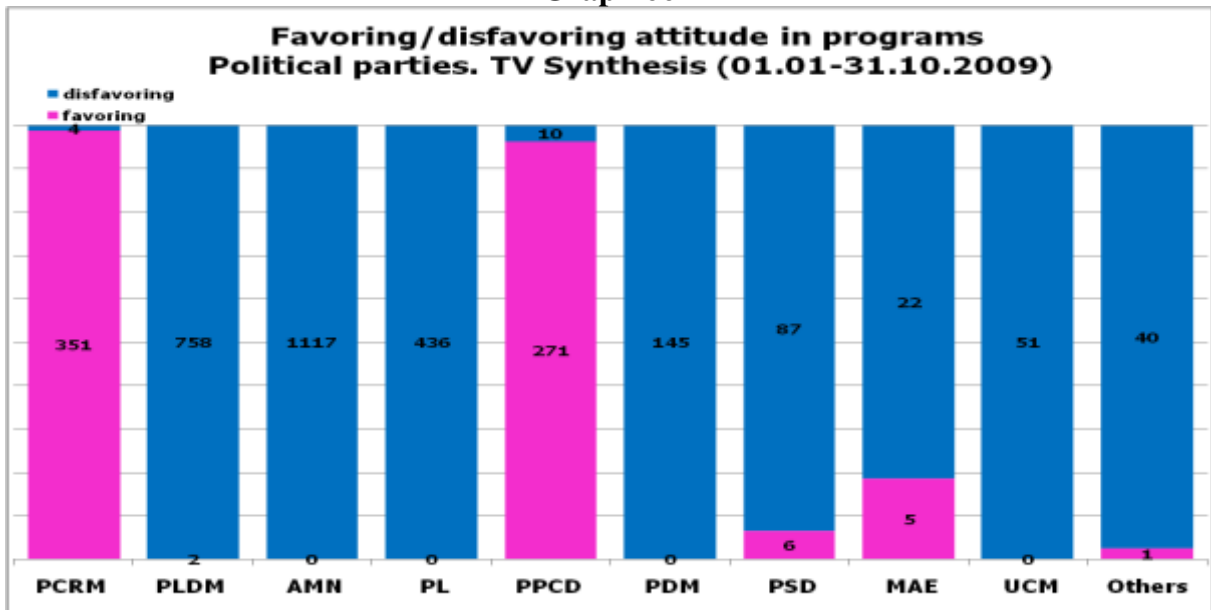
The PCRM (351 times) and the PPCD (271 times) were the most favored political parties in programs on the general picture of the monitored televisions. The other parties to have benefited from privileged treatment on the part of the televisions were jointly favored 12 times.

The most disfavoring attitudes were displayed by the televisions towards AMN (1,117 times). The next parties massively disfavored in programs are the PLDM (758 times) and the PL (436 times). An important number of tendentious attitudes were displayed towards the PDM (145 times), PSD (87 times) and UCM (51 times).

The frequency of favoring/disfavoring attitudes displayed by televisions in programs concerning the political parties is displayed in graph 66.



Graph 66



### General findings

Keeping record and analyzing the political actors' presence on those 9 monitored televisions tell of different interest and differentiated approaches in the editorial policies. Moldova 1, EuTV, NIT, ProTV and TV7 allotted the longest airtime to cover political actors in their program services. Related to the general volume of the monitored broadcasting, the most significant share of time allotted to cover political actors in program services was found on N4. The only television not to offer any airtime for political actors is 2 Plus.

The monitoring results referring to the quantity appearance of political actors in TV programs allows to rank the TV stations according to two categories: televisions having recorded a relative balance and televisions having covered the actors disproportionately. The first category comprises TV7, ProTV and TVC21. The second -- Moldova 1, NIT, N4 and Prime, which in terms of quantity gave priority to the PCRPM, and EuTV, which favored the PPCD.

The contextual attitude analysis of the political actors' presence in the televisions' program services divided those 9 stations into three categories: televisions with a more or less equidistant and fair behavior and were the closest to the professional standards (ProTV, TV7 and TVC21), televisions which did not observe the legal provisions and favored certain political actors to the detriment of others (Moldova 1, EuTV and Prime) and televisions, which defied the legal and ethical norms, openly displaying their political partisanship, manipulating and even intoxicating the public (NIT and N4).

### V. Analyzing the impact

An important result of this project was the fact that it was for the first time that one permanently recorded the presence of political and electoral actors in the programs of 9 TV stations with national coverage or almost. The monitoring reports presented regularly (monthly, and during election races – more often) at news conferences enjoyed more and the more attention on behalf of the media and, through them, the attention of the public.

The monitoring sessions displayed the degree to which the monitored TV stations observe the law, the CEC's Regulation on the media's coverage of the electoral races, the

Broadcasters' Conduct Code. There appeared a clear picture in terms of presenting the political actors: some televisions showed predilection for some categories of political and electoral actors, presenting them, as quantity and quality, in a disproportionate manner and tendentiously, encroaching on the principles of balance, political pluralism, equidistance and impartiality. After making public the monitoring reports, the experts' conclusions, there were tendency noticed to balance the editorial policies of the monitored stations. Thus, for example, during the snap election campaign, there were certified fewer deviations from the law than it had been in the first campaign, and by the end of the monitoring there were noticed improvements of the quantity and quality indices on most of the TV channels, finding there were approaches to professional standards and legal provisions.

The results of the monitoring activities could not have helped getting responses on the part of the stations under the monitoring, the field regulating and supervising authorities (CEC, BCC, OC of the NPBI the company "Teleradio-Moldova"), of political actors and the civil society. APEL got letters from the BCC, the OC of the NBBI the company "Teleradio-Moldova", from certain broadcasters, from certain representatives of international bodies, from embassies, foreign experts, which contained appreciations of the actions carried out within the project, suggestions, commentaries. There were also cases when there were negative reactions and criticism concerning the monitoring reports (the administrations of the public company "Teleradio-Moldova" and of EuTV).

The broadcasters reacted in differentiated ways to the results of the monitoring sessions made public. Most of them produced reports about the results presented at news conferences, which also had different approaches. The broadcasters' attitudes towards the results of the monitoring sessions, by the mode in which they displayed themselves, could be conventionally be divided into several approaches: some televisions had criticizing responses, others appreciated, every time, the results of the reports and displayed interest for them, while a third category of televisions (fewer) displayed indifference. The only television to have criticizing reactions and displaying them publicly was Moldova 1. The national station's administration reacted several times, expressing disagreement with the results of the monitoring sessions, but the reasons invoked did not refer directly to the exactitude or correctitude of the data in the monitoring reports, but to the quality of the implementing team, specifying it would have had a political interest and that the research would have been ordered. The implementing team reacted every time publicly and with arguments, demonstrating that the results of the monitoring are a picture of the real situation from every television.

In addition to the monitored televisions, other key beneficiaries of the project were the Central Election Commission, the Broadcasting Coordinating Council, the Observers Council of "Teleradio-Moldova". Those authorities appreciated in a specific manner the monitoring reports they used to receive regularly. On the one hand they used to state their interest for the content of the researches carried out by APEL, on the other hand, to the puzzlement of the implementing team, they did not react to the severe violations of the law committed by some televisions and certified in the monitoring reports.

The presented reports were compiled in such a manner that the beneficiaries should know the methodology applied, the basic indices found according to the monitoring cards, their quantity and quality analyses by compartments, televisions and televisions synthesis, experts' conclusions. The reports were published in a sufficient number of copies (each contained some 40-50 pages), explicit, clear language was used, without interpretations, the experts' findings were always illustrated by a multitude of tables and graphs (50-60 per report). The reports also contained addenda with full data bases, so everyone interested may check up the correctitude and exactitude of the measures made, the experts' analyses and the general conclusions.

## **VI. Conclusions and perspectives**

The first results of the monitoring sessions carried out within the project confirmed the general opinion of the last couple of years about the lack of political balance and pluralism in the programs of most of the Moldovan television stations, about not observing the provisions of the national broadcasting legislation and of the professional norms, particularly in newscasts, about some televisions' partisanship. The monitoring sessions highlighted, in a documented manner in terms of quantity and quality, the drawbacks of the editorial policies and the behavior of the journalists in presenting political actors during the pre-electoral, electoral and post-electoral periods of the parliamentary elections.

The project has shown that the wide and systematic monitoring of TV services, regularly informing the wide public about its results, outlining the existent problems and notifying the regulating authorities may contribute and did contribute to making quality changes in the editorial policies of television stations, particularly in presenting political actors. E.g., the comparative analyses of the indices found in the first electoral campaign and in the campaign for the snap elections clearly shows the trend displayed by all the TV stations towards qualitative evolution. Thus, in the second electoral campaign, the monitored televisions got closer to the observance of the legal provisions and professional ethics. In general, the evolution of the behavior of the monitored TV stations is much more obvious, if one compared the results recorded during the initial period and the final period of the project.

The transparency in implementing the project, regularly publicly presenting the results of the monitoring, the wide coverage through reports, print articles, radio and television debates, generated obvious interest within society as to the mode in which the TV stations, in their program services, observe and implement the legal provisions referring to political-social pluralism, including and especially during the elections periods. Obviously, the results of the monitoring in general generated discussions in society about the necessity and importance of establishing and observing, at the monitored institutions, certain transparent self-regulating norms, as well as unanimously recognized ethical professional principles.

On certain segments (particularly during the election races), APEL's monitoring was done at the same time with the monitoring carried out by other media NGOs from Moldova and by international missions observing the elections. It's worth mentioning in this respect that the analysis of APEL's monitoring projects and of the other reports demonstrate the convergence of the found conclusions found by comparable indices.

The development in the televisions' behavior during the project implementing period leads to the conclusion that the society realizes the need and importance of monitoring and self-monitoring. Because of those reasons, the project authors believe it's very important to permanently monitor the program services of TV stations by the civil society, since the Broadcasting Coordinating Council performs but sporadic monitoring, and the results of the internal monitoring of some broadcasters are not known. In these circumstances, the idea of setting up a Center to permanently monitor the TV services is getting more and more weight. The mission of that Center would be to carry out thematic monitoring sessions, in function of the existent problems and of society's interest, included if ordered by televisions, to perform compared or case studies, etc. At the initial stage, the Center could work, given the conditions of the Moldovan realities, with the support of some donors interested in the development and functioning of the Moldovan broadcasting on democratic and professional principles. Later, that Center could be sustainable in proving its efficiency and, obviously, on condition the televisions realize the usefulness and importance of external monitoring.



## LESSONS LEARNT AND LESSONS TO LEARN

Public debates on the experience of the Moldovan television stations in covering the electoral campaign

An activity organized by the Electronic Press Association under the aegis of Coalition 2009 in the project “Monitoring the political/electoral actors presence on the main television channels during the pre-electoral, electoral and post-electoral campaign for the 2009 parliamentary elections”, financed by the Delegation of the European Commission to Moldova within the European Instrument for Democracy and Human Rights

*June 2 – 3, 2009*

*Chişinău, Jolly Alon Hotel's conference hall*

### AGENDA

#### **02 June**

9:00 Registering participants

9:30 **Welcome speech**

Alexandru DOROGAN, president of the Electronic Press Association (APEL)

9:45 **Session 1**

**Monitoring the coverage of the electoral campaign on television stations: national and European experiences**

Moderator: Arcadie BARBĂROŞIE, director, Public Policies Institute (IPP)

10:00 *National experiences in monitoring the coverage of the 2009 parliamentary elections by the television services from Moldova*

Speakers: Victor MORARU, university professor, doctor, APEL expert

Nadine GOGU, interim director, Independent Journalism Center (IJC)

Dinu CIOCAN, monitoring direction head, BCC

Petru MACOVEI, executive manager, Independent Press Association (API)

11:00 Discussions

11:30 Coffee break

12:00 *Monitoring the coverage of the electoral campaigns on television: European experiences*

Speaker: Jean-François FURNÉMONT, general director of the Superior Broadcasting Council (Belgium)

12:25 Discussions

13:00 Summarizing activities of session 1 (wording uttered proposals and suggestions)

13:30 Lunch

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15:00 **Session 2**

**Legal provisions and editorial policies in the electoral campaign**

Moderator: Ludmila VASILACHE, BCC member

15:05 *Conduct of television stations during the electoral period: inside view*

Speakers: Anatol GOLEA, director, TV7

Andrei BARGAN, director, Media TV

15:45 Discussions

16:00 *Conduct of television stations during the electoral period: outside view*

Speakers – civil society representatives:

Igor BOȚAN, director, ADEPT

Igor MUNTEANU, director, IDIS “Viitorul”

Arcadie GHERASIM, university profession, Moldova State University

Speakers – representatives of electoral competitors:

Corina FUSU, PL parliamentarian

Mihai GODEA, PLDM parliamentarian

Victor OSIPOV, AMN parliamentarian

Ștefan URĂȚU, independent candidate

Sergiu BANARI, independent candidate

16:45 Coffee break

17:15 *Conduct of television stations, of political parties and of the civil society during the electoral campaign: European experience (Belgium)*

Speaker: Jean-François FURNÉMONT, director general of the Superior Broadcasting Council (Belgium)

17:30 Discussions

17:50 Summarizing activities of session 2 (wording uttered proposals and suggestions)

18:00 End of day 1

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## **03 June**

### **09:30 Session 3**

#### **Internal and external monitoring: importance, efficiency and impact**

Moderator: Ion BUNDUCHI, executive manager, APEL

#### **09:35 *Internal monitoring: importance, efficiency and impact***

Speakers: Anatol BÂRSA, consultant, BCC monitoring division  
Ecaterina JEKOVA, president of RPBI "Teleradio-Gagauzia"

10:00 Discussions

#### **10:30 *External monitoring: importance, efficiency and impact***

Speakers: Eugeniu ŞTIRBU, CEC chairman  
Gheorghe GORINCIOI, BCC chairman

#### **10:50 *Internal and external monitoring: commentaries and suggestions regarding uttered views***

Orator: Jean-François FURNÉMONT, director general of the Superior Broadcasting Council (Belgium)

11:15 Discussions

11:30 Coffee break

**12:00 *Summarizing uttered opinions, wording conclusions and recommendations to adjust the national legislation to the European standards, in order to later draft the Regulation and Concept of covering the future electoral campaigns and to make more efficient the internal and external monitoring during electoral campaigns***

12:45 Presenting the edited conclusions and recommendations

13:00 End of public debates

## **SESSION 1**

### **Monitoring the coverage of the electoral campaign on television stations: national and European experiences**

#### **Arcadie Barbăroșie, IPP, director (moderator):**

The electoral campaign ended almost two months ago. I am not sure but it's likely we'll have another electoral campaign starting in 2 days. However it's important to understand to what degree all the players involved in the electoral race were satisfied with the performance of television companies during this race.

Actually we want to understand what the mistakes were, what the problems were and what lessons we can learn from the experience of this last electoral campaign. Regardless of whether these lessons will be used the coming two-three months, or in the local elections of 2011, or in the coming 2013 parliamentary elections. This conclusion must be drawn. The lessons are naturally very important both for televisions, radios and for media in general, but also for the parliament, which should probably intervene and change the law, for the government, for political parties, in general, for all the actors of the political life from Moldova.

#### **Alexandru Dorogan, APEL, president:**

First, I would like to thank everyone who followed our invitation to attend these public debates on the experience of mirroring the electoral campaign on the Moldovan television stations. It's an activity organized by the Electronic Press Association under the aegis of "Coalition 2009" within the project "Monitoring the political/electoral actors' presence on the main television channels during the pre-electoral, electoral and post-electoral period of the 2009 parliamentary elections. It's a project financed by the Delegation of the European Commission to Moldova, with the European instrument for democracy and human rights.

I want to express my regret that some invitees decided not to attend these public debates. Personally, I don't know whether it's good or bad to talk about this decision of theirs. Although I should not say any names, I consider that, in a society constituted on the principles of the democratic values, it's important to communicate information of public interest, and even more important – to discuss in a public and transparent manner about the electoral exercise and, especially, about the way in which the electoral campaign was mirrored on the TV stations.

Opinion polls show that the Moldovan population, in ratio of 70 %, gets informed from the programs of TV stations. So, you may realize how important it is that the TV stations should inform correctly, equidistantly, about the events occurring especially during electoral races. In my opinion, it seems we have already got accustomed that there are regulations in the national law for broadcasters, and in the international law, for their usual work periods, but also there are stricter regulations for electoral campaign periods.

To what degree are these regulations observed? To what degree did the recent electoral race highlight some problems? To what degree can society come up with solutions to those problems? To what degree are we ready to conscientiously accept the experiences of the European democracy to apply them? We, the organizers of these public debates, have considered it timely to discuss these issues today and tomorrow here. Let's do this sincerely, openly and transparently, let's listen to all viewpoints. That's why, we have invited the authorities, including the authorities regulating the broadcasting sector, the broadcasters, representatives of political parties, most of whom are also electoral competitors, the representatives of the civil society, who had had a special role to play in the process of monitoring the race, researchers and specialists in the field, representatives of the international organizations accredited to Moldova and European experts.

Although the monitoring reports do always stir big dissatisfactions, let's not forget that they are a form of stimulating change. The civil society's monitoring is just a projection, a mirror helping us, if we want, to make adjustments and modifications aimed at bringing changes for good and improvements in the media sector, especially at TV stations.

**Arcadie Barbăroșie:**

The public debates are split into two sessions. The first session has two debate topics: "National experiences in monitoring the coverage of the 2009 parliamentary elections by the television services from Moldova" and "Monitoring the coverage of the electoral campaigns on television: European experiences".

**Victor Moraru, ULIM, university professor, doctor lecturer:**

The newscasts and programs presenting political actors were subject of the monitoring. This monitoring pursued to examine the way in which the media offer shapes to present the political information and, especially, by presenting political actors. It was bound to the electoral race, so it included not only newscasts and programs with the participation of political actors, but also electoral debates and ads.

In this monitoring, one pursued to examine the way of presenting the political actors from the perspective of those legal and professional requirements which had been established for broadcasting media for the electoral race for the April 5 parliamentary elections in 2009. One selected 9 TV stations to monitor: EuTV, Moldova 1, N4, NIT, Prime, ProTV, TV7, TVC21, 2 Plus. Among the monitored political actors there were the Presidency, the Parliament, the Government, the Local Public Administration and the Parties, as well as the personalized political actors, i.e. the persons directly engaged in politics. We considered them from the quantitative and qualitative viewpoints. We considered the frequency and duration of appearances of political actors in newscasts, highlighting the direct interventions, and the indirect mentions. We watched the frequency and duration of the appearances of the political actors in programs, because the programs are also a format of the participation of political actors, of insuring their visibility. By the by, several televisions resorted to this type of programs. In doing this monitoring we were interested in the length of the news stories with the presence of political actors in the total duration of newscasts, which proved to be rather long, telling of the fact that there was noticed that the political sphere was overdubbed, although it might have had a significance during an electoral period. We have noticed, for instance, that 40% of the news airtime was dedicated to the news with the participation of political leaders. One has also observed the number of conflict-related stories with political actors as it is quite relevant to highlight the way in which the televisions present the political information.

Also in terms of "quality analysis", the team followed the content of the information from the viewpoint of negative, positive or neutral presentation and the journalists' attitude – favoring, disfavoring or impartial. One has also quantified the number of sources used in the news that the observers considered as related to conflicts. These were the pillars employed by the monitoring team to monitor the news and programs aired by these 9 TV stations during the pre-electoral, electoral and post-electoral periods. The graphs show the quotas of newscasts, since different televisions adopt different strategies and editorial policies in airing news and programs presenting political actors. All the databases related to the monitoring are available, they were also generalized in the reports that APEL regularly presented while performing this monitoring. The personalized actors daily presented in the TV programs, aired by our televisions, were political leaders. When the seconds were summed up, it turned out that, from 4 February to 5 April, president Vladimir Voronin was the first on all the televisions with 2,270 sec., followed by Vlad Filat, Zinaida Greceanăi, Serafim Urechean, Dorin Chirtoacă, etc. We started from the principle of the democracy of the seconds under the circumstances in which we were bound to insure the pluralism of



opinion, the equidistance and impartiality of the presentation of the political info, a principle that the televisions try to observe or not to observe, give their commitments they made when launching in media activities. The data bases also contain data on the frequency and duration of appearances, the way in which the work of the political parties was mirrored during this period. The graphs do not depict the styles of talking those parties, since they establish only concrete figures about the direct or indirect appearance, and not the way in which they were treated by those televisions, either favorably, or less favorably. One also generalized the aspects related to the qualitative dimension of the presence of political actors, which allowed to make, in this monitoring, certain findings related to the appearance of actors in a positive context. Actually the number of those presented practically coincides with the frequency of appearances in general. One examined the presentation of political actors in a negative context. The hierarchy changes somewhat here, but everything depends on televisions, because they actually adopted a differentiated attitude regarding the editorial policy they promoted during this race. One must find there were certain situations where there was imbalance in presenting both personalized political actors, and as institutions as political actors. At the same timer, one made graphs about the mode of presenting news, especially the stories related to conflicts, which are smaller in number and these percentages differ in function of the station they were broadcast by.

For instance, EuTV counted much on this format – programs, which accounted for more than a half of the airtime, other televisions granted less time to programs. One counted the time allotted to present personalized actors, by the frequency and duration of their appearances. One also monitored the appearance of political actors in both positive and negative contexts. The names here are Iurie Roșca, Vladimir Voronin, Zinaida Greceanîi, and different televisions presented those actors in a positive and, respectively, negative context.

There were also data on the electoral debates, the frequency and duration of participating in debates. One notices inconsistency displayed both by televisions and electoral contestants.

The conclusions reached by the monitoring experts: one must ponder more over these data, which show us how the electoral campaign unfolded at those 9 televisions. Some of them had a smaller ratio in terms of TV space to present this type of political information. Some conclusions that we make at this stage following this monitoring are that the electoral law was broken many times by the monitored TV stations. A series of TV stations presented the political actors in an unfair, disproportionate and tendentious way. We mainly refer here to the electoral contestants, since we talk about the electoral race. Thus, the possibility of the voter to freely make opinions about the electoral offers was harmed.

During the electoral race, the monitored TV stations practiced, according to the reports, a type of journalism striving to join the standards of democratic, professional journalism, and another type of journalism which may be called politically interpretative, journalism prescribing opinions, and journalism of political attachment and even servitude, one may say. As the monitoring data show, the first type of journalism was peculiar of such stations as ProTV, TV7 and TVC21, the second type was noticed in certain programs aired by EuTV, Moldova 1, NIT and N4.

A conclusion is that, especially through their newscasts, the monitored televisions did not contribute, to the degree that one may consider fair and sufficient, to enshrine the principle of the equal vote provided by the European electoral legislation. They did not observe the principles of the democracy of the seconds. Some TV stations, especially EUTV and N4, promoted disguised electoral messages, airing programs touching directly or indirectly electoral subjects, without marking those programs with the signature video “Electorală”. Right on the last day before the elections, 4 April 2009, EUTV, NIT, TV7, N4

and PROTV reran their newscasts with political actors aired the day before, and two televisions aired messages in the favor or disfavor of some electoral contestants, what is a violation of article 47 of the Electoral Code. The restrictive national legislation did not allow televisions to hold electoral debates in a manner to allow viewers to get sufficient information to analyze the electoral offers, while the refusal or the non-attendance of TV debates essentially diminished the relevance of those debates. I consider such monitoring can offer data presenting a generalized picture of the development of the media sector and of the mode in which the media understand the real participation in social-political processes, as well as in the processes of covering the social-political processes from Moldova.

**Nadine Gogu, IJC, interim director:**

The Independent Journalism Center, this year, has monitored, for the fourth time the last four years, the media's conduct in elections. The first monitoring session was done in 2005, ever since we have monitored the local elections, and the parliamentary elections – for the second time. This year, we worked in a partnership, as in 2007, with the Independent Press Association, and with the sociological institution – the IMAS Institute. Through this monitoring we pursued to see how the most important and influential media from Moldova covered the race.

If, in the news they air and in the materials they publish, the media offer equal access to all the electoral competitors, and if, respectively, the public has access to full information, then the voters can vote conscientiously on the vote day, can make an informed decision. We carried out this project with the support of EURASIA foundation and we monitored 24 media, of which 8 radios and televisions. We monitored the station covering all or almost all the territory of the country, and regional ones. The methodology we used in our monitoring was different from the methodology used by our APEL colleagues, however our and APEL's results depict the same trends. Our methodology was developed by the Oxford-based Research Center. It was initially developed for [Article 19](#), which later, in partnerships with organizations from different countries, including former Soviet states, was applied in electoral campaigns. We have used it since 2005 and we focus on measuring quantity indices, and I refer to the duration of appearances of the electoral contestants and the space allotted in the case of the newspapers. At the same time, we measure the quality indices, too. The operators and the experts look at the context in which the electoral competitors appear in news, whether that context is favoring or disfavoring for certain electoral competitors. If we presented only quantitative results or were coming with indices saying, for instance, that the PCRM leader appeared during 2 h on a TV station, and another electoral competitor appeared during 2.5 h, those data would not be relevant for all, since the context in which they appeared on televisions is not clear, because if a competitor appeared in a negative context, and another competitor – in a positive context – their things would be different. We have also watched the way in which the journalists, TV editors observed the ethical principles and the professional standards, since there are big drawbacks, lately, in terms of ethics and professionalism. I think we have much work to do, especially after this electoral race and the post-election events. Reports were compiled after collecting data. Initially we wanted just to monitor the race from 5 February through 5 April, what we have done, but because of the events of 6-7 April, we decided it was very important to monitor the week after the elections. We applied another methodology, it was another kind of monitoring, we focused only on televisions, because we considered them faster when it comes to conflict-related events. The people from the countryside could not have waited for a week until the newspapers reach them to learn about what was going on in Chişinău. It was very important how 7 TV stations mirrored those events, especially the ones enjoying national and regional coverage. We held news conferences at which we launched the results

of our reports, and, when we considered and saw deviations from the norms, from standards, that coverage concept was not respected, we sent letters to the BCC and to the Central Election Commission, warning about those deviations. Those reports were also sent to the managers of the monitored media, because the goal of our project is to see, to evaluate, to inform and to try to warn journalists, editors, managers about certain problems, if they exist, hoping these teams will try and remove the drawbacks by themselves. We can conclude no big thing happened, the feedback was not as angry as in 2005 when the first monitoring occurred. It used to be something new for Moldova and many editors, from newspapers and televisions, used to give us phone calls, many used to write editorials expressing disagreement. We even were sued by Teleradio-Moldova, but the Independent Journalism Center won the case, and this year we received just a letter from Teleradio-Moldova expressing its disagreement with certain results of the monitoring. Besides the statistical data we inserted into our reports, there also lots of tables, graphs, concrete cases about, for instance, not respecting the presumption of innocence or about not observing certain ethical norms, or about using a single source.

**Conclusions.** Out of those 8 radio and TV stations we monitored, we can say that 4 of them, more or less, mirrored the election campaign in a balanced way, offered relatively equal access to electoral competitors. Other 4 TV stations, largely enjoying national or wide coverage, used to practice partisanship. The monitoring results show there appeared thousands of news stories weekly, since the activity of the electoral competitors during this campaign was intense as were the media. Compared with other campaigns, we had very many news stories to watch. They were active, they wrote much and certain competitors were favored in very many stories. Thus, Radio Moldova, Moldova 1, NIT and Antena C massively favored, advocated the ruling party. Euro TV is somewhat more specific, as they neutrally mirrored the ruling party, but favored the PPCD and disfavored the other competitors, mainly from the opposition. TV7, PROTV and Vocea Basarabiei had both favoring and disfavoring materials, but most appeared in neutral context. Now, a couple of words about the post-election monitoring. If I were an ordinary person wanting to inform myself, I could learn correctly and fully about what is going on in Chişinău, by watching the programs of PRO TV and TV7, and not the ones of PRIME, Euro TV, NIT and Moldova 1. At PRO TV and TV7, in programs I saw different opinions: of the opposition, of the authorities, of the protesters, which I did not see at other stations. I was disappointed with the way in which Moldova 1 mirrored the protests, they manipulated both the texts and images, which I consider to be grave, especially as they used videos from other channels, shot on other days, but presented as if occurring on 7 April, when opposition leaders appeared smiling on the background of protests and the second plan – when the parliament was thrown eggs at. A person watching those images and not knowing what actually happened can draw the conclusion that the opposition did organize the protests and its leaders are happy that the Parliament is assaulted.

**Dinu Ciocan, BCC, Monitoring division head:**

According to the powers provided in the Broadcasting Code, the BCC has not monitored the program services of the broadcasters involved in the electoral campaigns, but has also developed normative acts putting them at the basis of the legislation regarding the coverage of the electoral campaign and has also examined the complaints of the electoral contestants and the notifications from the Central Election Commission. In monitoring the coverage of the 2009 electoral campaign by the Moldovan broadcasters, the Broadcasting Coordinating Council strictly guided itself by the Broadcasting Code, the Electoral Code and by the Regulation on covering the electoral campaign by Moldovan broadcasters. First, the BCC contributed to draft that Regulation, as provided by article 40 paragraph 1 let. C of the Broadcasting Code, the BCC, through decision No. 3 of 28 January 2009, approved the

concept of covering the electoral campaign of the 2009 parliamentary elections by Moldovan broadcasters. The draft concept was worked out in December 2008 and was posted on the BCC's web page expecting opinions and suggestions from the civil society and from possible electoral contestants. The latter ones came to contribute to improve the draft concept, which was approved and then sent to the Central Election Commission for approval.

In the same line, in conformity with points 61 and 62 of the Regulations on covering the electoral campaign for the parliamentary elections by mass media, adopted by the CEC on 2 February 2009, 5 days after approval, broadcasters developed and approved internal regulations to mirror the electoral campaign for the parliamentary elections, which they submitted to the Central Election Commission and to the Broadcasting Coordinating Council.

Thus, during the respective period, the BCC recorded 66 internal regulations regarding the coverage of the race, 31 of which belong to air televisions, 32 – to radio stations and 3 – to cable televisions. Later, in accordance with article 7 para. 3 of the Broadcasting Code, the BCC considered, in a public sitting, the internal regulations on covering the electoral campaign by broadcasters and approved them through decisions No. 11 of 13 February and No. 12 of 21 February, 2009. At the same time, in conformity with point 68 of the Regulation of the Central Election Commission, the broadcasters reflecting the campaign submitted information to the BCC about the volume of electoral broadcasting on every day. This information was included into a registry. Also, during the race, we monitored the main newscasts of Moldova 1, N4, NIT, EuTV, TV7, ProTV and TVC21, to see how they match Article 7 of the Broadcasting Code, which obliges broadcasters to offer equal airtime to the political parties without favoring anyone, to cover the electoral race truthfully, in a balanced way and impartially, to observe the social-political principles in newscasts and to observe the principle of information from several sources in the case of the subjects mirroring conflict-related situations. At the same time, we counted the appearances of the electoral contestants in newscasts and monitored the mode of covering, in news, the events from the electoral campaign in order to check their compliance with the Regulation on covering the electoral race. The results of the monitoring found that some TV stations did not mirror the electoral campaign for the parliamentary elections in a balanced way. The frequency of appearances of electoral competitors in newscasts was different at different stations, while the events organized by electoral contestants were randomly mirrored, as some stations were noticed to display partisanship for certain electoral competitors. The long airtime allotted to representatives of some electoral contestants in newscasts, as well as the interpretation of their statements by news presenters favored some electoral contestants to the detriment of others. At the same, one noticed deviations from article 7 of the Broadcasting Code in the newscasts of all the broadcasters. Thus, some stories were written on the basis of a single source, especially the ones referring to a conflict situation, without presenting the opinions of other persons, electoral contestants and institutions talked about in reports.

The monitoring results were included into the order of the day of the BCC of 24 March 2009, and through decision No. 28, following the consideration of the materials and public debate, in conformity with the provisions of the Broadcasting Code, the BCC publicly warned the public company Teleradio-Moldova and the founding firms of the TV stations NIT, N4, EuTV, TV7, ProTV Chişinău and TVC21. Also, one of the key activities of the BCC during the electoral race was to consider the complaints of the electoral contestants and the notifications of the Central Election Commission. During the reference period, the BCC considered, in public sittings, 35 complaints from electoral competitors, 30 – from Our Moldova Alliance, 2 – from the Communists Party, and by one from the Liberal Democratic

Party, from the Christian Democratic People's Party and from the Democratic Party, as well as 6 notifications from the Central Election Commission. According to those complaints, electioneering was done by violating the legal provisions regarding the electoral campaign by media. After watching the subjects representing the object of the complaints and after considering them at public sittings of 21 February, 4, 13, 24 March, 1 and 3 April, 2009, the stations Moldova 1, EuTV, NIT and N4 were publicly warned. After considering, in public sittings, the monitoring results, the complaints of the electoral competitors and the notifications of the Central Election Commission, the BCC punished 7 broadcasters, applying 9 public warnings as follows: Moldova 1 - 2 warnings, EuTV - 2 warnings and NIT, N4, TV7, ProTV and TVC21 – by one public warning. Also, at the same public sittings a part of the complaints of the electoral contestants were rejected on reason that, after watching the materials in question and public debate, the BCC established that the materials in question matched the requirements of the normative acts regarding the coverage of the electoral campaign and did not contain deviations from the Electoral Code and the Regulation on covering the electoral campaign. In connection to the mentioned above, the BCC, during the electoral race, madder the following recommendations to all the broadcasters involved in the electoral race for the April 5 elections: strictly observing the provisions of the Electoral Code, of the Broadcasting Code and of the Regulation on covering the electoral campaign; mirroring, in an objective, equidistant and impartial way, the unfolding of the electoral race for the parliamentary elections and insuring the allocation of the airtime in fair conditions for all the electoral contestants; using, in strict conformity with the provisions of the regulation adopted by the Central Election Commission – the signature video Electorala 2009 in order not to mislead program consumers and to be able to correctly distribute the time allotted to the electoral competitors involved in the campaign; and, at the request of the electoral contestants, whose images were harmed in other programs than the ones earmarked Electorala 2009, offering them right to reply with priority and without delays in the same conditions and in the terms established by the law.

**Petru Macovei, IPA, executive director:**

The subject I am going to tackle is the impact of the monitoring over the editorial conduct of the Moldovan media. Regardless of who is doing the monitoring – IJC, APEL or IPA – I keep noticing, that after these monitoring reports, nothing changes in the editorial conduct of the media from this country. I am sure that in Belgium, for instance, a similar monitoring report would trigger immediate feedback, a very punctual one, first of all on behalf of the Broadcasting Council of Belgium, but also on the part of society in general, of the business sector, which, in a way, may be willing to reconsider doing business with that radio or TV station, but also on behalf of the public. Unfortunately, nothing like that happens here. I refuse to believe that in Moldova, the Globe is spinning otherwise than, say, in Belgium. Let's discuss about the causes generating such a situation. In my opinion, it's first a matter of exaggerated interference of politics into media in this country, and this, in the long run, generates evident partisanship of a part of the media from this country in relation with the respective political parties, and, correspondingly, influences their behavior as to 'the enemies' of those political parties. During the race of the parliamentary elections this year, we all witnessed unprecedented situations, when certain media manipulated the public in a messy way, distorted the message of political leaders in such a way that one was not sure that those persons could have stated such things, one used to have the impression there were several parallel worlds when one watched different TV stations, which presented the same statements from the same events, but quite differently. Certainly one must not use the same pattern to write the reports, however the journalists are bound to present the information neutrally, at least not to distort the message, and that did not happen here in very many cases. This kind of exaggerated interference of politics causes the media's

exaggerated political engagement. Unlike the previous campaigns, when this like of the media for certain electoral contestants was also noticed, during this campaign we witnessed a campaign of black PR of intensity unseen so far. We witnessed a campaign of aggressively slandering certain electoral competitors, not to remind the situation of the April 7 events, when certain media intensely kept promoting the hatred speech and I am very sorry that the Broadcasting Coordinating Council did not react, although the law gives it powers to do so, especially regarding the promoting of the hatred speech on the public television, but also in the programs of other broadcasters, and certainly, the BCC must have done that. In general, the BCC's conduct in the 2009 electoral race was of a contemplator of the situation in the national broadcasting than of an actor influencing the state of things. As Mr. Ciocanu said, the BCC made its own monitoring of the behavior of certain broadcasters and chose to apply that disproportionate public warning on all broadcasters, regardless of the gravity of the committed violations. Unfortunately, the monitoring performed by NGOs was not discussed by the BCC, and, probably, they should have, because two parallel monitoring sessions displayed the same drawbacks in the behavior of the Moldovan broadcasters. As I said earlier, here, there is no pressure on behalf of the public over broadcasters in order to change their editorial conduct to present, equidistantly and without interpretations, certain facts and events. Consequently, we all witness a partisan presentation of events. Jointly with the Independent Journalism Center, we monitored the newspapers and certain news agencies and news portals, and my association was namely responsible for the print, on-line media and news agencies. We observed the relation between the number of neutral stories and partisan stories. The perception of an ordinary reader of press articles or stories, or of certain reports posted on sites was the following: for instance, in "Moldova Suverană" only 30% of the number of articles published in the electoral campaign were neutral, the other 70 % were partisan; in "Flux" - 14 % of stories were neutral; in "Jurnal de Chişinău" - 41% were neutral; in "Săptămâna" - 39 % were neutral; in "Moldavskie Vedomosti" - 19%; in "Nezavisimaia Moldova" - 17%; in "Timpul de Dimineaţă" - 15 %. The newspaper "SP" from Bălţi had the largest percentage of neutral stories - 53%, and the smallest number was displayed by the multimedia agency "Omega" – only 13 %, the other were partisan at the level of the perception of an ordinary reader without journalistic education, but we, the journalists, always attempted to think we know better to write news stories and reports. I hope I have set a subject for discussion, a subject that we may later debate on.

**Oleg Cristal, ADEPT, expert:**

A question for Mrs. Gogu and Mr. Macovei, if you can possibly show us the dynamics, since you have monitored during three campaigns, if I am not mistaken – in 2005, 2007 and in 2009. If there is any dynamics in the processing of covering the electoral campaigns, what is that? I think Mr. Macovei is right when he says the situation does not change, because politics is to blame. I look at this round table and I see no person from this area, there were two earlier. Now we're discussing in vain. What must be done to make things change?

**Arcadie Barbăroşie:**

As far as I understand three monitoring reports have been presented: of the IJC, of APEL and of the BCC. To what degree the conclusions, do the results of these three reports correlate?

**Dinu Ciocan:**

The BCC's monitoring was started by myself, four times in public sittings, and finally one of them became true. I know the results. I would like to ask Mr. Moraru: you keep saying political actors and there has always been this confusion between political actors and electoral contestants. Those three persons in the state: the president, the speaker and the prime-minister are they electoral contestants or not?

**Nadine Gogu:**

Concerning the dynamics, we have not made a compared analysis, have not compared the reports of 2005, 2006, 2007, 2009. But, as a generation observation, we can say there were most news stories this year. It's normal, because, if there are many stories, there are also very many stories with competitors appearing in favorable or unfavorable context, because when you talk about one hundred news stories, we'll have a report, when we talk about 5 thousand stories, we'll have another report – respectively, from these 5 thousand some may be favorable, other disfavoring. We're talking about election-related stories, and I want to stay here more since Ludmila Vasilache mentioned news in which the top leadership, for instance PCRМ president Vladimir Voronin was mentioned as a leader, when they talked about an event organized by the PCRМ, but there were very many stories when the speaker of the parliament, the president of the country and the prime–minister appeared not as electoral contestants, but as a speaker, as president, or a prime-minister. We have also counted these stories when it was plain that the news stories were election-related, because, if we made as compared analysis and considered all the stories broadcast by the public television for the last four years and counted how many inaugurations of different stations, centers, hospitals, churches, etc. they attended for the last two months, we'd see that number of meetings with people from different localities is bigger than the number of meetings during 3 years and 10 months. We cannot say it has no relation to elections when the president goes to a rally in a town or a village, gives an icon to some church, talks with people and thus makes promises that the situation from some sector or other will improve. So, the viewer's perception in general is that they work for the country, they work well, because those actors appear only in a positive context. All those stories were monitored and included into our reports.

**Voice:**

I am sure that since the public TV station neglects street events attended by thousands of citizens and, instead, broadcasts insignificant stories but with the participation of the head of the state, of the president of the parliament, several principles were violated. What can be undertaken to make things change? The first step is insuring the transparency of media ownership in this country, a thing not happening yet. It's very important to unfold a campaign to stimulate the public and to press the broadcasters, which must be responsible for the information they air. They must be punished in the situations in which, contrary to the law, the information is partisan, regardless for which side, and, at the same time, the Moldovan broadcasting must be developed. There should also be more TV stations with wider coverage, no hindrances shall be made in getting broadcasting licenses and, certainly, all together, these actions may change the present situation somewhat.

**Victor Moraru:**

Political actors, electoral actors. It's a good question. There was this pre-electoral period in our report, when we talked about political actors, then the electoral period came when we also had political actors, and electoral actors and we continue this monitoring during the post-electoral period. It really was an identifying period and this is perhaps peculiar of our realities. In the countries with more advanced democracy, where the mechanisms are clearer, this confusion does not exist. For instance in the Soviet period, the government was a political actor. We do not count it as parties, although the government is naturally elected by the ruling party. In our opinion, the government exercises its executive functions, while the presidency or the presidency were a problem for us, in this regard, because the president did not suspend himself from office. So, there is a nuance here: appearing on the screen, when he is just a president and when he is in a double posture. It has always been a key issue, but it happened during the electoral race, half of the Cabinet was on the lists, and the president, too, and it was really very difficult to decide and how to

count. Perhaps, it's not important how you count, but how he is presented. Later in December 2008 a team from the Council of Europe came, experts from the French Broadcasting Council. They had meetings with Teleradio - Moldova, with the Broadcasting Coordinating Council and with the Central Election Commission. At the meeting with the CEC I posed the following question: is a story about the government raising the salaries by 30% a story related to the electoral campaign or not? The answer was yes, it is a story related to the electoral campaign. Iurie Ciocan, the CEC's secretary, asked a specifying question: ok, if it is an electoral story, how, in France, is punished the broadcaster having broadcast that story? The experts gave two answers.

1. In France, such a story will not be broadcast, or, if broadcast, it will be accompanied by the opposition's comments on that decision, or by other views.

2. It won't be broadcast, because it will stir many discussions and that station will be punished, if it broadcast the story without comments.

So, when counting, it probably matters when you present a political actor – the president – to have the other viewpoints, too, and that occurs what we call here political balance. This is referring to the political actor and the dynamics. In dynamics, it's hard to compare monitoring results from 2005, 2007 and 2009, certainly you see certain trends and certain improvements are there. The peculiarity of the recent campaign for radios and televisions was that it was allowed for the first time to cover the race in newscasts, and that's how we managed to inform the population more than during the previous campaigns. It's hard to put monitoring reports from 2005 and 2009 on the same balance. But, no doubt, that the decision made by the CEC was good, because this was how the population had more access to information. Till then, the voters could only watch ads or debates.

These first questions launched at this debate demonstrate that we face very intricate situation, perhaps not having a univocal answer. A question like: Is the television determining the results of the elections or not? Or: Does the visibility of the political actors influence the results of the elections or not? There is much specialty literature on this subject and the opinions are different. Everybody thinks to have the correct answer and presents empirical calculi to support one's view. Yes, the television categorically influenced the behavior of the voters, it's a viewpoint, but, at the same time, there is another - that the television did not influence or influenced insignificantly the electorate's conduct. In our case it was clearly seen that EUTV participated and presented the political actors, favoring the PPCD, mainly. However, the PPCD was not sufficiently supported by the voters to get into the Parliament. In the same context, I would like to mention that this monitoring of ours is very good, important, useful, but we lack enough researches in terms of perception or the reception of the TV messages by the public. Mr. Macovei talked here about the way in which the ordinary reader or viewer reacts to the media's messages. But I doubt we have very precise answers in this respect. Here is a quote by Pierre Bourdieu, a renowned French sociologist and philosopher, who said about elections: in the long run, the elections are a combination of heterogeneous spaces, are a mechanical combination of people, some of which measure in meters, others – in kilometers or, even more, of some people, who use a scale from 0 to 20 points and of some other people which use but the segment from 9 to 11. So, the French sociologist uses this phrase to demonstrate that, in the elections are an extraordinarily complex process influenced by very many factors. I would not agree with the idea that the presentation of the political actor in a totally positive context or in a totally negative context determines the viewer's perception in the long run. There are questions which cannot be answered by our monitoring. We preferred the phrase *political actor* instead of *electoral competitor*, because I think APEL's monitoring could better answer the issue of quantifying the time. These confusing situations are naturally to the detriment of what we call a democratic process.



**Voice:**

Your phrase is not too convenient for this period, because the political actors are political actors, and the electoral contestants are electoral contestants having been registered with the Central Election Commission and running in elections, you monitored the electoral contestants. No one from the CEC could have told you that the president, the prime-minister and speaker of the parliament were not electoral competitors. They could have only told you which were the restrictions related to their suspending from offices, but not that they were not electoral contestants. The electoral contestants and the restrictions for them are stipulated in the Code very precisely.

**Voice:**

These three top officials cannot suspend from offices, thus, they appear in news not as electoral competitors, but in capacity of the president, speaker or premier.

**Voice:**

You're right, but the matter is about the party's list as an electoral competitor. They are on the list of electoral competitors in the local general elections, they were nobody, only the president of the party was.

**Jean-François Furnémont, SBC, general director (Belgium):**

I decide to intervene because of Mrs. Vasilache's question related to the appearance on the television during the electoral campaign of the people holding public offices and who may be candidates, too. In Belgium, we thought a lot of this thing and this problem is timely because our electoral campaign is in full swing and on 7 June we'll have elections. There are lots of aspects in terms of regulating the TV channels, but I want to say that this subject was much debated in a neighboring country, in France.

Before telling you about the regulations acting in Belgium, I want to tell you a little story. Before working with the Superior Broadcasting Council, I had worked as a journalist covering politics, and then I switched to the other side of the mirror, having 'to sell' the policy of a candidate. During the month before the elections, I was responsible for insuring the communication of that candidate. He insisted to daily visit a school, a factory, and I was to do my best to insure as many as possible people attending his 'fundamental' events. Certainly, it did not happen so every time and it was my mistake if that communication was done badly or if journalists did not attend those events. And that in the circumstances in which all the journalists had already realized that all those events before elections served for nothing, since the access to media was completely closed in the attempt to set a balance.

There are two regulations I want to talk about: one for the main channel and for the local channels and one referring to the three-month prudence period before the elections and a counting period lasting two months before the prudence period on the main channel RTV. According to those regulations, the televisions must avoid letting in any candidate, representative or renowned advocate of some party, regardless of running or not for the upcoming elections, in programs hosting invitees or public or in entertainment talk shows, sports, cultural events, without any need. The notions of candidate and notorious supporter are defined in an electoral regulation: Any person running in elections and making statements in print media or on a communication site or any other actions that he/she will be a candidate in the upcoming elections. A renowned supporter is considered any person, who is or not a candidate, or who openly shows his/her adhesion to a political party or doctrine or to a political list of a candidate. That is, included here are also the members of the Cabinet, the spokespeople, state secretaries, spokespeople of political parties and the historic figures representing parties, as well as former ministers, former state secretaries and other members of the regional Cabinets. All those are forbidden to appear on TV during three months before elections. In the case of absolute necessity, of a catastrophe, of a plane crash, etc., certainly the president will go to the place where the accident occurred. But, in

other cases, these people are strictly banned from appearing on television, except in their position of candidates.

I'd like to specify that in France, there is a system outside the electoral period referring to the rule of three thirds: a third of the information must be dedicated to the government, a third – to the parliamentary majority, a third – to the parliamentary opposition. As this system entered force, they have always considered that the president's interventions should be outside these quotas. After a while, this situation was criticized, but accepted in the long run. For several years, something extraordinary happens in France: the president of the republic is shown almost everywhere, on all the channels regardless of what the matter is. This situation made the French CSA to think of modifying this distribution of access time on TV. They even resorted to the State Council to change and support the political parties which resorted, and recently this rule of three thirds was changed and is valid outside the electoral period, since the president was over-represented, and his appearances were not counted in monitoring. That is why, the CSA now counts the president's interventions during the run-up period and, especially in the European elections. The president's interventions are counted as shares of the political parties he represented and the same is done for all the members from his entourage, advisors, the Cabinet president, all the people supporting the president, all those are quantified in the share of the third attributed to the majority he is part of.

The title of this debate is very well chosen. We have talked about pluralism in issuing licenses and I have described the difficult situation we coped with in the Belgian SBC, when it had to re-allocate all the licenses in the broadcasting sector. The SBC was much criticized by the Liberal Party and the Socialist Party, who said "we all are equal". I was criticized by the most important broadcaster, which owned two very large networks and claimed it deserved three or four. We were criticized by smaller networks, who accused us of favoring the big networks. Every time we tried to answer those criticisms and to the ones who kept asking us why their favorite radio disappeared. We tried to answer, to honor our missions, to explain the way in which we worked and to unveil the errors to the public.

I will tell you what the SBC is doing now, apart from the electoral race and which is the behavior of TV and radio stations, of political parties and of the civil society. I'll tell you that in Belgium we do not make monitoring during electoral races but do other things, and our interventions are totally different from yours. We'll also talk about the situation in France and in other European countries. The legal context is the same for everybody, I mean the European Convention of Human Rights (ECHR). When we talk about such a subject we can't help reminding article 10 of the ECHR:

*"Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.*

*The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or the rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary".*

I think it's a fundamental basic upon which the rest of the regulations are based. There are also other two articles, less known, but relevant for the electoral periods and namely art. 14, which forbids any discrimination, which acquires vital importance in the electoral campaign: *"The enjoyment of the rights and freedoms set forth in this Convention*

*shall be secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status”* and also art. 17: *“Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction on any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention”*.

This convention is part of the Belgian and Moldovan legal frameworks. In Belgium, we have a special situation. Till 1970, Belgium was a unitary state, then it split into several parts. There are not so many competences at the national level, only several like the army, the police, and the other powers were transferred to the communities. Those communities with different philosophical and ideological concerns inherited a series of powers from the federal state, and menaced the balance within the Belgian state. Clarity must be done within those communities. Two articles were added to the Constitution: the first provides for removing any discrimination of philosophical and political type. In this regard, a commission for the Cultural Pact was set up. This pact is concluded among all the parties from the parliament. The objective of this commission is to avoid that the parliaments of any community, the parties from any community, in adopting acts, should not harm the minorities from that community, and should respect that the measures undertaken by those communities should respect the principle of non-discrimination. The principle of activity of this commission is to socialize the users and all the philosophical trends in drafting and applying the cultural policy. There is a representation of all the trends within this commission. Any public organ formed by authorities shall rely on the non-discrimination principle: *“Any public authority, any organism created by the public powers or upon their initiative, an organism or person permanently having an infrastructure belonging to a public power shall abstain from discrimination, exclusion, restriction or preference, regardless of their forms, on ideological or philosophical reasons resulting in annihilating or in compromising the exercise of rights and freedoms ...”* The public authorities shall join in drafting and implementing these cultural policies. These bodies shall be made in such a way that they may represent all the trends and social groups. Also, in case of need, they resort to ousting the representatives having the same trends. This commission has powers in all the sectors, but its functioning is very simple. Any citizen feeling injured by the decision of any authority can submit a complaint to that commission and the commission will be looking for a compromise. If the conciliation fails, the commission will publish a reasoned notice over the complaint and will possibly word recommendations for the authority in question. This commission is formed on parity principles (13 French speakers, 13 Dutch speakers and two German speakers). The parliamentary parties are represented in that commission, the other parties enjoy only consulting votes.

A specific aspect is the law of 1981 meant to repress intentions inspired from xenophobia and racism. These provisions were set in art. 9 of the Broadcasting Law (SMA – audiovisual media services) which provides for banning programs *“which may harm human dignity or contain incitements to discrimination, hatred and violence, particularly for pretended reasons of race, ethnicity, sex, nationality, religion or philosophical concept, handicap, age or sexual orientation or pursuing to deny, minimize and approve the genocide committed by the Nazi regime during the Second World War, as well as any other type of genocide”*.

We also must pay attention to the law on restricting and controlling electoral expenditures. The expenditures for every party are restricted and every party shall declare the list of its expenditures to the controlling commission. On the basis of those lists, a report is made, and if one finds that the authorized expenditures were exceeded, sanctions may be

ordered (losing the public subsidy granted to the party, punishment or depriving the candidate of his/her mandate).

The government's communications to the public service are banned two months before the elections, except for emergencies, and in that case, no image of any minister can accompany the message, which must be strictly informing. This legal provision is necessary in order that the running ministers should not appear too often during the electoral campaign.

RTBF must insure maximum diversity in its program offer. The aired programs contributing to inform the public must be objective, non-censored and without interference on the part of some public authority. RTBF's administration council, after consulting the news department and with two thirds of votes, establishes an internal regulation regarding the treatment of information and the ethics of the personnel and especially the ethics of journalists to guarantee the objectivity and independence of the information and of the ones providing it.

Every citizen has the right to exact and full information and has the right to know the elements of the information and the main views regarding to any important issue. RTBF insures the independence of its programs against the influence of third parties. The newscasts are done in the spirit of objectiveness, without censorship in advance or interference on behalf of any public or private authority.

In order not to apply it in a ransom manner, there is also external control over the way in which RTBF exercises its missions.

The objectiveness spirit requires multilateral information meant to serve to know the reality and to seek for the truth. No matter is excluded from the information field only because of its nature. The spirit of objectiveness requires a journalist to prove competence, criticism, precision in vocabulary, clarity in expression, exactitude both by fidelity to the reality of facts and in communication in any form, honesty without distortion regarding the justification of a particular or partisan conclusion and fairness by impartially covering the significant views. The balanced representation in broadcasting of different trends and opinion developments represents one of the basis of the objectiveness. This balance does not necessarily need to be established in any program, but in case of need it could be necessary in a series of programs, or from the totality of information during a certain period of time. In the case when a program, by its specific nature, cannot be balanced as such, it should be presented so that there is no equivocal situation. When a program needs the presence of the representatives of different views, a journalist takes care that his/her choice should be balanced and really representative. In case one or several trends could not be represented (absence, refusal, selectiveness because of the need to restrict the number of invitees, they mention it in the program.

The private channels are not subjected to such a precise regime, but they are also bound to objectivity through the means of authorization. When getting the authorization, every television is checked up by the CSA on a basis of series of criteria, set out in the candidate file. In order to preserve their authorization, there is a priori and a posteriori control. If broadcasting news, the private operators must insure the management of newscasts by professional journalists employed by work contracts and recognized according to the law of 1963 on the recognition and protection of the title of a professional journalist. They also must adopt an internal regulation regarding the objectivity in treating the information and commit to respect it. Also, if broadcasting news, the private editors must recognize an internal association of journalists as interlocutor and must consult it in matters that can fundamentally change the editorial policy in terms of organizing the news desks and appointing editors-in-chief. This internal association is made up of journalists representing the news desk of the broadcaster. No TV channel may get authorized if it

depends on a government or an organization of employers or employees. These pluralism regulations shall be observed both in the electoral and post-electoral periods.

Speaking about Belgium and France, we'll understand what happens in Europe. There are two regimes, one – pursuing to observe all the regulations referring to the principles of objectiveness, honesty, etc. Another regime is the French one, which is slower and bases not so much on self-regulation, but on a centralized system, as is the case of other countries, too, including Italy and Romania. France's CSA services monitor the most important national channels outside the electoral period, too. The officials' interventions are counted down to seconds. The other broadcasters are also researched. In order to see how this balance works they use the principle: 1/3 government, 1/3 parliamentary opposition and 1/3 parliamentary majority. This creates a situation when the parties not present in the parliament are not covered. France also has the principles of equity for the extra-parliamentary parties. All those regulations are placed on the CSA's web page. Those reports are sent to the parliament, government, political parties. After this monitoring, if it finds any imbalance, the TV channels are advised to observe the provided norms the next month and to remove the found imbalance in favor of the harmed actor. During the election period this system will function all the months and its results will be published. However, if there were more electoral information, the CSA will adopt a different system, the rule of those three thirds remaining outside newscasts, and will adopt recommendations as to the opinion pluralism or will adopt recommendations referring to the distribution of the airtime reserved for the parties represented in parliament. All the parliamentary parties have 20 minutes of live broadcasting in a program, while the extra-parliamentary ones have quotas on the basis of the percentage got at the previous elections. The CSA publishes which parties have access on TV in program of direct address, if there are signals, during the campaign, that the access of live expression of the parties does not function, it notifies those channels by finding imbalance in coverage.

**Ludmila Vasilache, BCC, member:**

There was confusion here among the obligations of the CEC and of the BCC, during electoral races, as to who punishes the broadcasters and the electoral contestants. How is it in Belgium?

**Jean-François Furnémont:**

The CSA applies the penalties on broadcasters.

**Oleg Cristal:**

The CEC and the BCC are ready to take over Belgium's experience of airing the official communiqués. The top officials must stay off the office.

**Eugeniu Știrbu, CEC, chairman:**

We mix up the notion of an electoral contestant and the notion of being on the list of electoral contestants and the suspension from office of the top officials. We are ready, but the Electoral Code must be changed and namely its art. 13. According to that article, the president of the country, the president of the parliament and the prime-minister do not leave their offices, but it does not mean they are not electoral contestants. We banned the official information to appear in the Regulation, but that was not respected. The code must be changed regarding the suspension from the office issue.

**Ludmila Vasilache:**

I am ready to take over the European experience, but we have a national law which shall be observed and the decisions are taken by majority of votes in the BCC.

**Eugeniu Știrbu:**

We hope we'll work with the BCC in the future and we'll draft regulations to bring us closer to Europe.

**Sergiu Banari, independent candidate:**

We forget we're talking about the Electoral Code, about the Broadcasting Code, we forget we have a constitution stipulating every citizen has the right to be elected. It's not enough for the BCC and the CEC to take action by themselves. Marian Lupu, Zinaida Greceanăi and Vladimir Voronin have the same rights as the other electoral candidates. We have such situations in the districts led by Communists, they used public buildings for free. For instance, on NIT, Mrs. Belchenkova, a PCRM member, moderated all the electoral programs, also being an electoral candidate. The employees of the station violated all the laws categorically. I don't know which laws were not violated by that company. We have very many good laws, adopted with the support of the Council of Europe, but they are not observed. Which political leader, not being in the parliament, has had free access to post-electoral debates at Moldova 1? That's what we must talk about. Several TV stations did not organize electoral debates, but had several programs attended by PCRM representatives.

**Arcadie Barbăroșie:**

It's a matter of justice again, here, we see the political dependence of the judiciary. You can sue even Moldova 1 for breaking the law, but your complaint will simply not be accepted.

**Nicolae Panfil, the Civic Coalition for Free and Fair Elections – Coalition 2009, secretary:**

Knowing more about the work of the Moldovan media, how would the expert see the way out of this situation?

**Jean-François Furnémont:**

The issues talked here are related to political culture. If we have in Belgium this system of fairness in media, that's because all the actors have developed a political culture. Although the CSA is not so proud, they recently found that the development of the country may harm pluralism in some region or other. They don't bring someone to talk elections on the public televisions three month before the elections, but we'll talk about an access policy. Nobody imposed that through some law, but it's provided for in the internal regulation of the public service, because it wanted to be fair with its viewers. This is a cultural development both in politics and media. Those regulations were taken over even by the private stations. There are still debates in Belgium today whether RTF is not too close to the main ruling party. But this issue will be solved by evaluating the political parties.

**Arcadie Barbăroșie:**

The law is not perfect here. The president did not resign. The constitution says he will exercise its functions until a new president is elected, but, on the other hand, the position of a member of the parliament is incompatible with the position of president, that is we have a contradiction in the Constitution. There is a series of contradictions, which need to be annihilated. Even though there may have been unveiled enormous frauds, published during the electoral campaign, the public would not have had a strong reaction.

**Efim Josanu, National Ethics Commission, chairman:**

Up to now we have not realized a journalist's drama, because the politicians managed to make the image transfer towards us, and we, sometimes not even realizing, become the heralds of some lies. Many journalists become manipulators what is extremely serious, dangerous. I think morality will dominate in the end, a journalist's morality, and he must not let himself manipulated. You may go to jail in Italy for popularity abuse. The judiciary is the most penetrated and the most dangerous, it does not defend the right of the ordinary man. Television is the atomic bomb with a total effect.

**Ștefan Urătu, independent candidate:**

If he had had political culture, Mr. Voronin would not have accepted to be elected as president of the parliament, because he is to be a president a period after that. We, the

electoral contestants, must impose the political culture, we must prove we use the law and impose it on others, who try to break it.

**Constantin Olteanu, APEL, expert:**

As a suggestion we may mention the extension of the basis subjected to monitoring, the number of subjects subjected to monitoring must change, but it must grow, we must insure the transparency of media ownership, stimulate certain pressures of the public over the media, develop the Moldovan broadcasting, not hinder getting licenses, clearer wording the notion of electoral actor and political actor, which can influence the elections some way or another.

## SESSION 2

### **Legal provisions and editorial policies in the electoral campaign**

#### **Ludmila Vasilache, BCC member (moderator):**

The private broadcasters were much more active during this electoral campaign, they demonstrated there were independent and autonomous media allowing for mirroring ideas and opinions. If in the previous electoral campaign, few televisions engaged in holding electoral debates, the situation has changed this time. I must mention the specific role of the public broadcasting service. Unfortunately, neither the representatives of the public company, nor the OC representatives CO have honored us with their presence. At the BCC's sittings we expressed our concern with the slow and insignificant progress of the changes for better at Teleradio-Moldova, but the things have not changed. The absence of the Observers Council members is to prove their interest for our discussion is not big.

#### **Anatol Golea, TV7, director:**

I will talk about the practical aspects related to the Regulation of covering the electoral campaign and the broadcasters' cooperation with the CEC and the BCC. The CEC regulation was better than during other races. A positive element, for instance, is that the stations, broadcasters had the possibility to have debates. Every time this document is very and very restrictive. I consider it has very good provisions. In my opinion, the regulation instructs how we should do in case the prime-minister, the president of the parliament and the president of the country are electoral competitors. It's written they do not have priorities because of their functions. The press services of those institutions will not electioneer through the communiqués they spread. Those provisions are there in the regulation. All the holders of public offices electioneered a lot. There were lots of events attended by the top leadership going there on their job cars, bodyguards, etc. The regulation answers these questions in a way, but despite all that every station mirrors as it sees suite. There were very many questions related to this regulation from the very beginning, questions that nobody could answer. First we did not know how to deal with point 20 of the regulation, reading that electoral events will be mirrored in newscasts, but will not be accompanied by commentaries. I understand it's we who don't have the right. The CEC explained the participants in those events must not comment, meaning that we can comment on the event, but shall not let the participants speak. In the long run they decided the vents would be commented by TV stations, although there were comments made on different stations. For those breeches, 7 stations were publicly warned, 2 stations - repeatedly warned. After applying those punishments, the equidistance in the electoral race was finished. Everybody understood the BCC wants to show the finger, regardless of the gravity of the violation. I recognize there were deviations on TV7, but not in the reports we were punished for. The first reaction was to withdraw my signature from the Conduct Code in the electoral race. In the next electoral campaigns I won't sign such declarative and formal documents, which are not observed. We all know what this campaign ended in. All the officials and European experts seek for the motives of the incidents of 7-8 April. I recognize the newscasts were reran on April 4 in the morning, but when I saw other stations electioneering in the evening of 4 April, I think it was a very severe violation and it must be punished. The BCC should have acted by himself, and at least the CEC would not have done a mistake if it had punished those electoral competitors. This was noticed only by the ones who monitored. This deviation is recognized as the most serious in all the world, not in Moldova.

Something else: some documents were slightly liberalized, but there was conscious regress made by certain electoral contestants and certain broadcasters. As for the regulation, there were regresses certainly. The regulation should have contained more regulations as to



the public company. The Broadcasting Code divides the public company and the private broadcasters, but the Regulation does not do so. The regulations are too strict. It would be a good idea to have talk shows, in addition to the public debates. It was a pain for me to have debates with certain electoral contestants, they did not know who they were, forgot which party they represented. It's absurd that a party without chances to get to the parliament should participate in debates with a party, which is interesting for the viewers. I had two trials with two independent candidates. At my station, the independent candidates were separated from parties. That's why we were sued by Mr. Urătu, who was asking for equal conditions for all. In my opinion that was more correct. I think the private stations can have this choice.

**Ludmila Vasilache:**

If the BCC did monitor the stations from the capital a little bit, then the situations with the televisions from regions was disastrous, since we don't have a system to monitor them. Now it's even worse, the monitoring centers in the north and south were closed down, because there is no money for monitoring.

**Andrei Bargan, Media TV/Radio Media, director:**

We thought we were monitored and we worked honestly. Apart from the BCC we're monitored by electoral contestants, TV viewers and there is also self-censorship. In this electoral campaign, the local TV stations participated in a more organized manner, it was felt like that. In this poll, 14 local stations joined a project of electoral debates, supported by the Eurasia Foundation and the Soros Foundation. Consequently every station had from 6 to 12 debate programs. This project made us more organized, on 16 February we launched the project. Most of electoral contestants attended those debates. The key principle was to select equal conditions for all the contestants. But certain problems appeared. When the debates started we noticed they were on 4-5 televisions, plus the televisions from Chişinău. The independent candidates could not have been presented on all the stations. Sometimes we had to ask politicians to attend our debates. In Bulgaria, for instance, it's the televisions which are responsible for choosing whom to make debates with. If some did not know the name of their parties, others just came to do their duty. Another problem was to have the debates live or recorded, and finally we decided to broadcast them live. The last debate was recorded on Monday and aired on Friday and we had problems to remove the candidates who abandoned the race. We sent reports to the CEC and BCC. In Bulgaria, for instance, they have a special center for that, to concentrate all the information. We had problems with the electoral signs and flags. The debates started somewhat later. It was better to have started the debates after the contestants had recorded with the CEC, since it's hard to plan. First, the most important parties came, then -- the independent candidates. We went with four participants, but there were cases only one candidate turned up, and we made the program in order not to harm his rights. I must confess it's easier to have debates with two candidates.

**Ludmila Vasilache:**

The BCC received a notification from a viewer writing that a local TV station showed a candidate dancing at a party and he qualified that as electioneering. We discussed the subject a lot: is there electioneering in that material. Probably, you should select the ones you invite to your programs, otherwise you may get blamed.

**Sergiu Banari:**

If the private televisions were allowed to choose the participants themselves, then we'll have a single pattern - Moldova 1. Someone from the PL will work at a station and that station will choose PL ten times, another station may choose the PCRM, etc. I don't think your proposal is good. We struggle for independent media, but you stand for partisan media. How do you know who's the favorite from opinion polls? We know how the polls are made.

**Andrei Bargan:**

The regulations are there and you must express disagreement with the public television, it must observe those provisions. When the question is about a private television, it takes certain risks. The televisions work for their image. If we do it wrong, the image is damaged. I signaled out the existence of such practices.

**Anatol Golea:**

You don't understand that the television want to be partisan when they favor certain participants. The Regulation must very clearly specify the provisions for the public and private stations. The private stations must be free in their work. We take our money from ads. The sale of advertising depends on your rating. It would be good if we were allowed to hold not only formal debates. Those debates must be interesting for viewers.

**Sergiu Banari:**

If there is a threshold of 1 per cent for independent candidates I assure you I will get into the parliament.

**Arcadie Gherasim, USM, university professor:**

I think the electoral threshold for independents must be 5-6 %. At Vocea Basarabiei we were having debates with Valentina Cuşnir and by the middle of the program appeared Mr. Urâtu, which stayed a while, and then went to the national television. I think the broadcasters must protect the public. I agree with Mr. Golea, we need to have clear instructions about what we must do. Anyway it's the broadcasters who must impose their order of the day.

**Oleg Cristal:**

I had the occasion to attend two courses organized by APEL in organizing debates. We mime the organization of debates. There is this experience of other states. First they start from the public interest and have several criteria of selecting the competitors. The first is the one suggested by the polls. The second is the result of the last parliamentary elections and the third is the result of the last local elections.

**Victor Osipov, AMN parliamentarian:**

I have to say there was an inflation of debates, this concept was specially drafted to compromise the idea of debates, including by inflation of debates. It was very hard especially for the independent candidates. We decided to let our leaders from regions to attend the debates on local televisions. Other parties chose other tactics. I would like to ask the broadcasters for their idea of having debates in a special hall with an audience and broadcast by several TV stations.

**Anatol Golea:**

I think we're not ready yet for such an experience. Even technically it's impossible to organize such debates for most televisions.

**Ştefan Urâtu:**

I have the impression that all must observe the law, except for ourselves. You say it would be good to have more freedom, but when it comes to NIT we say such freedom is not good. Although there is a law and you were partisan, you want freedom, too. A single candidate will buy you.

**Anatol Golea:**

I hope, after this campaign, not only the candidates will draw conclusions but also the TV stations, and we'll have 5-7 electoral candidates in the future. I think it will be more interesting.

**Alexandru Dorogan:**

The different between the public stations and the private ones consists in their mission, but there are also similarities: the public station is bound to inform and have newscasts, and if a private station commits to produce news, it must do it at the same

standard. In this regard there is no difference between the public and the private stations during the electoral campaign. The existent regulations do not allow the stations to find forms to individualize them, to offer equal conditions.

**Igor Boțan, ADEPT, executive director:**

I am aware of the report made within Coalition 2009 and I consider they are made professionally. The conclusions are clear, the stations' behavior was partisan, the regulations were excessive. They become more detailed, and the avoiding ways – more sophisticated. The goal is clear: using media to wash brains. I think this media corporation generated partisanship and the media units of holding have wider coverage than others. Now PRO TV has problems. They invite to debates representatives of the opposition and of the ruling party. The latter ones do not come, and the ones that do come create a certain impression. The impression is that PRO TV makes partisanship, although it says the chair of the PCRМ invitee is empty. The representatives of the media holding do not invite the opposition to their programs. This conduct generates the feeling that all the media are partisan. This must be overcome. Consequently, PRO TV has problems. In my capacity of a citizen I am revolting – PRO TV does it honestly, invites the representatives of the opposition, of the ruling party, who do not come, however. The media holding uses technologies to slander the electoral contestants, other people. Why, in 2001, did we manage to have an almost perfect electoral campaign? Any EU country would have been proud to have such a race. Why, 8 years later, after the race, did we have the April 7 phenomenon, why, after two terms of the PCRМ do such things happen? I don't think it's a matter of legislation. I have been monitoring elections since 1994. In 1996, Radio Moldova got the highest mark for the impartial coverage of the electoral race, what happened to the then director of Radio Moldova, he was sacked, in 2001, the television Moldova 1 got the highest mark for covering the race, what happened to that manager – he was fired. So, it's not a matter of regulations, the question is about interests and if the media serves such interests, we have what we have. We have the April 7 effect and its consequences of June 3. We ask: was not thing foreseeable? Yes, it was. We've got two calls of the EU ambassadors, warning on the media's behavior. On April 2, we had the EU's statement regarding the electoral campaign in Moldova, they underline, there, the media's partial conduct in favor of the PCRМ, and then we had April 7. I think the media's partisanship in elections caused the April 7 events, which cost us a lot. And, as a result, we don't have MPs in the parliament, but MPs in the National Palace, and we don't have a president of the parliament, but a president of the National Palace.

**Igor Munteanu, IDIS Viitorul, director:**

This pathology of the Moldovan media must be considered more often and with more firmness. Perhaps the things, which we had thought would be solved by themselves after adopting a new broadcasting code, have not solved and the problems have become bigger. Apart from representing IDIS Viitorul, I am a member of the Observers Council. But my distancing from the OC is due to certain circumstances. Unfortunately, the things happening at the company Moldova 1 show that it has not risen to the level of a public institution. It's an assertion that can be proved through the monitoring reports. The criticism brought about from outside the company trigger certain situations at Teleradio-Moldova. Criticism has been associated with enmity. The way in which the public company works moulds the Moldovan media space. First, it has very wide territorial coverage, second, it influences the mode of the people's participation in the Moldovan political process. It also creates certain resistance to the political change. The Broadcasting Code should have opened an essential transformation way for this company. The idealism with which we started to attend the OC sittings scared some colleagues of ours. Several months after being sworn in, we proposed several changes meant to change many things at that company. I proposed an internal audit,

but the new leadership said we could not change things so fast, that we were dependent on the state budget and if we want to have our budget insured we must have very good relations with the government and the parliament. In case we were proposed to complex models, we would not get the money. That type of approach was totally contrary to the spirit of local autonomy of the public broadcasting. We started to adopt decisions by consensus and some of them went further. The Cox's work stalled when we asked some more inconvenient questions. For instance, there was a conflict when we asked which was the status of the program "Rezonans". Where has it appeared from? Certainly "Rezonans" is a program financed by MIR and has political functions. During electoral campaigns that program passes to NIT, and then switches back to Moldova 1. It has insured political protection, since I have never got hold of the contract of that program. We could not find what money that program had. Such confusions made Veaceslav Ioniță and me seek for more data, as the management of the company's budget. We discovered interesting things. 47% of the salary fund were reserved only for the ones loyal with the power. Thus, the ones loyal to the power received more money than the disloyal ones. One of the big problems of the company is the disproportion in wages. Some journalists received 750 lei a month, others – over 10 thousand lei. Those huge disproportions speak of the unfair distribution of resources. The reason was that it's not the money which matters for the company, but the transparency and the optimization of resources. The company's rooms are used irrationally. They gain 120,000 lei annually for room over 4,000 m<sup>2</sup>. This disproportions show there is a mistaken management, which advantages certain groups in the company. The result of those experiences was the publication of a work called Teleradio-Absurdistan. The OC's and the company's reaction was different. Valentin Todercan sued us and Vocea Basarabiei for airing a material on that subject. He asked for 2.6 million lei in damages, in the court. I attended a sitting in January 2008, where the case was discussed. OC colleagues told us to extricate how we could if we harmed someone's dignity. Their form blocked also because of lack of consistency on the part of the OC, because it's not possible and not ethical to leave the responsibility of the reform on Mr. Todercan's executive. It was sabotaging the reform. We have never discussed with journalists about the necessary reform, about improving their work and the quality of the programs of the public broadcaster, to make the public satisfied. Evidently, the advertising market to which Teleradio-Moldova has access is extremely small. This creates bigger dependence on the political factor. It also massively influences the trust of those protesting on April 7. This conflict is ready to burst again: because of social reasons, because of political reasons, because of breaking the constitutional provisions. If we don't solve these issues, we won't get out of impasse. The legitimacy of the democratic process depends on the way the media functions in, including the public broadcasting. If the Constitutional Court keeps silence when the Constitution is violated, if the BCC notices the illegalities and accepts them, then the external actors will have a corresponding attitude and we won't be respected.

**Arcadie Gherasim:**

Alexandru Dorogan once called me and told me to draft the concept of covering the electoral campaign, I think it was for the first time in Moldova. Then I went to the CEC to defend it. And the wave of concepts started ever since, and when they are adopted today they create war in media. The public television still does not have the order of the day of the electoral campaigns, because of several reasons. The restrictive character of the Code. Why are the talk shows suspended during the race. Some forces attracted the televisions and they chose the easy way, conscientiously, on what people want. The television did not research the conduct of the electoral candidates. The televisions were spared from analyzing things. Why did not the national television have a program to analyze the candidates' electoral programs? Now we're complaining about the consequences of the electoral

campaign. Who's to blame? It's the BCC, which did not take care of its sector. This chaos was convenient for the BCC. If the law were observed, the BCC should have closed Moldova 1, Omega, NIT. You have seen that nobody was punished for the gross violations. They used to air programs full of statements, work visits, black propaganda. That's why it was a failed campaign, and the broadcasters were simply used. The electoral debates are more formal than not. We should discuss about certain restrictions. The electoral contestants were shocked when they came from Moldova 1. The electoral debate is an opportunity to promote a program, to defend a viewpoint. We must see what we'll do with these programs. The debates must be interesting. When we're doing documents like that, we know the judiciary is not going to act, the BCC will react in four years. We must adopt regulations allowing TV stations to make talk shows, analysis programs.

**Ștefan Urâtu:**

An electoral competitor should be able to discuss with different categories of people. You must give a candidate the possibility to express himself, so that the voters should see how he acts.

**Corina Fusu, PL parliamentarian:**

We've been discussing regulations and laws and monitoring, but without any results. We complain that something is wrong with the freedom of expression. It does not go because the PCRM has been ruling since 2001 in Moldova, which is deaf when we discuss about the freedom of expression and democracy in, because the freedom of media is the guarantee of a democracy, and democracy in Moldova would be a precondition for the PCRM's disappearance. It was not interesting for the PL to participate in debates, which actually were not debates. The journalists from Teleradio-Moldova are totally unfit for such a job. The radio presenter, Mrs. Rusu, dared to comment the candidates' answers. When it was the PCRM, she said the answer was extraordinary, when I answered she said it was a wrong answer. Mircea Surdu gave us more freedom, but, taking into consideration that the participants in debates were unfit, the debates were impossible. We can say the PCRM goes on miming democracy. They talk about dialogue, but are not capable of a dialogue. The media must be free, but without talking to the opposition. It's hard for us to have access to Moldova 1. During four years, the PL participated in debates during 100 minutes. During the electoral campaign, they manipulated the public opinion, they manipulated the public on the election day, they manipulated mostly after the elections, when they distorted the truth, truncated images, phrases. If the police mutilated citizens physically after April 7, then the journalists from Moldova 1, NIT and other stations mutilated and continue to mutilate citizens and are to the same degree guilty as the policemen with clubs. We, these three opposition parties, wrote a notification to Teleradio-Moldova's management asking for our right to reply, because we were accused of coup d'état, because we were described as fascist, extremist parties, repeatedly. In response, Mr. Todercan said he saw no violation on behalf of Teleradio-Moldova, they covered as they saw it. The reports were made on the basis of the communiqués from public institutions. We don't even have the right to reply. We see the way out by holding new elections, in order to punish those who destroyed those two buildings in order to have them re-built later. We want to apply the PACE resolution and the resolution of the European Parliament, as well as the roadmap proposed by several NGOs and signed by the PL. I refer to dispatching an EU mission to Moldova to monitor and help us strengthen the democratic institutions, because practice shows we cannot do it by ourselves. First we need to create a democratic frame as stable as possible, and then we'll get together and discuss high matters.

**Igor Munteanu:**

We must not punish ourselves and say we're the worst, because all the countries from Central Europe having adapted to the EU institutions passed through such procedures. They

were also visited by Western experts, who helped them to form the public institutions. There are very professional journalists at Teleradio-Moldova, but when you have a salary of 750 lei a month, you don't feel like fighting for justice and truth. The stresses should be slightly moved. Very many state institutions do not know what European standards mean and do not want to learn. It's very simple to go past it by putting European envoys into those institutions.

**Mihai Godea, PLDM parliamentarian:**

The electoral race, and the conduct of a TV station in general are difficult to analyze. The conduct of the media during the electoral race and, especially, of this media corporation was as it was ordered to be. Two new elements appeared. Teleradio-Moldova's behavior was foreseeable. The first new element was the attempt to present the opposition representatives in a weird situation, to distort their statements, to make them contradict one another. They go on doing so at Omega. The things go on and nothing will change until the power in Moldova gets legitimized. And there was a new element at Eu TV. The PLDM was criticized mostly at that station. There has been nothing like that in Moldova. They permanently denigrated their political opponents. I totally agree there were no debates. The Regulation was as it was. The approach of media and media regulators was as it was. I talked to Mr. Gorincioi, I presented him a big draft of amendments to that Regulation. I was amazed at his ease to adopt their amendments, except for two – the most important. Then, however, we did not see the amendments proposed by us in the basic draft, later adopted by the CEC. An interesting thing happened. When we were discussing with the BCC, they told us they would take everything into consideration, but when we talked to the CEC, they said they had not received the documents from the BCC yet. I think it's weird to discuss about legality in a space of illegality. I think we should start it over again.

**Victor Osipov:**

My colleagues have already pointed out a series of problems I agree with, but, however, I will tackle them. If speaking chronologically about this subject, perhaps we should start with the pre-electoral stage. I think that all people are interested in rather our point related to the perspective than the one related to the past. The 2001 elections were almost exemplary, but those of 2009 were lamentable, the worst of the history of the Republic of Moldova. Such a regress can not be accidental. Those who were in power worked methodically, knowingly, professionally for undermining and destroying the democratic institutions from Moldova. For substituting the democratic values. For many years we have heard the European experts say that solutions do exist. But the most interesting thing is the fact that there are applicable solutions even in the conditions of Moldova. BCC, CEC and OC can adopt specific regulations, including they can adopt the so-called good practices from the experience of other countries, but they don't do it. But when you hand them in, they refute them. We must be aware that Moldova is led by a group that, methodically and consciously destroy the democratic institutions. We discuss the result of this destruction, we mean the broadcasting area. We are in a crisis of democracy. I should emphasize the use of CEC and of the constituency councils by the power. We had cases when the CEC gave instructions not to air the AMN clip, because it was considered denigrating for the PCRM. BCC interfered very seldom and very inconclusively, but OC merely shocked us. The response to a letter addressed to OC was the same as that from Todercan. Here is a series of independent authorities whose obligations include protecting the rights and unfolding fair and free elections. We shall go to early elections and we must be aware that we shall go with the same institutions. The chance that these institutions work normally is minimal. The latest hour reactions show that there is little chance that they change their approach. That is why we should use all democratic instruments. The Americans say that if you want to understand politics, watch where money flow. EU TV,

“Omega” and N4 are promoted in magazines and newspapers, as a common advertising package. There is one of the proofs that they are together – a clear feature that we had a campaign that was unfolded by a series of party-owned televisions. Even if the Broadcasting Code bans holding a broadcasting license and, from the patrimonial point of view, we shall not find a party having shares at a stations, the editorial policy shows that we had party-owned stations. Without democratic institutions, even during the early elections, the chances are minimal. It is not out of the question that the early elections will be compromised.

**Ștefan Urâtu:**

If the parties with good opportunities complain that they were not treated equally in the electoral campaign, then, so much the more, the independent candidates have the right to say that. There is a series of media that are more independent, others – more dependent. For instance, “Timpul” publishes an article which goes beyond the limit of morality. I go there to be offered the right to reply. I am told: on no condition, come with replies after April 5. If I had gone to Voronin with replies, would he have been more loyal than Constantin Tănase? PRO TV has already aired several times that recounting the votes is made upon Urâtu’s and the PCRМ’s request, although I have asked for recounting only on 5-6 constituencies. This denotes a perspective of power. If we remove somebody today, what shall we have tomorrow? That is a voter’s dilemma. If speaking about the local stations. Perhaps it was a good idea to get associated and to make debates. But it was made in such a way that all debates were unfolded during 4 days, on the same day and in the same time. Maybe it would have been better to delegate somebody, but when you delegate somebody you are confused with a party. People from villages don’t understand this thing. The chances of independent competitors were little from the start. We have also promoted certain ideas within some parties and certain parties have focused on human rights that was not noticed at the beginning. I think this had a positive influence on the voter. I didn’t withdraw from the electoral race, because it is not good, and this is a form of partisanship. Participating in it, I had the purpose to test the way the law works and I noticed some deficiencies that I hope to eliminate.

**Sergiu Banari:**

I consider that the debates we had are not debates. I think those who ran as independent candidates don’t have to run any more, because the elections that follow will be a sharp fight between democracy and the totalitarian regime. I think that as an independent candidate who got the most votes, I have the moral right to come with such an appeal. Unfortunately, the electoral campaign has shown once again that 80% of the tv stations in Moldova, that have coverage almost over the whole territory, are part of the PCRМ’s media holding. The work of these stations was shameful not only for the journalistic gild, but also for a country that considers itself democratic and tends to the European integration. During the electoral campaign the people running on the PCRМ list appeared in the newscasts not only as competitors, but also as state officials and dignitaries. In this situation NIT and N4 did not offer equal conditions to all electoral competitors to present their electoral platform. EU TV was in the same situation as NIT and N4. The difference was that along with the PCRМ, the PPCD was praised as well. Both me as other electoral competitors refused to participate in the electoral debates, because after each debate program, special programs were organized in which PPCD and PCRМ candidates were praised, and the others were denigrated. This had happened until April 5. If such things were made at the above mentioned stations, because they are financed by the PCRМ and the PPCD, then it is alarming that this thing also happened at Moldova 1 station that is financed from the public funds. The electoral competitors did not have equal air time in the newscasts here as well, and when statements from the opposition were made, the journalists dared to comment and to state their own opinion about them, that proves lack of

professionalism and runs counterpart to the journalistic deontology. On the other hand, I consider that the best and successful debates were organized at Moldova 1. PRO TV and TV 7 mirrored operatively and objectively the electoral campaign in the newscasts and they equally treated all competitors. As far as the debates go, much work still has to be done, especially regarding their structure. The local tv stations proved that they can be independent and impartial. The Bălți tv station, being financed from the public funds, did not organize debates, thus depriving the tv viewers of this right. We are not only in economic and political crisis, but also in a moral one. The actions taken by the communist media holding bring to polarizing society.

**Ștefan Urâtu:**

How do you appreciate the gesture of not participating in the debates on EU TV, placing electoral advertising at the same time?

**Victor Osipov:**

We had a rather active campaign. They have nothing in common. We thought we should use this channel in order to place the ad, that our message couldn't be distorted. By not participating in debates, we wanted to draw the attention of the public opinion on the behavior the EU TV station had.

**Ștefan Urâtu:**

Have you analyzed how much the denigration from EU TV and by the PCRM indirectly favored you?

**Mihai Godea:**

If thinking like this, we can come to the idea that these parties are the PCRM's product. The PLDM was hit before it was born and during its existence it has constantly been beaten. Over 2,000 PLDM members were called to the Prosecutor's Office. The EU TV case didn't create many problems by their way of behavior. The decision taken by us was a moral punishment for them, because their boldness goes beyond any limit. We shall act like this further as well, we shall apply other actions where law doesn't work. In this way we want to protect the citizen against all atrocities flowing from Eu TV during the electoral campaign.

**Corina Fusu:**

The PL also wanted to tax EU TV and it didn't participate in debates. It is true that any poison can help.

**Victor Osipov:**

When you are minced for months by a TV station and the tv viewer has no other information about you, this cumulative effect begins to appear. I think that if Eu TV hadn't blurred so much the opposition, the number of voters for these parties would have been much bigger.

**Constantin Olteanu:**

BCC should have started a procedure on its own intention regarding the channels that campaigned on the election day, many regulations from the legislation should refer to the public company and make difference between what is public and private. The televisions should look for participants in debates on their own account. It was proposed to uniform the reports of the institutions holding debates. The debates should be organized in a common studio and aired by different TV stations. It should be touched upon the restrictions in terms of debates and not halting journalists. Those two EU resolutions must be applied and experts should be sent in order to monitor the public companies.

**Alexandru Dorogan:**

We shall give time for wording conclusions and suggestions in order to improve the regulation and concept of approaching the electoral campaign. Neither the civil society, nor



the parties participated in working out the concept. The regulation and concept are documents that can be improved until the beginning of a new electoral campaign.

**Jean-François Furnémont:**

I will try to explain why the Belgium CSA does not make monitoring. I will start recollecting things known to everybody, principles shared by all the member states of the Council of Europe. It's about the Recommendation (2007) 15 of the Committee of Ministers of the Council of Europe to the member states on the media coverage of the electoral campaign. We took points 6 and 7 of this recommendation, one of which is for the public authorities, and namely, regarding what they shouldn't do:

*“Public authorities should refrain from interfering in the activities of journalists and other media personnel with a view to influencing the elections.”*

*“Public authorities should take appropriate steps for the effective protection of journalists and other media personnel and their premises, as this assumes a greater significance during elections. At the same time, this protection should not obstruct the media in carrying out their work.”*

*“Regulatory frameworks on media coverage of elections should respect the editorial independence of the media.*

*Member states should ensure that there is an effective and manifest separation between the exercise of control of media and decision making as regards media content and the exercise of political authority or influence.”*

Thus, the public authorities shouldn't interfere in the work of journalists with the purpose of influencing elections. It is a recommendation, on the other hand, and the public authorities should take adequate measures to ensure an effective protection of the journalists and of their headquarters because this becomes the most important thing during the elections. It also speaks about the real independence of the media, mentioning that this regulation framework should observe the editorial independence and guarantee an effective separation between exerting control on the media and making some decision regarding their content.

I would like to evoke two points of the recommendation. One of them refers to the public media, the other – to the private stations.

*“Member states should adopt measures whereby the media which are owned by public authorities, when covering election campaigns, should do so in a fair, balanced and impartial manner, without discriminating against or supporting a specific political party or candidate”.*

*“All media are encouraged to develop self-regulatory frameworks and incorporate self-regulatory professional and ethical standards regarding their coverage of election campaigns, including, inter alia, respect for the principles of human dignity and non-discrimination. These standards should reflect their particular roles and responsibilities in democratic processes”.*

At the same time, these are tracks for the conclusions of our conference. On the basis of these recommendations of the Council of Europe, the peculiarity of the national legislation we talked about yesterday, the role of the Belgian CSA in the electoral period shall bound to (especially when everything is OK) a recommendation addressed to the TV and radio stations. This recommendation is made 5 months before the elections, since the electoral campaign is considered to last three months till the elections. So, the electoral period in Belgium lasts 3 months, and the recommendations are made 2 months before the start of the electoral campaign. According to the recommendations of the CSA, the broadcasters must adopt their own regulations, regardless if they refer to all the programs of electoral news, newscasts or entertainment programs and this is for the three-month period before the elections.

This recommendation addressed to editors provides for internal regulations called electoral devices which are adopted by journalists. Consequently, the editors willing to cover the elections must adopt an electoral device which must be endorsed by their newsdesks. The electoral device may also be endorsed by the administration board, but it must be shared and accepted by the newsdesk. The editors must also publish these devices on their web pages or may possibly post them on the site of the CSA in order to be public and easily accessible. The editors are also required to watch balance between all the trends during the debate programs and to make that all the debates be contradictory, to insure confrontations among candidates and journalists or even confrontations among candidates and citizens. It also recommended that when the number of participants in a debate is restricted, this restriction should be done on objective reasonable bases, proportionate with the end pursued; the other sides should be mentioned and they should specify why the latter do not attend the debate. If we have 4-5 candidates invited because other refused to attend the debates, the moderator shall specify that. The editors are required not to air debates on the elections' eve. The voters are given 24 hours to rest from all the information. In the same spirit, it is recommended not to air opinion polls on the elections' eve, neither on the election day before closing the last polling station. If they air polls, they should mention the number of interviewees, the date when the poll was carried out, the used methodology, who ordered it and which is the proportion of the people not answering the questionnaire. They are also required to draft a conduct code if the broadcasters organize vote simulations, for instance, some channels ask their viewers to give their say over through SMS or Internet. They mention then it is not a poll done on methodological basis. The editors are bound to withdraw any employee (journalist, comedian... ) participating in elections, for the whole election term (3 months). It is also required: to limit "only to the need of information" the intervention of candidates acting in other roles or offices; to avoid "*any intervention of third parties in favor of any candidate, which may analyze the passed actions or expose elements of some programs*"; to draft different vigilance levels in connection with the unfolding of the campaign (the prudence period, the counting period,...); to mention the programs related to the electoral race with identifiable signs.

The public service imposes a prudence period three months before the elections. This is not applied as to radio and TV newscasts which depend on them, *which will continue to mirror the political reality and particularly the one of the electoral race. These programs may further host candidates, representatives or renowned partisans during the prudence period, on condition of observing pluralism (taking into account the plurality of opinions, but without strictly counting them). In general, particular prudence is necessary in the case of the interventions of the representatives of ministers, ministerial departments, political parties, social partners or emblematic personalities.*

There is also a notion called the counting period during 28 days. Every player is counted in figures. In its internal regulations, RTBF publishes the list of the programs dedicated to the electoral race. The program schedule indicates the places where the parties may air their ads and how many ads every party may air and the number of minutes. Specified are also the modalities in which the parties not represented in the parliament may appear in media. The local stations take out of air the journalists running in elections, during three periods. During the first period, it is not allowed to air interviews with candidates, except for newscasts. During the second period, no interviews are given except for news programs. And, during the third period, the running journalists are totally excluded without any exception. No candidate shall be presented in news. They will appear only in the programs dedicated only to the race. These recommendations of the CSA and the channels' self-regulations are accepted by the parties and the civil society. The big parties are generally satisfied: for instance, for the last 12 years, the CSA was notified only once

although elections take place in Belgium rather often. Most of complaints come from smaller parties because they are not presented on TV. Can the lack of complaints be interpreted as satisfaction or not? If we had had an important number of complaints, shall this situation be interpreted as a necessary element to review this regime because of the lack of intervention of the regulating authority? We think now they work satisfactorily: all the information is submitted to the CSA, what works as a barometer of health of the system. This system allows the CSA not to undertake monitoring since any deviation is signaled through complaint. There was a case with a radio station broadcasting in Arabic (Al Manar). It has a live program every evening. In the end of the program, the moderator made comments and addressed invectives to a reforming political party accusing its president. The president phoned the radio station and asked it to repair the damage. The regulating authority asked for explanations from the station especially since that station had not presented its internal self-regulations to the CSA. The same day the station did not respond to the CSA's request. The CSA reacted and convened the persons involved. Consequently, the moderator was dismissed and the damaged person was invited to a special program. The CSA's sanction was rather smooth. The radio station was obliged to air a communiqué by the CSA and to air, 12 times a day, four days in a row, an info note about this incident and about the measures taken to remedy the situation. When breeches are found, there are modalities that the CSA may intervene, using its legal tools. All those decisions are available on the web pages of broadcasters and on the web page of the CSA.

### **SESSION 3**

#### **Internal and external monitoring: importance, efficiency and impact**

##### **Ion Bunduchi, APEL, executive director (moderator):**

How often do the journalists from Belgium run for public offices? When may they return to the position they had in their stations?

##### **Jean-François Furnémont:**

It happens more and more often. It happens that TV news presenters may run in elections. They know they are to declare they are running in races three months before elections. As a rule those candidates are elected. They make long parliamentary careers and do not return to journalism. But it happens they return to their profession after 1-2 terms, but it takes place taking into account the channels' self-regulations. Those personalities are no longer allowed to talk about politics that is they do not present news.

##### **Victor Moraru:**

Such things could be applied in Moldova as well. Who establishes who may be the renowned partisan of a party. The extra-parliament parties are present on TV as much as it is possible. How is that possibility measured, or is it decided by every station by itself?

##### **Jean-François Furnémont:**

Speaking about renowned partisans. The decision in this case belongs to radio and TV channels and this fact is established in self-regulations. Editors draft their internal regulations on the basis of lists of criteria in order to protect themselves from criticism. Nobody imposes any conditions on channels. It's a matter of self-regulation and the channels respect their self-regulations in covering parties. If debates were organized only with small parties or with big parties, the decision will be reasoned in self-regulations. In case of court suites, those decisions will be reasoned, since the decision regarding the participation in programs belongs to the broadcaster.

##### **Anatol Bârsa, BCC, advisor, Monitoring division:**

Certainly the Belgian broadcasters are very well informed in order to self-regulate themselves. The problem in Moldova is that there are no internal monitoring sessions. I have the impression the Moldovan broadcasters don't do it. Most of the Moldovan radios post on the Internet only reruns, music, news stories taken from the Internet, horoscopes and advertising. Some have only ads. The TV stations also have but symbolical own productions. That is why we cannot talk seriously about internal monitoring. There are few stations having a sufficiently complex program service to apply the electoral requirements on the program services. The internal monitoring would be the only tool here. The success of possible internal monitoring depends on the monitored object and on the methods used. The CEC's Regulation requires the broadcasters to appoint a person responsible with the electoral campaign, to establish the election-related programs, the airtime, the way of airing electoral advertising. A broadcaster would present the BCC what it is asked for. Most self-regulations are purely formal. The authors of the case study say the BCC had a formal attitude in approving the self-regulations. In fact it would be natural to have a formal attitude when you talk about formal acts. Considering the case study concerning the OC's work, we find that they did not discuss about the election-related broadcasts. We are certain neither NIT had any self-monitoring. We can talk theoretically about the importance of these internal monitoring, but we'll talk about efficiency and impact only after a while, when we have political culture.

##### **Nicolae Gârbu, CEC, member:**

In that case the BCC would be but a viewer, nothing more. Certainly the Regulation should be improved, and not only the regulation, maybe even the Election Code. Analyzing what happened, what is the BCC's role? It needs no regulation, it simply has to apply the

provisions of the Broadcasting Code. Before the elections, three members of the CEC, at a news conference, warned the broadcasters, and especially the BCC, and addressed Mr. Gorincioi that that institution should take action as to the non-observance of the Broadcasting Code and the non-observance of political pluralism by NIT and EU TV. Mr. Gorincioi stated he would consider that situation, but did not do it. Why doesn't the BCC take action that NIT electioneers on the events happened on April 7, blaming the opposition parties? Which is the legality for OMEGA agency intervening into REN TV's schedule?

**Anatol Bârsa:**

I talked strictly on the subject proposed by the organizers. As to the "OMEGA" issue, I think Mr. Gorincioi has more information.

**Ecaterina Jekova, Teleradio-Gagauzia, president:**

Teleradio-Gagauzia has a series of problems. APEL helped us several times to elucidate many of them. The internal monitoring at Teleradio-Gagauzia is done at the level of discussions. We work according to the CEC Regulation and the BCC's Concept. The debates on our channel were watched by fewer citizens since the cable operators do not air our channel, although the Broadcasting Code obliges them to do so. We got many phone calls from people saying they cannot view the electoral debates. Many would say Teleradio-Gagauzia was a Communist channel, but, if we look at the monitoring results, the Gagauz administration is covered the most. Unfortunately, they consider our station to be pro-Communist. We suffered because the destination of the public channel is not clear for the rulers. The company's budget was decreased. There are some objections in the monitoring, but I consider it is normal. Teleradio-Gagauzia is a young company and we try to work, respecting the European standards. We aired all the advertising we got. AS for the electoral debates, it's rather hard to persuade the representatives of parties to come to our debates. Sometimes they did come, sometimes they didn't. It tells of lack of political culture. We granted airtime to everyone, but it turned out that the opposition used most of it. It's necessary to organize talk-shows. Unfortunately, we cannot do it because of technical reasons. Another problem is that not all the contestants can talk in front of cameras. We used to receive phone calls from viewers asking to exclude participants from debates. We're glad these debates were the first for us and ran without incidents, without complaints. As long as the rulers do not realize that the public company is there to render truthful information to viewers that they should stay out, not many things will change. I don't think you can make your impressions about people as some journalist would say, because there are many true professionals among the Moldovan journalists.

**Ion Bunduchi:**

There is a need felt to make internal monitoring and there are competent persons to do it.

**Ecaterina Jekova:**

Now the internal monitoring is very necessary, it will allow us to render correct coverage. Certainly money is necessary for that, but, now, we have money only for salaries. The law provides some things, but actually other things happen. The OC does not receive money. How can we discuss with the OC about internal monitoring?

**Eugeniu Știrbu:**

The issue discussed here is rather important for our society. This monitoring shall be done not only in electoral races, but also in the pre-election periods, because the electoral frauds are done not only during the election race, but also before it. If there were correct and concrete monitoring during this period, both the CEC and media would work more efficiently. The CEC attaches special importance to the procedure of informing viewers. It's a determining factor in forming the public opinion. A well-informed citizen will make a conscious and correct choice. We demonstrated by actions that we're open for the media.

The access to our sittings is free, we issue communiqués after each sitting. The CEC's decisions are posted on the web page and published in Monitorul Oficial. We drafted the Conduct Code on covering the elections ended on 5 April 2009. It was signed by 22 media outlets for the first time. In 2007, nobody signed. This code is a provision of the Election Code which proposes to draft such a code of conduct to be signed by electoral contestants and broadcasters. Unfortunately, the monitoring reports, and the complaints we received during the electoral race showed that neither the parties, nor the media took into account that conduct code, although committing to respect it. According to the Election Code, the media cover the elections according to the CEC Regulation. That Regulation was based on the basis of the BCC Concept. Many provisions from the Regulation were not in this Concept. We realize this Regulation needs to be improved essentially. We'll think it over. We are seeking for a better solution regarding the organization and conduct of the debates. Certainly, the decision will be made after consulting all the actors in the electoral process. We have a lot to do and we'll be glad if you came up with proposals not only to modify the Regulation, but also the Electoral Code, and especially art. 47. To make the work with media easier it's necessary that, during the entire electoral campaign, the newsdesks should appoint special employees to deal with the electoral materials. We could, jointly with APEL, instruct these employees, because it's necessary to do so. The monitoring of the observance of the Election Code and of the CEC Regulation is done through weekly reports on broadcasters. There is a special blank recording the time. The airtime does not always mirrors what it is necessary. It does not show the quality. It's a big gap. I want to say that all the broadcasters covered the election race. But not all presented reports. Few from the ones who did present did respect the deadlines, others refused to present the reports in the form asked for by the CEC, other presented a totaling report in the end. We checked the airtime allotted for the electoral debates which must not be shorter than de 90 minutes a day. The complaints sent to the BCC showed that the objections did not refer to the quantity aspect of the information aired, but to the quality of the information. In this context, reference was made to the journalists' ethics. I think such kind of problems may not be solved by the norms of the Election Code, of the Regulation or of the Conduct Code. These problems must be solved within professional organizations of media. Another monitoring tool is the reports compiled by national and international observers. The importance of the CEC's monitoring media starts from the moment of drafting the Regulation. The CEC cannot afford monitoring that. That is why the CEC has to believe the reports and adequately respond to notifications. The CEC does not have punishing tools for electoral contestants, we just warn them. The access to information, the freedom of speech play a very big role in making the voters realize the need to participate in voting and in forming an electoral option. That is why it is very important that the broadcasters should observe the legal norms, as well as the ethical norms.

**Gheorghe Gorincioi, BCC, chairman:**

It's important to draw certain conclusions from that campaign and to propose modifications to laws. The opinions of the foreign experts are especially interesting. At the BCC, we met with many foreign observers. They worked out many suggestions and recommendations at those meetings as to the democratization of this process. I would like to stress the need to improve the legal frame regarding the media's participation in the campaign. From the discussions we had with the international observers, there was the idea of separating as clearly as possible the tasks of the BCC and of the CEC as to the consideration of electoral contestants as to the coverage of the campaign in the electronic media. The representatives of the Venice commission were amazed there were so many bodies involved into the process of covering the race by the media. It was also mentioned by other observers. The BCC should consider not the notifications from the electoral contestants, but the notifications from the CEC. In this context, if we have other elections,

these suggestions must be taken into account. Counting the airtime and the presence of the top officials in the news are also a problem. The Election Code allows the presence, in news, of the three top dignitaries. Perhaps that shall be strictly established in certain documents: when the president appears as a party leader and when it appears as the head of the state. Since this is not established, it is construed differently. Therefore, that must be specified. Creating equal conditions for the electoral contestants to have access to electronic media. The effect is not as expected. The electoral debates and namely the casting of lots seem as a democratic principle, but there happen cases when a parliamentary party attend the debates with an independent candidate and that debate is not too good. In such a context the electoral debates lose their true meaning. I would not accept that an electoral contestant does not appear in such debates. This must be regulated very seriously. There were often only two contestants instead of three on Moldova 1, as one of them had nothing to say. I was shocked by certain approaches and the attempt to excessively politicize this campaign and the BCC, the attempt to turn the Council into a gendarme. Now the program consumer feels that certain stations back certain parties. Unfortunately, there was this likeness of some stations for some political actors. We don't have that political culture we've talked about, we cannot admit several viewpoints. We cannot have but a single interpretation of the development in the Moldovan society. The voters are so wise, that regardless of the propaganda made by different stations, they vote as they think appropriate. Every station considers itself to be the most objective, these approaches, so categorical, must be excluded from the very beginning. We should guide ourselves by the experiences of the EU countries. I think we should ponder over changing the legal frame. To specify the airtime, to respect the equality principle for all the electoral contestants, to show equidistant, objective and balanced attitude towards all the electoral contestants. But all these are still to come.

**Ion Bunduchi:**

The seminar is timely, since we have recently participated in an electoral process and we saw the provisions less reasonable and less clear. That was the reason: to meet immediately after the elections in order to be able to make proposals.

**Nicolae Panfil:**

Coalition 2009 organized, with the support of the member organizations, a series of monitoring sessions. This monitoring showed the things as they were and offered us the opportunity to have measurement gauges for media and to realize there were things to be improved. The decision of the Coalition to recognize these elections totally unfair and partially free was because the media did not act adequately, judging by the democratic requirements. We'll do our best for the things to develop and go on a better path. There were a series of anonymous ads during this campaign. Mr. Gorincioi, can you please tell us what is done to forbid political advertising? Is it unfair behavior? Which are the measures the BCC undertakes? Which measures did it take to make the broadcasters monitor themselves? Is the BCC ready to take into account the monitoring done by APEL, IJC, IPA? Which was the BCC's reaction after the CEC's results were made known?

**Gheorghe Gorincioi:**

I made no reference to the internal monitoring sessions since it was not the topic of my speech. The ads aired were paid. It's perhaps necessary that they should be aired free, but it's a matter of discussion. I don't know how accomplishable this idea is. World experience shows the electoral advertising is part of the electoral campaign. By the way: it's not the BCC's task, but the CEC's task. We carefully study the monitoring and some decisions of the BCC were based on the monitoring made by the civil society. Certainly as you may see these monitoring reports are taken into account.

**Eugeniu Știrbu:**

As for the electoral ads, it's the BCC's task, we decide on the received complaints and then we notify the BCC.

**Efim Josanu:**

We must thank the politicians who were brilliant to set us on barricades. Speaking about ethics, we're already enemies. In the judiciary they say if someone was sentenced without being able to defend himself, then the judiciary laid the first rock in the foundation of dictatorship. When it is found that a dead person voted, and it will be proved in the perspective of the coming elections, how can the fraudulent actor be punished?

**Eugeniu Știrbu:**

I want to tell you that in case a dead man voted, this must be duly notified, not after elections. We must check the voters lists posted in polling stations. The notion of fraud must be updated to the law in force. The moment and the author of the fraud must be established. The "Electronic Registry" must be applied, as it is already developed.

**Ion Bunduchi:**

The documents do not establish what is fraud, neither what is grave fraud.

**Alexandru Bobeică:**

You know the opposition was blamed for not verifying the electoral lists. The opposition has this right, but it's not obliged to do it. It was the polling station bureaus which had irresponsible attitudes, they were to check up the lists. Which measures will be applied to enhance the responsibility of the people to become electoral judges in case of new elections?

**Eugeniu Știrbu:**

Nobody is remunerated for the job he does. All they get but 270 lei each. We must ask them to do this. We train the electoral functionaries/judges. We lack personnel. We recognize most were not as responsible as they had to be.

**Nicolae Gârbu:**

We checked up electoral minutes from several polling stations and I must recognize 14% - 50% of those minutes are falsified, that is the signatures from the first minutes do not coincide with the vote recounting minutes. We must ask the general prosecutor's office to indict those people.

**Sergiu Banari:**

On 14 February, an electoral contestant used the public television for about three hours to broadcast from Chisinau's downtown. Neither the electoral contestant, nor the public television were penalized. I think the BCC is guilty of what happened on April 7. Why did you use our money without having our permission? Why did not you react when, on April 4, several stations partisan with the PCRM electioneered and were not penalized? Why did not the BCC respond?

**Gheorghe Gorincioi:**

As to 14 February, there was a notification which was considered. As far as I know the electoral race was not on then.

**Eugeniu Știrbu:**

On 14 February we were already racing and the PCRM was already an electoral contestant.

**Sergiu Banari:**

The PCRM's sign was hung on the Great National Assembly Square, and let's not forget we were in the electoral period and the PCRM was a contestant.

**Alexandru Dorogan:**

I want to know whether we'll work with the same concept in the coming electoral race and with the same regulation, or will other documents be drafted?



**Eugeniu Știrbu:**

A regulation is adopted for each electoral campaign, not a concept.

**Arcadie Maican, TV Prim/ Radio Prim, director:**

We must start monitoring stations at least half a year before the campaign starts.

**Jean-François Furnémont:**

I was invited as an expert in broadcasting issues, not in electoral problems. There are many things about which I'll tell you nothing. I was in Chișinău last November, invited by APEL, and I talked about the importance of the decision-making process. Everything I said then I think is still valid.

For the debates of these two days, I have worded the following conclusions structured as follows:

**1. Introduction**

Over 6 months ago, in November 2008, invited by the Council of Europe and APEL I came to Chișinău to speak about the CSA's experience in two topics: mechanisms of guaranteeing the diversity and pluralism through the agency of issuing licenses and supervising broadcasters, on the one hand, and on the other hand, the transparency of the decision-making progress.

Taking into account the speeches and views during these two days, I think there are enough lanes to improve the functionality of the entire media landscape from Moldova earlier mentioned, which may be taken as conclusions at these public debates.

I would not leave out anything from what I had said then, but, as a conclusion, I'll try to make some specifications related to this context, named very well, of "lessons learnt and lessons to learn."

**2. Pluralism**

The pluralism of broadcasting landscape can be appreciated in two ways: under an external view (plurality of players proposing a diversified offer), but also under a domestic angle (plurality of opinions expressed on the public television).

**2.1. External pluralism**

The action in favor of external pluralism is not a fight waged and won in elections.

On the contrary, it's a long-term action, starting from the fight started long ago with the goal to bring to an end the public monopolies and which have gone on ever since to fight for the diversity of the media offer whose independent regulators are also indispensable guarantors.

**2.2. Domestic pluralism**

The domestic pluralism for the public service needs permanent attention, as it never be fully obtained, regardless of the level of democratic maturity. Now either in France, or in Belgium, either in the French community, or in the Flemish community, for the last couple of years, there were situations, either of conflict or of two much proximity between the government and the public television.

But it takes a solid basis in order to work for this pluralism: all the players must accept that a public television is not a state television. It's seems the key problem faced by the Moldovan broadcasting. It's even a more difficult problem since, in my opinion, the best guarantor of internal pluralism is the self-regulating system (possibly publicly regulated) which seems impossible at the state level. One of the lanes which may lead to overcome this problematic situation could be the professional training of journalists and editors from the public channels. At the same time, one must solve with the same enthusiasm the difficult problem of the Moldovan public television, which is not to have powers within it, but to take measures to keep and use them.

### **3. Transparency of regulation**

Regardless whether we speak about the issue of the external or internal pluralism, there is a common requirement in both cases: to have a regulator appearing as a guarantor of these types of pluralism.

For that, the regulator must obviously have independence, as well as impartiality.

And, for the regulation to be independent and impartial, it must not only be transparent, which implies to apply a series of measures I had the occasion to detail last November, but it must be more efficient and more responsible.

#### **3.1. Efficiency**

The regulation must be efficient, in the sense that when the public interest requires it, it must employ its powers to carry out the missions entrusted to it. One of the gravest criticisms that can be addressed to a regulating authority is when the question ‘what does it do’ is legitimately posed (or rather what does not it do)? Certainly, in order to be efficient, it must be applied with due efficiency and professionalism.

#### **3.2. Responsibility**

The regulation also need not be responsible, in the sense that it must be accountable for what it does. The question asked is to know to whom it is responsible. The triangle public authorities-companies-public is a reference in this respect, considering that the basis of this triangle is the public.

The same reference is valid outside the electoral period:

- in relation to the political component of the triangle, which delegated certain public-interest missions, and, thus, wants them accomplished;
- in relation to the economic component of the triangle, which has the right to expect:
  - balance between the public and private editors,
  - balance between private editors and
  - a more expert regulation, more stable and more predictable than the ones that would be exerted by some power, which, everywhere, is changeable, by definition and which, in places, is unsteady, because of weakness;
- in relation to the public component of the triangle, which expects that the objectives of general interest which are the guarantee of a pluralist offer of the broadcasting media, the respect for human dignity, the protection of minors against damaging contents or the protection of consumers against too many advertising, too harsh and too misleading, should be observed.

But it is even more valid for the electoral period:

- in relation to the political component of the triangle, since it’s namely in that moment that the regulator will demonstrate to all the parties that it is above them all and that it serve none of them;
- in relation with the economic component of the triangle, since if some editors have the weakness to yield to the political pressures, or the weakness to anticipate possible favors that the ‘generous’ coverage of the electoral campaign may bring, then they will strike a balance between this possible advantage and the disadvantage, also possible, to be presented as someone lacking the necessary guarantees of objectivity, impartiality and honesty; and is there anything worse for a commercial entity than when it loses a significant part of its customers?
- In relation to the public component of the triangle, namely at that moment citizen can find the guarantee that:
  - the public regulating service it funds through taxes is not serving particular interests, but the serves the general interest;

- this public regulating service takes care, through its expertise and professionalism, that the information should not contain distortions they may not know how to decrypt as ‘ordinary’ viewers.

Why, in these two cases, should the responsibility towards one of the components of the triangle be more important? Because, at least, of two reasons: a reason that one may qualify as essential and another – existential:

- first, there is a reason linked to the essence of the regulation as such, to the degree to which giving priority to the responsibility in relation to the public powers or the economic powers represents namely the negation of the status of an independent authority. If, in all the European countries, there appeared the need for some independent authorities, it may be supposed it is needed not to make a job that the government used to do before well... If those authorities were created, that means the government, on the contrary, doesn’t know to do it, that is on the one hand, to be a referee between private actors which have the right to expect another kind of horizon for their economic activity than the future electoral maturity and, on the other hand, to be the referee in the competition between public and private editors. And if there were created authorities the main quality of which is the independence, that does not mean they are also administrative authorities which in this case are guarantors of the general interest where the editors legally seek only to defend their particular interest;
- but also for existential reasons, and even I would say because of the survival instinct, since can ask ourselves which is less fragile than the political legitimacy or the economic legitimacy? We go to bed in the evening before some elections with a political legitimacy and the next day you wake up and you don’t have it. As for the legitimacy provided by the economic players, if it is not to be neglected, one must neither forget that when his particular interest will clash with the general interest, the economic operator in question will be the first to suddenly accuse of being illegitimate, regardless of the place you may give him on the market or of the rights you may have granted him before. On the other hand, the only sustainable legitimacy is the one gaining for you the public’s acknowledgement, it is not with varying geometry (at least for the short term) and, if you have not committed a mistake for which you the only to blame, it won’t disappear all of a sudden. No political personality, no economic player can take the public recognition from you.

#### **4. Political culture or regulating culture?**

This issue of the culture of the responsibility makes me naturally to pose the question which penetrated the debates during these two days and it refers to the political culture.

In order to treat this issue, I would like to use two references, in two opposing registries.

The first reference is not serious at all, it’s a quotation from Oscar Wilde, who wrote that “The only way to get rid of temptation is to yield to it.” No doubt it’s true in numerous circumstances, but certainly not for the subject we’re discussing here, where we’d rather consider that “the only way to get rid of temptation is to have the will to resist it”. In this respect we may think of:

- the temptation of the political personalities to get hold of the state apparatus, but, who, in doing so, do nothing but postpone the maturity of their loss;
- the temptation for editors to please the authority upon which their license depends, but who do nothing but discredit themselves in front of the only genuine authority their future depends on – the public;

- the temptation for regulators to keep silence as to certain things, but who, in doing so, not only discredit themselves, but become evidence of their own uselessness. That's because an independent regulator must serve a single thing: doing the work that politics doesn't have the boldness to do, and the business has no reason to do. Many speakers expressed their wish that these public debates may end in solutions to existent problems. Many of those have already been mentioned. At the same time, we must not forget that , in order to resist all those temptations, the regulation, even the most perfect one, is of no use. The fundamental issue discussed here and staying in the eyes of all those present is the issue about your political culture. It's not a matter of regulation. You can make all the possible and imaginable regulations, the most detailed and exhaustive, but it does not change over the night:
- at these debates you have discussed about the behavior of the television channels in the electoral campaign as absent was the station, which does not only have the biggest responsibility during this period, but was also the object of most of public criticism as to its behavior during this period;
- at these debates you have discussed about the conduct of the ruling party for the last two terms in the presence of all the parties and independent candidates, but in the absence of the main party concerned.

And, unfortunately, no regulation may change this. Also, no regulatory modification is going to solve the problem of the journalists confusing their roles of moderators at an electoral debate with the role of a partisan, as many politicians mentioned. The problem of the journalists confusing their role of moderators of an electoral debate with that of a partisan is a matter of ethics, both of journalistic ethics at the public television (I repeat public, not state-owned), but also, in a wider sense, of professional ethics in general. In this regard, a track would be the constitution of a Press Council or of Ethics Council, which, even though does not have regulating powers as most bodies do, would have a moral role to play in relation with the practice obviously running counter the universally recognized principles in the Declaration of the obligations and rights of journalists approved in Munich in 1971 and internationally recognized in Istanbul in 1972. Again, it's not a regulatory modification which will solve the problem of firing journalists endowed with criticizing spirit, or on the contrary, the problem of journalists' favoritism showing docility to their bosses. All the more, no regulatory modification will solve the problem mentioned today by Mr. Știrbu and by Mr. Gorincioi, regarding the lack of professionalism even of some candidates when they do have airtime. As Mr. Boțan and Mr. Munteanu said, the regulations today are the same as in 2001, but there is something not moving like in 2001 and we have but to hope, contrary to what Mr. Macovei said, that not the whole Earth does not spin, but only "the time spirit" and we have several reasons for hope in this respect. What leads me to the second reference, and the last one is serious, it's UNESCO's charter which opens by the following phrase, calling on to everybody's spirit and conscience to assume responsibilities: "The governments of the states parties to this Convention, in the name of their people, declare that for the wars emerging in people's minds, also in people's minds one must educate measures to defend peace".

## **5. Optimism or pessimism?**

And just because I have spoken about hope, let end with that. During these two days of public debates, we have heard optimistic and pessimistic discourses, as well as discourses wavering between optimism and pessimism.

I have heard many people speaking about the crisis Moldova passes through as being a political crisis, but also a moral crisis. I don't know how one can get out of a political crisis, and I am the least indicated to give you lessons about getting out of a political crisis, since I come from Belgium, a country dismantling for the last couples of decades and which passes through an unprecedented crisis after the parliamentary elections almost two years ago. No doubt, every party assume responsibilities.

On the other hand, getting out from a moral crisis is less difficult, because we may accept the idea, that a moral crisis is cyclic and that, consequently, there is no fatality. I've heard a parliamentarian making reference to a recent resolution of the Council of Europe regarding Moldova and I've had a look at the resolutions of the Parliamentary Assembly of the Council of Europe of the last years about the human rights and the media and I found resolutions regarding two countries: Belarus and Italy. Everyone present here is aware of the situation of persecuting the press, the censorship and the state propaganda the victims of which are the citizens from Belarus and I won't refer to that situation which is the worst on our continent. As for Italy, the Parliamentary Assembly adopted the following resolution:

- *“1. The Parliamentary Assembly is therefore concerned by the concentration of political, commercial and media power in the hands of one person, Prime Minister Silvio Berlusconi.”*
- *“2. The Parliamentary Assembly cannot accept that this anomaly be minimised on the grounds that it only poses a potential problem. **A democracy is judged not only by its day-to-day operations but by the principles the country upholds with regard to its own citizens and internationally.** The Assembly recalls that, in accordance with Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms and the case-law of the European Court of Human Rights, states have a duty to protect and, when necessary, take positive measures to safeguard and promote media pluralism.”*
- *7 “The Assembly is particularly concerned by the situation of RAI, which is contrary to the principles of independence laid down in Assembly [Recommendation 1641 \(2004\)](#) on public service broadcasting. RAI has always been a mirror of the political system of the country and its internal pluralism has moved from the proportionate representation of the dominant political ideologies in the past to the winner takes all attitude reflecting the present political system. The Assembly notes with concern the resignations of the president of RAI and of one of the most popular journalists in the country in protest against the lack of balanced political representation in the Council of Administration and against the political influence over RAI's programming.”*

Pluralism and the diversity of the media landscape, on the one hand, the mode in which this landscape is regulated, on the other, may represent mirrors of society. Perhaps, in this situation of a political crisis which is also a moral crisis, all the players from the media landscape of Moldova, its citizens should look in this mirror and ask themselves what they see there: either the pessimistic image of a deep crises and of a return to a model hardly to understand by the community of the European peoples and will bring nothing but the weak satisfaction of assuming their own isolation, or the optimistic view of a passing crisis which will allow to keep the trust in days with more respect for the freedom of expression and pluralism, for the media's independence and neutrality.

And in this perspective, both the organization of such public debates by APEL and the presence of all those who have contributed to the richness of the discussions acquire special importance.

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**Ion Bunduchi:**

Sometimes it is puzzling that when the results of the monitoring are made, some or others doubt the methodology according which it is done. I would suggest that the monitoring institutions should adopt a common methodology, and some discrepancies will disappear.

**Nicolae Panfil:**

I call on all the parties interested in drafting the CEC regulation to dialogue and participation.

**Vasile Gafton, CEC, member:**

The BCC shall take action in case the Broadcasting Code is violated, but not wait for notifications.

**Gheorghe Gorincioi:**

In its activity, the BCC is absolutely independent from politics. The BCC will not be a tool of revenge on certain broadcasters, but act in accordance with the legal provisions.

**Alexandru Dorogan:**

I regret that some turned down our invitation to participate in these debates. I ma glad however that the participants have been active and not indifferent to the issues tackled during these two days. We have reached the conclusions that much is still to be learnt. If we do that, we'll find solutions to lead us towards the European values and standards.

## **LIST OF PARTICIPANTS**

in the debates on the experience of covering the electoral campaign on the television stations from Moldova

### **“LESSONS LEARNT AND LESSONS TO LEARN”**

1. Ecaterina Leucă, OSCE mission to Moldova
2. Jean-François Furnémont, director general, CSA (Belgium)
3. Corina Fusu, PL parliamentarian
4. Mihai Godea, PLDM parliamentarian
5. Victor Osipov, AMN parliamentarian
6. Gheorghe Madan, Moldovan Parliament, committee advisor
7. Eugeniu Știrbu, CEC, chairman
8. Nicolae Gârbu, CEC, member
9. Vasile Gafton, CEC, member
10. Doina Bordian, CEC, civic education and training section head
11. Gheorghe Gorincioi, BCC, chairman
12. Ludmila Vasilache, BCC, member
13. Marian Pocaznoi, BCC, member
14. Dinu Ciocan, BCC office, Monitoring division head
15. Anatol Bârsa, BCC, Monitoring division advisor
16. Mircea Surdu, TV producer
17. Eduard Maciac, radio producer
18. Ecaterina Jekova, Teleradio-Gagauzia, president
19. Maia Sadovici, Teleradio-Gagauzia, correspondent
20. Anatol Golea, TV 7, director
21. Arcadie Maican, TV Prim/ Radio Prim, director
22. Tatiana Vrăjitoru, Impuls TV, editor
23. Andrei Bargan, Media TV/ Radio Media, director
24. Alexandru Bobeică, Sor TV, correspondent
25. Semion Lazarev, TV Yeni-Ai, director
26. Vera Bulgaru, Drochia TV, director
27. Oleg Țulea, PDM, secretary general
28. Dina Ivanov, MAE, representative
29. Sergiu Banari, independent candidate
30. Ștefan Urătu, independent candidate
31. Victor Moraru, ULIM, university professor, doctor
32. Arcadie Gherasim, USM, university professor
33. Arcadie Barbăroșie, IPP, director
34. Igor Munteanu, IDIS „Viitorul”, director
35. Igor Boțan, ADEPT, president
36. Oleg Cristal, ADEPT, expert
37. Marc Gage, IREX Moldova, project director
38. Efim Josanu, National Ethics Commission, chairman
39. Nadine Gogu, IJC, deputy director
40. Petru Macovei, IPA, executive manager
41. Nicolae Panfil, Civic Coalition for Free and Fair Elections Coalition 2009, secretary
42. Alexandru Dorogan, APEL, president
43. Ion Bunduchi, APEL, executive manager
44. Andrei Jovmir, APEL, expert

45. Constantin Olteanu, APEL, expert
46. Oleg Palamarcu, APEL, expert
47. Valeriu Vasiliță, Info-Prim Neo, director
48. Luminița Popa, journalist
49. Speranța State, journalist
50. Aurica Găgău, Radio Moldova, correspondent



## **GOOD PRACTICE GUIDE**

### **in covering events of major social interests by televisions, particularly the electoral campaigns**

#### **Introduction**

The electoral campaigns are part of the series of events of major social interest. We may be using a cliché, but the conduct of the media during electoral periods, and, especially, during electoral races, really is highly important. The editorial independence, the integrity and professionalism are cornerstones for a correct campaign of media coverage of the elections. The lack of broadcasters' independence and autonomy, of journalists' professional responsibility could lead, in the circumstances of being combined with a rather homogeneous media landscape, to intoxicate the public and, implicitly, to obtain false electoral results.

That is why the democratic societies took care to establish conduct rules in holding electoral campaigns, including for media, particularly for broadcasters, in order to insure a fair and free electoral process. There universally recognized provisions based on the respect of some fundamental principles, as balance, equity and impartiality and there are national regulations having their peculiarity depending on the national legislative practices and traditions. In all the circumstances, the legal frame of holding the electoral campaigns is very important.

However the law cannot insure the nuances of fair and impartial treatment in presenting political actors and electoral contestants in radio and TV programs. The experiences of several countries and renowned broadcasters highlights importance of the self-regulation in drafting editorial policies, in general, and, especially, during electoral campaigns. In many countries, these policies are transparent and are encompassed in the broadcasters' statutory obligations. It's worth mentioning, that for the electoral campaigns, the professional code is drafted with the direct participation of journalists and with their agreement.

From the perspective of monitoring the presence of political/electoral actors on the main televisions carried out by the Electronic Press Association from Moldova in 2009, a year with two electoral campaigns for parliamentary elections, we considered it timely and necessary to draft a Good Practice Guide, that we want to be useful for broadcasters, for politicians, for the regulating authorities and for the authorities supervising the unfolding of elections. This Guide is based on the results of researches focused on the programs of 9 TV stations with national coverage or almost: EuTV, Moldova 1, N4, NIT, Prime, ProTV, TV7, TVC21, 2 Plus from 6 AM to 12 PM during 10 months. What we stress upon is the results and practice of covering those two electoral campaigns.

This Guide is structured into three compartments, which describe rules, practices and solutions for the coverage of elections. The Guide comprises, on the one hand, international provisions and standards in the sector, national legal provisions, ethical professional principles, on the other hand, researches and conclusions of experts on the verge of the mode in which the monitored televisions observed the legal provisions and the ethical norms. The authors also offer recommendations to broadcasters, political actors, and for the authorities responsible with the regulation, supervision and good unfolding of the electoral races.

Since the elections are a frequent exercise in the democratic societies, and the media's role and, particularly the television's role, is important for the quality of the electoral process, this Guide may serve all those interesting in good practice in media coverage and in holding free and fair elections.

## **CHAPTER I. LEGAL FRAME**

### **1.1 International legal provisions**

#### **1.1.1. The Universal Declaration of Human Rights**

##### Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

#### **1.1.2. International Covenant on Civil and Political Rights**

##### Article 19

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order, or of public health or morals.

#### **1.1.3. International Convention on the Elimination of All Forms of Racial Discrimination**

##### Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

c) political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage...;

d) other civil rights, in particular:

(viii) The right to freedom of opinion and expression.

#### **1.1.4. Convention for the Protection of Human Rights and Fundamental Freedoms**

##### Article 10. Freedom of expression

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public

authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

#### **1.1.5. Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE**

(7) To ensure that the will of the people serves as the basis of the authority of government, the participating States will:

(7.8.) — provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process.

(9) The participating States reaffirm that:

(9.1.) — everyone will have the right to freedom of expression including the right to communication. This right will include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. The exercise of this right may be subject only to such restrictions as are prescribed by law and are consistent with international standards...

#### **1.1.6. Recommendation no. R (99) 15 of the Committee of Ministers to member States on measures concerning media coverage of election campaigns**

Noting the important role of the media in modern societies, especially at the time of elections;

Stressing that the fundamental principle of editorial independence of the media assumes a special importance in election periods;

Aware of the need to take account of the significant differences which exist between the print and the broadcast media;

Underlining that the coverage of elections by the broadcast media should be fair, balanced and impartial;

Considering that public service broadcasters have a particular responsibility in ensuring in their programmes a fair and thorough coverage of elections which may include the granting of free airtime to political parties and candidates;

Noting that particular attention should be paid to certain specific features of the coverage of election campaigns, such as the dissemination of opinion polls, paid political advertising, the right of reply, days of reflection and provision for pre-electoral time;

Stressing the important role of self-regulatory measures by media professionals themselves - for example, in the form of codes of conduct - which set out guidelines of good practice for responsible, accurate and fair coverage of electoral campaigns;

Recognizing the complementary nature of regulatory and self-regulatory measures in this area;

Convinced of the usefulness of appropriate frameworks for media coverage of elections to contribute to free and democratic elections, bearing in mind the different legal and practical approaches of member States in this area and the fact that it can be subject to different branches of law;

Acknowledging that any regulatory framework on the coverage of elections should respect the fundamental principle of freedom of expression protected under Article 10 of the European Convention on Human Rights, as interpreted by the European Court of Human Rights;

Recalling the basic principles contained in Resolution No. 2 adopted at the 4th Ministerial Conference on Mass Media Policy (Prague, December 1994) and Recommendation No. R (96) 10 of the Committee of Ministers on the guarantee of the independence of public service broadcasting,

Recommends that the governments of the member States examine ways of ensuring respect for the principles of fairness, balance and impartiality in the coverage of election campaigns by the media, and consider the adoption of measures to implement these principles in their domestic law or practice where appropriate and in accordance with constitutional law.

## **Appendix to Recommendation No. R (99) 15**

### Scope of the Recommendation

The principles of fairness, balance and impartiality in the coverage of election campaigns by the media should apply to all types of political elections taking place in member States, that is, presidential, legislative, regional and, where practicable, local elections and political referenda.

These principles should also apply, where relevant, to media reporting on elections taking place abroad, especially when these media address citizens of the country where the election is taking place.

## **II. Measures concerning the broadcast media**

### 1. General frame

During electoral campaigns, regulatory frameworks should encourage and facilitate the pluralistic expression of opinions via the broadcast media.

With due respect for the editorial independence of broadcasters, regulatory frameworks should also provide for the obligation to cover electoral campaigns in a fair, balanced and

impartial manner in the overall programme services of broadcasters. Such an obligation should apply to both public service broadcasters as well as private broadcasters in their relevant transmission areas.

In member States where the notion of "pre-electoral time" is defined under domestic legislation, the rules on fair, balanced, and impartial coverage of electoral campaigns by the broadcast media should also apply to this period.

## 2. News and current affairs programmes

Where self-regulation does not provide for this, member States should adopt measures whereby public and private broadcasters, during the election period, should in particular be fair, balanced and impartial in their news and current affairs programmes, including discussion programmes such as interviews or debates.

No privileged treatment should be given by broadcasters to public authorities during such programmes. This matter should primarily be addressed via appropriate self-regulatory measures. As appropriate, member States might examine whether, where practicable, the relevant authorities monitoring the coverage of elections should be given the power to intervene in order to remedy possible shortcomings.

## 3. Other programmes

Special care should be taken with programmes other than news or current affairs which are not directly linked to the campaign but which may also have an influence on the attitude of voters.

## 4. Free airtime for political parties/candidates on public broadcast media

Member States may examine the advisability of including in their regulatory frameworks provisions whereby free airtime is made available to political parties/candidates on public broadcasting services in electoral time.

Wherever such airtime is granted, this should be done in a fair and non-discriminatory manner, on the basis of transparent and objective criteria.

# **III. Measures concerning both the print and broadcast media**

## 1. "Day of reflection"

Member States may consider the merits of including a provision in their regulatory frameworks to prohibit the dissemination of partisan electoral messages on the day preceding voting.

## 2. Opinion polls

Regulatory or self-regulatory frameworks should ensure that the media, when disseminating the results of opinion polls, provide the public with sufficient information to make a judgement on the value of the polls. Such information could, in particular :

- name the political party or other organization or person which commissioned and paid for the poll;
- identify the organization conducting the poll and the methodology employed;
- indicate the sample and margin of error of the poll;
- indicate the date and/or period when the poll was conducted.

All other matters concerning the way in which the media present the results of opinion polls should be decided by the media themselves.

Any restriction by member States forbidding the publication/broadcasting of opinion polls (on voting intentions) on voting day or a number of days before the election should comply with Article 10 of the European Convention on Human Rights, as interpreted by the European Court of Human Rights.

Similarly, in respect of exit polls, member States may consider prohibiting reporting by the media on the results of such polls until all polling stations in the country have closed.

### 3. The right of reply

Given the short duration of an election campaign, any candidate or political party which is entitled to a right of reply under national law or systems should be able to exercise this right during the campaign period.

## **IV. Measures to protect the media at election time**

### 1. Non-interference by public authorities

Public authorities should refrain from interfering in the activities of journalists and other media personnel with a view to influencing the elections.

### 2. Protection against attacks, intimidation or other unlawful pressures on the media

Public authorities should take appropriate steps for the effective protection of journalists and other media personnel and their premises, as this assumes a greater significance during elections. At the same time, this protection should not obstruct them in carrying out their work.

## **Explanatory Memorandum to Recommendation no. R (99) 15 of the Committee of Ministers to member States on measures concerning media coverage of election campaigns**

### **Introduction**

1. It is a fact that the media play an important role in modern society as a vehicle for the dissemination of information. This role acquires a special dimension at the time of elections given the fact that, by carrying out their activities in a fair manner, the media contribute to free and democratic elections.

## **Comments on the provisions of the Recommendation**

### ***Preamble***

14. The preamble refers to the need to strike the right balance between respect for the editorial independence of the media and the need for certain rules to ensure fairness by the media at election time. Ensuring this balance is one of the main underlying concerns throughout the whole Recommendation.

15. The value of self-regulation to ensure fairness by the media during elections is also underlined in the preamble. It is acknowledged that voluntary measures adopted by media professionals themselves, in particular in the form of campaign codes of conduct or internal guidelines on good practice for responsible and fair coverage of electoral campaigns, are useful and necessary complements to State legislation or rules in this area.

### ***Recommendation***

18. As concerns the wording of the actual Recommendation, it was considered that member States should be requested to examine ways of ensuring respect for the principles of fair, balanced and impartial coverage of election campaigns by the media, and consider the adoption of measures to implement these principles in their domestic law or practice where appropriate and in accordance with constitutional law. This last reference was considered necessary as a safeguard, given the differences among member States in this area.

## **Measures concerning the broadcast media**

### ***General framework***

27. If pluralism considerations are taken into account by broadcasters, this will contribute to fair elections. This is the reason why it is recommended that regulatory frameworks should *encourage and facilitate the pluralistic expression of opinions* in the broadcast media. It is considered that if broadcasters adopt a pluralistic approach and reflect the different views of the political spectrum they can contribute to the information of voters and their free forming of opinions and thus to free and fair elections.

28. While the press have freedom in their reporting of elections, broadcasters generally have to follow a number of obligations at election time. The Recommendation therefore formulates, as a general prescription, that broadcasters should cover elections in a fair, balanced and impartial manner. This does not mean, of course, that each broadcasting channel (e.g. a thematic sports channel) is obliged to offer coverage of election campaigns; however, where coverage is provided, either voluntarily or under an obligation, it should be done in a fair, balanced and impartial manner. Giving equitable treatment to all parties involved in the election does not necessarily mean devoting equal time to all of them, but rather means ensuring that all significant viewpoints and political parties are heard from. It means upholding a democratic debate in the broadcast media. Political impartiality in broadcasting is considered essential to give a true and accurate picture of the progress and conduct of elections.

30. Despite the existence of legislation incorporating such a principle, it is nevertheless also recognized that the internal rules of broadcasters and professional codes of conduct, that is, all types of self-regulatory practices, will be the factors that largely determine how the election is actually covered.

31. The Recommendation underlines that the obligation to report elections in a fair, balanced and impartial manner should apply to both *public service and private broadcasters*. There is unanimity that publicly funded broadcasters should provide a complete and impartial picture of the political spectrum in the coverage of an election, given the remit of such broadcasters, which is to serve the public interest and offer a diverse, pluralistic and wide range of views at all times, especially during election periods.

32. As regards private broadcasters, it is considered that such broadcasters should also abide by impartiality principles given that they also play a significant role in influencing public opinion at the time of elections. Therefore, all private broadcasters, irrespective of their audience share, coverage area or whether they operate thematic or pay-channels, should be under impartiality obligations when they deal with elections. Nevertheless, it is acknowledged that this principle may in the future have to be reviewed, and exceptions to be considered, in case the multiplication of channels and changes in the role of the broadcast media would lead to a situation close to that which currently exists in the print media sector.

#### *News and current affairs programmes*

36. It is considered that observance of fairness and impartiality is of particular importance in news, current affairs or discussion programmes given that some people form their voting intentions, to some extent, on the basis of such programmes.

37. Discussion programmes, like interviews or debates, act as supplements to the normal news coverage of elections and are important because they enable the public to make direct comparisons between candidates. These types of programmes should also be organized in a fair manner. However, the decision on how such fairness should be achieved (for instance, deciding on the format, the number of participants, the length, etc.) should be left to the initiative of the broadcasting organization itself.

38. A problem that sometimes arises related to the news coverage of a campaign is that incumbent government officials, that is, candidates already occupying official positions, may attempt to gain undue advantage through additional news coverage of their official functions.

The Recommendation therefore stresses that *no privileged treatment should be given to public authorities* during such programmes.

39. Avoiding privileged treatment should be the primary objective. Should such treatment nevertheless occur, counterbalancing measures should be taken in favor of the affected parties/candidates. It is considered that redress should be found in a self-regulatory process. It would be desirable if the internal guidelines of broadcasting organizations highlighted the obligation to prevent or otherwise counterbalance excessive and privileged coverage of an incumbent politician. Another possible option to deal with such situations which is mentioned in the Recommendation, would be to entrust the relevant authority



monitoring the coverage of the election (broadcasting regulatory body, electoral commission or other) with powers to intervene and compensate the prejudiced candidates.

### **1.1.7. European Commission For Democracy Through Law (Venice Commission)**

#### **CODE OF GOOD PRACTICE IN ELECTORAL MATTERS**

Guidelines And Explanatory Report, adopted by the Venice Commission at its 52nd session (Venice, 18-19 October 2002)

#### **I. Principles of Europe's electoral heritage**

The five principles underlying Europe's electoral heritage are *universal, equal, free, secret and direct suffrage*. Furthermore, elections must be held at regular intervals.

#### **2.3. Equality of opportunity**

a. Equality of opportunity must be guaranteed for parties and candidates alike. This entails a neutral attitude by state authorities, in particular with regard to:

- i. the election campaign;
- ii. coverage by the media, in particular by the publicly owned media;
- iii. public funding of parties and campaigns.

b. Depending on the subject matter, equality may be strict or proportional. If it is strict, political parties are treated on an equal footing irrespective of their current parliamentary strength or support among the electorate. If it is proportional, political parties must be treated according to the results achieved in the elections. Equality of opportunity applies in particular to radio and television air-time, public funds and other forms of backing.

c. In conformity with freedom of expression, legal provision should be made to ensure that there is a minimum access to privately owned audiovisual media, with regard to the election campaign and to advertising, for all participants in elections.

#### **II. Conditions for implementing these principles**

#### **1. Respect for fundamental rights**

a. Democratic elections are not possible without respect for human rights, in particular freedom of expression and of the press, freedom of circulation inside the country, freedom of assembly and freedom of association for political purposes, including the creation of political parties.

#### **2.3. Equality of opportunity**

18. *Equality of opportunity* should be ensured between parties and candidates and should prompt the state to be impartial towards them and to apply the same law uniformly to all. In particular, the *neutrality* requirement applies to the *electoral campaign and coverage by the media*, especially the publicly owned media, as well as to *public funding* of parties and campaigns. This means that there are two possible interpretations of equality: either “strict” equality or “proportional” equality. “Strict” equality means that the political

parties are treated without regard to their present strength in parliament or among the electorate. It must apply to the use of public facilities for electioneering purposes (for example bill posting, postal services and similar, public demonstrations, public meeting rooms). “Proportional” equality implies that the treatment of political parties is in proportion to the number of votes. Equality of opportunity (strict and/or proportional) applies in particular to radio and television airtime, public funds and other forms of backing. Certain forms of backing may on the one hand be submitted to strict equality and on the other hand to proportional equality.

19. The basic idea is that the main political forces should be able to voice their opinions in the main organs of the country’s media and that all the political forces should be allowed to hold meetings, including on public thoroughfares, distribute literature and exercise their right to post bills. All of these rights must be clearly regulated, with due respect for freedom of expression, and any failure to observe them, either by the authorities or by the campaign participants, should be subject to appropriate sanctions. Quick rights of appeal must be available in order to remedy the situation before the elections. But the fact is that media failure to provide impartial information about the election campaign and candidates is one of the most frequent shortcomings arising during elections. The most important thing is to draw up a list of the media organizations in each country and to make sure that the candidates or parties are accorded sufficiently balanced amounts of airtime or advertising space, including on state radio and television stations.

20. In conformity with freedom of expression, legal provision should be made to ensure that there is a minimum access to privately owned audiovisual media, with regard to the election campaign and to advertising, for all participants in elections.

## 2. Free suffrage

26. Free suffrage comprises two different aspects: free formation of the elector’s opinion, and free expression of this opinion, i.e. freedom of voting procedure and accurate assessment of the result.

### 3.1. Freedom of voters to form an opinion

a. *Freedom of voters to form an opinion* partly overlaps with equality of opportunity. It requires the *state* – and public authorities generally – to honor their duty of even-handedness, particularly where the use of the mass media, billposting, the right to demonstrate on public thoroughfares and the funding of parties and candidates are concerned.

## II. Conditions for implementing the principles

58. The underlying principles of European electoral systems can only be guaranteed if certain *general conditions* are fulfilled.

The first, general, condition is *respect for fundamental human rights*, and particularly freedom of expression, assembly and association, without which there can be no true democracy.

60. The holding of democratic elections and hence the very existence of democracy are impossible without respect for *human rights*, particularly the freedom of expression and

of the press and the freedom of assembly and association for political purposes, including the creation of political parties. Respect for these freedoms is vital particularly during election campaigns. *Restrictions* on these fundamental rights must comply with the European Convention on Human Rights and, more generally, with the requirement that they have a basis in law, are in the general interest and respect the principle of proportionality.

61. The fact is that many countries have legal limitations on *free speech*, which, if restrictively interpreted, may just be acceptable – but may generate abuses in countries with no liberal, democratic tradition. In theory, they are intended to prevent “abuses” of free speech by ensuring, for example, that candidates and public authorities are not vilified, and even protecting the constitutional system. In practice, however, they may lead to the censoring of any statements which are critical of government or call for constitutional change, although this is the very essence of democratic debate. For example, European standards are violated by an electoral law which prohibits insulting or defamatory references to officials or other candidates in campaign documents, makes it an offence to circulate libelous information on candidates, and makes candidates themselves liable for certain offences committed by their supporters. The insistence that materials intended for use in election campaigns must be submitted to electoral commissions, indicating the organization which ordered and produced them, the number of copies and the date of publication, constitutes an unacceptable form of censorship, particularly if electoral commissions are required to take action against illegal or inaccurate publications. This is even more true if the rules prohibiting improper use of the media during electoral campaigns are rather vague.

### **Conclusion**

114. Compliance with the five underlying principles of the European electoral heritage (universal, equal, free, secret and direct suffrage) is essential for democracy. It enables democracy to be expressed in different ways but within certain limits. These limits stem primarily from the interpretation of the said principles; the present text lays out the minimum rules to be followed in order to ensure compliance. Second, it is insufficient for the electoral law (in the narrow sense) to comprise rules that are in keeping with the European electoral principles: the latter must be placed in their context, and the credibility of the electoral process must be guaranteed. First, fundamental rights must be respected; and second, the stability of the rules must be such as to exclude any suspicion of manipulation. Lastly, the procedural framework must allow the rules laid down to be implemented effectively.

### **Declaration on freedom of political debate in the media**

(adopted by the Committee of Ministers on 12 February 2004 at the 872nd meeting of the Ministers' Deputies)

More than 50 years after having opened the Convention for the Protection of Human Rights and Fundamental Freedoms, hereinafter referred to as “the Convention”, for signature by the member states, the Convention being the supreme instrument throughout Europe for the protection of the rights and freedoms enshrined therein;

Recalling the commitment of all member states to the fundamental principles of pluralist democracy, respect for human rights and the rule of law, as reaffirmed by the Heads of State and Government at their Second Summit in Strasbourg on 11 October 1997;

Reaffirming that the fundamental right to freedom of expression and information as guaranteed by Article 10 of the Convention constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and the development of every individual, as expressed in its Declaration on the Freedom of Expression and Information of 1982;

Referring to the Declaration on a media policy for tomorrow adopted at the 6th European Ministerial Conference on Mass Media Policy in Krakow on 15 and 16 June 2000;

Recalling its Resolution (74) 26 on the right of reply – position of the individual in relation to the press and its Recommendation No. R (99) 15 on measures concerning media coverage of election campaigns;

Reaffirming the pre-eminent importance of freedom of expression and information, in particular through free and independent media, for guaranteeing the right of the public to be informed on matters of public concern and to exercise public scrutiny over public and political affairs, as well as for ensuring accountability and transparency of political bodies and public authorities, which are necessary in a democratic society, without prejudice to the domestic rules of member states concerning the status and liability of public officials;

Recalling that the exercise of freedom of expression carries with it duties and responsibilities, which media professionals must bear in mind, and that it may legitimately be restricted in order to maintain a balance between the exercise of this right and respect for other fundamental rights, freedoms and interests protected by the Convention;

Conscious that some domestic legal systems still grant legal privileges to political figures or public officials against the dissemination of information and opinions about them in the media, which is not compatible with the right to freedom of expression and information as guaranteed by Article 10 of the Convention;

Conscious that the right to exercise public scrutiny over public affairs may include the dissemination of information and opinions about individuals other than political figures and public officials,

Calls on member states to disseminate widely this Declaration, where appropriate accompanied by a translation, and to bring it, in particular, to the attention of political bodies, public authorities and the judiciary as well as to make it available to journalists, the media and their professional organizations;

Draws particular attention to the following principles concerning the dissemination of information and opinions in the media about political figures and public officials:

#### *I. Freedom of expression and information through the media*

Pluralist democracy and freedom of political debate require that the public is informed about matters of public concern, which includes the right of the media to disseminate negative information and critical opinions concerning political figures and public officials, as well as the right of the public to receive them.

#### *II. Freedom to criticize the state or public institutions*

The state, the government or any other institution of the executive, legislative or judicial branch may be subject to criticism in the media. Because of their dominant position, these institutions as such should not be protected by criminal law against defamatory or insulting statements. Where, however, these institutions enjoy such a protection, this protection should be applied in a restrictive manner, avoiding in any circumstances its use to restrict freedom to criticize. Individuals representing these institutions remain furthermore protected as individuals.

### *III. Public debate and scrutiny over political figures*

Political figures have decided to appeal to the confidence of the public and accepted to subject themselves to public political debate and are therefore subject to close public scrutiny and potentially robust and strong public criticism through the media over the way in which they have carried out or carry out their functions.

### *IV. Public scrutiny over public officials*

Public officials must accept that they will be subject to public scrutiny and criticism, particularly through the media, over the way in which they have carried out or carry out their functions, insofar as this is necessary for ensuring transparency and the responsible exercise of their functions.

### *V. Freedom of satire*

The humorous and satirical genre, as protected by Article 10 of the Convention, allows for a wider degree of exaggeration and even provocation, as long as the public is not misled about facts.

### *VI. Reputation of political figures and public officials*

Political figures should not enjoy greater protection of their reputation and other rights than other individuals, and thus more severe sanctions should not be pronounced under domestic law against the media where the latter criticize political figures. This principle also applies to public officials; derogations should only be permissible where they are strictly necessary to enable public officials to exercise their functions in a proper manner.

### *VII. Privacy of political figures and public officials*

The private life and family life of political figures and public officials should be protected against media reporting under Article 8 of the Convention. Nevertheless, information about their private life may be disseminated where it is of direct public concern to the way in which they have carried out or carry out their functions, while taking into account the need to avoid unnecessary harm to third parties. Where political figures and public officials draw public attention to parts of their private life, the media have the right to subject those parts to scrutiny.

### *VIII. Remedies against violations by the media*

Political figures and public officials should only have access to those legal remedies against the media which private individuals have in case of violations of their rights by the media. Damages and fines for defamation or insult must bear a reasonable relationship of proportionality to the violation of the rights or reputation of others, taking into consideration any possible effective and adequate voluntary remedies that have been granted by the media and accepted by the persons concerned. Defamation or insult by the media should not lead to imprisonment, unless the seriousness of the violation of the rights or reputation of others makes it a strictly necessary and proportionate penalty, especially where other fundamental rights have been seriously violated through defamatory or insulting statements in the media, such as hate speech.

## **1.1.9. Convention on the Rights of the Child**

### Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

#### Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others; or

(b) For the protection of national security or of public order, or of public health or morals.

#### Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

### **1.1.10. Concluding Document of the Vienna Meeting 1986 of representatives of the participating States of the C.S.C.E.**

39. Recalling that the legitimate pursuit of journalists' professional activity will neither render them liable to expulsion nor otherwise penalize them, they will refrain from taking restrictive measures such as withdrawing a journalist's accreditation or expelling him because of the content of the reporting of the journalist or of his information media.

40. They will ensure that, in pursuing this activity, journalists, including those representing media from other participating States, are free to seek access to and maintain contacts with public and private sources of information and that their need for professional confidentiality is respected.

## **1.2 National legal provisions**

### **1.2.1. The Constitution of the Republic of Moldova**

#### Article 34 Right to information

(1) Anyone's right to have access to any information of public interest may not be restricted.

(4) The public media, state-owned or private, are obliged to insure the correct information of the public.

(5) The mass media are not subjected to censorship.

### **1.2.2. The Law on the Access to Information**

Article 4. The principles of the state policy on the access to official information.

(1) Anyone, under this law, has the right to seek for, receive and make known official information.

(2) Exercising the rights provided for in paragraph (1) of this article may be subject to restrictions for specific reasons corresponding to the principles of the international law, including for the defense of national security or the human private life.

Article 5. The subjects of this law

(3) Under this law, official information may be requested by:

a) any citizen of the Republic of Moldova.

Article 7. Official information with restricted accessibility

(4) No restrictions shall be made on the freedom of expression only if the provider of information can prove that the restriction is regulated by organic law and is necessary in a democratic society for the defense of one's legitimate rights and interests or for the protection of the national security and that the prejudice brought about to those rights and interests would be bigger than the public interest in knowing the information.

(5) No one may be punished, for rendering public certain information with restricted accessibility, if unveiling that information does not touch and may not touch a legal interest related to the national security or if the public interest to know the information exceeds the touching that the disclosure of the information may bring about.

Article 24. Consequences of damaging the right to access to information

In function of the gravity of the effects that the illegal refusal of a public official has had, as that official is responsible for spreading official information, in terms of insuring the access to the requested information, court may decide to apply penalties in accordance with the law, to repair the damage caused by the illegal refusal to provide information or by other actions damaging the right to access to information, as well as the immediate satisfaction of the applicant's request.

### **1.2.3. Law on state secret**

Article 12. Information which may not get classified

(1) It is forbidden to classify the information about:

a) facts about violations of human and citizens' rights and liberties;

b) extraordinary events jeopardizing the citizens' security and health and their consequences, as well as the calamities, forecasts and their consequences;

c) the real state of things in education, healthcare, environment, agriculture, trade and order of law;

d) facts about violating legality, inactivity and illicit actions of state authorities and officials, if the disclosure of those facts will not jeopardize the security of the Republic of Moldova.

(2) The classification is not allowed in case it has negative consequences on the realization of state programs and branch programs related to social-economic and cultural development or hinders the competition among companies.

### **1.2.4. Law on state security**

Article 7. Observing human rights and freedoms in insuring the state security

(2) The activity of insuring the state security may not violate the legitimate human rights and freedoms.

(4) No one may be prosecuted for the free expression of one's political and religious views.

Article 8. The citizens' right to information about the activity of the state security bodies and about the problems related to their personal interests

(1) The citizens are informed about the activity of the state security bodies through media and other ways as established under law.

#### **1.2.5. Law on state security bodies**

Article 6. The citizens' right to information about the activity of the state security bodies.

(1) The citizens are informed about the activity of the state security bodies through media and other ways as established under law.

(2) The information on the rights and duties, on the main activity directions of the state security bodies is presented integrally.

#### **1.2.6. Law on the Service of Information and Security of the Republic of Moldova**

Article 5. The citizens' right to information about the activity of the Service

(1) The citizens are informed about the activity of the Service through media and other ways as established under law.

(2) The information on the rights and duties, on the main activity directions of the state security bodies is presented integrally.

#### **1.2.7. Penal Code**

Article 180. The intentional violation of the legislation on the access to information

The intentional violation by an official of the legal provision of insuring and realizing the right to access to information, a violation which has caused considerable damage to the rights and interests defended by the law of the person having asked for information about the protection of the people's health, public security, environment protection, is punished with imprisonment of up to 3 years or with depriving of the right to occupy certain public offices or to exercise certain activities up to 5 years.

Article 346. Intentional actions meant to incite national, racial or religious hatred or disunion

The intentional actions, public calls, including through media, printed or electronic, meant to incite to national, racial or religious hatred or disunion, to humiliate the national honor or dignity, as well as the restriction, direct or indirect, of rights or the establishment of advantages, direct or indirect, to citizens depending on their ethnicity, race or religion are punished by fine of up to 250 conventional units or with imprisonment of up to 3 years.

#### **1.2.8. Civil Code**

Article 16. Defending honor, dignity and professional reputation

(1) Anyone has the right to the respect of his/her honor, dignity and professional reputation.

(2) Anyone has the right to request the denial of the information prejudicing his/her honor, dignity or professional reputation if the one having spread it does not prove it is real.

(4) If the information prejudicing someone's honor, dignity or professional reputation is spread through a means of mass information, the court obliges it to publish a denial in the same rubric, page, in the same program or program series within at most 15 days after the entrance into force of the court decision.

(7) The person having his/her rights and interests protected by the law damaged through the publications of a means of mass information is entitled to publish his/her reply in the respective means of mass informing on the latter's account.



(8) Anyone about whom a rumor was spread out and prejudicing his/her honor, dignity and professional reputation is entitled, in addition to the denial, to ask for material and moral damages thus caused.

Article 503. Public access to information

(1) Anyone, without justifying any interest, may search the registry of real estate, and the additional documents, under the law.

Article 1423. Size of compensation for moral damage

(1) The size of the compensation for the moral damage is established by the court in function of the character and gravity of the psychical or physical suffering caused to the injured person, of the degree of guiltiness of the author of the damage, and of the degree to which this compensation may bring satisfaction to the injured.

### **1.2.9. Civil procedure code**

Article 23. The public character of the court debates

(1) In all the courts, the sessions are public. The minors under 16 are not admitted to court sessions, unless subpoenaed as participants or witnesses to a trial.

(2) Closed sessions may occur only in order to protect the information which is a state secret, commercial secret or information the disclosure of which is forbidden by law.

Article 133. The persons which may not be heard as witnesses in a trial may not be subpoenaed and heard as witnesses:

d) the persons, who, because of their professional office, participated in preparing, producing or disseminating period publications, TV or radio programs about the personality of the author, executor or compiler of materials or documents, as to the information sent by them in connection with their activity, if the materials and documents are dedicated to the newsroom.

Article 146. Audio-video

(1) Anyone presenting an audio-video recording on an electronic support or on other type of support or claims such a recording is obliged to indicate the person, who made the recording, the time and the conditions of the recording.

(2) The hidden audio-video recording may not be used as evidence unless legally allowed.

### **1.2.10. The telecommunications law**

Art.24. - (1) The Agency issues licenses activities in telecommunication and informational technologies, as provided under Law no.451-XV of 30 July 2001 regarding the licensing of activity types.

Art.31. - (2) The Agency publishes information about the issued licenses, tenders for individual licenses and statistical data about licenses.

Art. 32. – The spectrum of radio frequencies is national heritage.

Art. 33. – The national spectrum of radio frequencies is managed by the State Commission for Radio Frequencies, subordinated to the Government.

Art. 34. - The State Commission for Radio Frequencies develops and promotes the state policy on distributing and using the radio frequency spectrum and the positions of the geostationary orbits.

Art. 35. - The State Commission for Radio Frequencies approves the National Table of radio frequencies for civil, defense and security needs, as well as the way of distributing frequencies in the common usage bands.

### **1.2.11. Advertising Law**

Article 13. Advertising on radio and television

(1) The duration of the advertising shall not exceed 15% of the airtime of every radio or television station in 24 hours and 20% of 1 hour of broadcasting.

(2) The advertising has to be inserted between programs.

(3) In programs, made of autonomous parts, or in sports programs, in programs on events and shows with a similar structure, which contain pauses, the advertising may be inserted only between parts or in breaks.

(4) The broadcasting of audiovisual works, as TV movies, except for serials, entertainment programs and documentaries, with the duration longer than 45 minutes, may be interrupted only once after a period of 45 minutes. A new break is allowed if the duration of the program, is at least 20 minutes longer than two or more complete periods of 45 minutes.

(5) In order to interrupt other programs, for advertising purposes, than the ones provided for in paragraph (4), it is necessary that at least 20 minutes pass after every successive interruption.

(6) Advertising may not be inserted while broadcasting religious services. The newscasts, the current affairs programs, the documentaries, the programs on religious themes and the programs for children with the duration shorter than 30 minutes may not be interrupted by advertising. If the duration of these programs is 30 minutes or longer, the provisions of paragraph (5) shall be applied.

Article 19. The peculiarities of some types of goods and services

(1) Direct advertising (by presenting the process of consuming alcoholic beverages) may not:

a) be aired on television channels between 7.00 and 22.00;

b) give the impression that consuming alcohol contributes to be successful in personal, social, sports fields or to the improvement of the physical or psychological state;

d) directly or indirectly address minors or use the image or the reports of the people enjoying authority among them. Involving minors in advertising the consumption of alcoholic beverages is not allowed;

h) encourage the excessive consumption of alcoholic beverages or present in a negative light the abstinence and moderation.

(2) The advertising of tobacco articles on television and radio is forbidden... Direct advertising (presenting the process of consuming tobacco and tobacco articles) may not:

a) give the impression that smoking contributes to be successful in personal, social, sports fields or to the improvement of the physical or psychological state;

b) discredit the abstention from smoking, contain information about the positive therapeutical qualities of tobacco and of tobacco articles and present the high quality of those articles as a special value;

c) directly or indirectly address minors or use the image or the reports of the people enjoying authority among them;

d) be spread in any form in audiovisual, cinematographic or printed productions dedicated to minors;

(4) The advertising of medicines, or articles with medical destination, of medical equipment without the permission to produce and (or) to sell them, and the advertising of treatment, prophylaxis, diagnosis, rehabilitation methods without the permission to render such services, issued by the central specialty organ of the public authority in charge of healthcare, is not allowed, including in the cases of obtaining invention patent in the respective field.

(6) Without the authorization of the central specialty organ of the public authority in charge of healthcare forbidden is:

a) the advertising dedicated to the public and containing description of treatments with therapeutical effects for incurable diseases or which are cured difficultly;

b) the advertising of mass medical sessions using suggestion, hypnosis and other methods of psychical or bioenergetic methods.

(7) It is forbidden to advertise any types of weapons, armament and military equipment, except for hunting and sport weapons allowed by law (including historical ones). The advertising of the weapons allowed by the law is forbidden on electronic media between 7.00 and 22.00.

#### Article 21. Social advertising

(1) Social advertising represents the interests of society and of the state in terms of promoting healthy life style, healthcare, environment protection, integrity of energy resources, social protection of the population. It has a lucrative goal and pursues philanthropic ends and ends of social importance.

(3) The direct participation of minors in textual and audiovisual advertising is allowed only with the agreement of parents and guardians.

### **1.2.12. Election Code**

#### Article 47. Electioneering

(1) Citizens of the Republic of Moldova, parties and other socio-political organizations, electoral blocs, candidates and trustees of candidates have the right to put forward for free discussion all aspects of candidates' electoral programs, and the political, professional and personal qualities of the candidates; and to campaign for or against candidates in elections at meetings, reunions, meetings with the electorate, using means of mass media and other forms of communication except for those that disturb public order or are unethical. Electioneering for an electoral contestant is allowed only after his/her registration with an electoral body.

(2) During electoral campaigns, public audiovisual institutions will grant free of charge air time, within the limits set by Central Electoral Commission, to electoral contestants for public debates. For electioneering purposes, each electoral contestant will be granted against charge air time not exceeding two hours for the entire electoral campaign, including no more than two minutes per day.

(3) During roundtables private audiovisual institutions may organize free of charge three debates not exceeding two hours each and inviting representatives of all electoral contestants. All electoral contestants' speeches shall be timed during the show, all electoral contestants shall be granted equal time. Electoral contestants shall be informed on the time of broadcasting the relevant shows seven days prior to launching electoral campaign. The air time granted against charge shall not exceed two minutes per day for each electoral contestant.

(4) It is prohibited to air, apart from the air time granted free of charge during debates, spots and TV or radio reports, on the activity of the electoral contestant or on their or their trustees participation in meetings with the voters, on working visits of the electoral contestants who hold offices at republican or county level. No electoral candidate shall be entitled to privileges due to the offices they hold..

(5) Electoral contestants shall be liable for the content of published or aired electoral materials..

(6) Public or private audiovisual institutions shall provide equal opportunities for electoral candidates to buy air time, by establishing equal fees. Conditions of booking air time and the relevant fees shall be announced seven days prior to the launch of the electoral campaign. Fees for the air time granted to electoral contestants may not exceed fees for the commercials. Air time for electoral spots shall be granted at the same broadcasting hours.

(8) On election day, prior to closing polling stations mass media shall refrain from announcing results of questioning electorate regarding their vote "for" or "against" electoral contestants, or failure to vote for them..

(11) For the time period of electoral campaign, as well as for the time period of conducting a referendum, air time granted to Parliament, Presidency, and Government press service may not be used to electioneer or to campaign for or against the issues put up for referendum.

(14) Electioneering on the election day and the day preceding the elections is prohibited.

#### Article 64. Reflection of elections in mass media

(1) During the electoral period, mass media shall reflect the unfolding of elections according to the regulation approved to this end by the Central Election Commission.

(2) Mass media representatives shall enjoy all the rights of accredited observers.

(3) During the election race, any opinion polls regarding the voters' political preferences may be made only by informing the Central Election Commission in advance. The results of those polls may be made public at latest 5 days before the election day. On the elections' day, before the polling stations are closed, it shall be prohibited to publish in mass media the materials, including interviews with the voters, about the number of votes gathered by the electoral candidates over the day and about their chances, including information from exit polls. Qualified organizations intending to organize exit-polls shall coordinate their activity with the Central Election Commission, which shall develop general rules in this regard.

(5) The public broadcasters and the private broadcasters have the right, upon the request of the Central Election Commission, to hold, during the entire election term, public debates in fair conditions for all the electoral contestants. The latter are granted not less than 90 minutes a day, time which may be used for one or several programs.

(6) The broadcasters are entitled to choose the format of the debates, on condition of observing, in general, the equality for all the electoral contestants, the time granted to participate in debates.

#### Article 69. Legal liability

(1) Persons who, by means of violence, deceit, threatening, substitution or by any other means, hinder the free exercise of the citizens' electoral rights, persons who purposefully spread misinformation about electoral competitors, commit other actions that infringe the honor and dignity of candidates, carry out election propaganda in the day of elections and in the bay before it, hinder the activity of the electoral councils and committees or the voting at the polling stations shall incur liability in compliance with the legislation in force.

#### Article 71. Administrative liability

(1) The following actions shall be considered as administrative offences, if not declared criminal offences in compliance with article 70 of this Code, for which administrative sanctions shall be applicable according to the Administrative Offences Code's provisions:

1) continuing electioneering on the election day and on its eve.

### **1.2.13. Broadcasting Code of Moldova**

#### **Article 7. Political-social balance and pluralism**

(1) In the spirit of the respect for the fundamental human rights and liberties, by broadcasting and relaying program services the political and social pluralism, the cultural, linguistic and religious diversity, informing, educating and entertaining the public are realized and insured.

(2) By granting airtime to a political party or movement to promote their positions, a broadcaster shall also offer, in the same program genre and at the same time, airtime to other political parties and movements without unjustified delay and without favoring a certain party, regardless of the percentage of its parliamentary representation.

(3) In order to encourage and ease the pluralist expression of opinions, the broadcasters are obliged to cover the elections truthfully, fairly and impartially. The broadcasters' concepts on covering the elections are approved by the Broadcasting Coordinating Council and are presented to the Central Election Commission, in strict concordance with the law.

(4) In order to insure the respect for the principles of social-political balance, equidistance and objectivity in the broadcasters' newscasts, they shall air every news story so that:

- a) the information making the story shall be truthful;
- b) not to distort the sense of the reality by tricks of montage, comments, way of wording or titles;
- c) in the case of stories covering conflict situations, the principle of informing from several sources shall be respected.

#### **Article 8. Editorial independence and freedom**

(1) The broadcasters under Moldova's jurisdiction have the right to freely decide on the contents of their programs, respecting the principle of opinion pluralism in conformity with the legal framework and the conditions set out in the broadcasting license.

(2) Censorship of any kind over audiovisual communication is forbidden.

(3) The broadcasters' editorial independence is recognized and guaranteed under law.

(4) Any interference into the content, form or way of presenting elements of program services on the part of public authorities or of any other entities outside the broadcaster is forbidden.

(5) The regulatory norms issued by the Broadcasting Coordinating Council in enforcing this code, and the norms related to human rights, set out in the international treaties Moldova is part to shall not be viewed as interference.

#### **Article 10. The rights of program consumers**

(1) In the Republic of Moldova, the right to full, objective and truthful information, the right to the free expression of opinions and the right to the free communication of information through the agency of radio and television means are guaranteed by the law.

(2) The protection of the rights of program consumers is insured by the Broadcasting Coordinating Council, the task of which is to coordinate the broadcasting activity, and by the courts.

(5) The broadcasters are obliged to insure the objectivity of informing the program consumers, favoring the free formation of opinions.

#### **Article 12. Protecting the national informational space**

The spectrum of radio frequencies or terrestrial radio-electric waves are the state's national assets which cannot be used otherwise than under law.

#### **Article 13. Program consumers' access to programs on events of major importance**

(1) The program consumers' access to events of major importance through the agency of program services aired by broadcasters is guaranteed under law.

#### Article 15. Protection of journalists

(1) The public authorities in charge insure:

a) the protection of journalists in case they are subjected to pressure or threats able to hinder or to effectively restrict the free exercise of their profession;

b) the protection of premises of broadcasters in case they are subjected to threats able to hinder or to affect the free exercise of their work.

(3) The authoritarian (psychological) constraint, exerting pressure by intimidating TV and radio journalists to make them break the ethical norms of journalists are punished according to the law.

#### Article 16. Right to reply, correction and equivalent remedies

(1) Any natural or legal entity, regardless of citizenship, nationality and residence, who may consider damaged in his/her legitimate rights and, especially, in his/her reputation by presenting on broadcasts incorrect facts has the right to reply, rectification or the right to ask for equivalent remedies in accordance with the Civil Code.

(2) A broadcaster insures the right to reply, rectification or to other equivalent remedies and shall not hinder its being enforced by settling unreasonable terms and conditions.

(3) A broadcaster shall be informed in written form about the request to exercise one's right to reply within 20 days after airing the broadcast the request refers to. A broadcaster shall air the response in the same program, at the same time and with the same duration, within 5 days after receiving the grounded request.

(6) Airing the rectification or granting the right to reply does not exclude the damaged person's right to address a court.

(7) The broadcasters shall insure the recording of the aired programs.

(8) The recordings are kept at least 30 days after being aired.

(9) In case of receiving a request regarding the right to reply, the broadcaster is obliged to keep the recordings till the definite settlement of the litigation.

#### Article 37. Supervisory and controlling activity

(1) the Broadcasting Coordinating Council supervises the application and the observance of the provisions of this Code.

(3) The control is exercised:

a) ex officio;

b) following a request of a public authority;

c) following a complaint submitted by natural or legal entity directly affected by infringing the legal norms.

#### Article 38. Penalties

(1) If broadcasters violate the legal norms, the following penalties are applied:

a) public warning;

b) withdrawing the right to air commercials during a certain amount of time;

c) fine;

d) suspending the broadcasting license for a certain period;

e) withdrawing the broadcasting license.

(2) In the case of this Code, contraventions are:

f) airing program services, which consequently leads to the violation of the provisions of art.6, art.7 para.(2)-(4), art.10 para.(1) and (5), art.11 para.(2)-(8), art.17;

i) not respecting the legal provisions related to offering the right to reply, rectification and to equivalent remedies;

(8) The BCC's decision on applying any penalty shall be reasoned and posted on its web page..

(10) The decision of the BCC on applying penalties, which is not sued within the legally due term, shall be executed.

Article 41. The obligations of the Broadcasting Coordinating Council

(1) In its capacity of a guarantor of the protection of the public interest in the sector of audiovisual communication on democratic principles and of the program consumer's rights, the BCC is obliged to insure:

a) the supervision of the pluralist expression of ideas and opinions in the programs aired by the broadcasters under Moldova's jurisdiction;

c) a balanced relation among the program services supplied by the national broadcasters and the ones offered by local and regional broadcasters;

f) the transparency of broadcasting media;

g) the transparency of its own activity;

Article 49. Supervising and checking the activity of the Broadcasting Coordinating Council

(1) The activity of the Broadcasting Coordinating Council is supervised by the Parliament, by debating on the annual report of the Council.

(3) In the situation in which the Parliament rejects the annual report of the Broadcasting Coordinating Council, it is obliged, within 30 days, to present a program of concrete measures to remove the signaled shortcomings.

(5) In carrying out its mission in the public interest, the BCC is obliged to publish its quarterly reports on the way in which it exercises its attributions.

Article 50. The legal status of the national public broadcasting institution the Company "Teleradio-Moldova"

(1) The national public broadcasting institution the Company "Teleradio-Moldova" (henceforth – *the company*) is a radio and television public service, editorially independent, as well as in its creative activity, institutionally autonomous, constituted on the basis of public financial capital, which, under the conditions of this Code, offers program services to the whole society from Moldova, with coverage on the whole territory of the Republic of Moldova.

Article 51. Tasks of the company

(1) The tasks of the company are:

a) developing, producing, airing radio and TV programs about domestic and international social, political and economic realities, as well as from the fields of culture, entertainment, education, , sports, pluralist, impartial, innovative programs, marked by high quality and integrity, meant to insure the correct, impartial, equidistant information of consumers, respecting political balance, freedom of expression, of creation and of beliefs;

d) cultivating human dignity, tolerance, public morals, civic spirit, democratic values, national unity, truth, justice, taking into account the moral, political and religious beliefs of different categories of the population;

e) airing information in newscasts in an honest, truthful and equidistant manner;

f) insuring the right to information for all the categories of Moldovan citizens, including the national minorities;

g) respecting the journalists' right to draft and consequently respect the ethical codes of journalists, specifying the legal norms in the field;

j) favoring the democratic debate, opinion exchanges among different categories of the population, as well as integrating citizens into society;

(2) In order to encourage and promote Moldovan productions and to insure that its programs offer wide variety of opinions and perspectives, the company shall tend to obtain 20% from its programs from independent Moldovan producers.

(3) The company has the right to record or to broadcast live sittings of the Parliament, Government, public debates of the public authorities, meetings, demonstrations, processions, manifestations, commemorating, religious reunions, other public actions, regardless of the venue.

#### Article 52. Editorial independence

(1) The company's editorial independence is guaranteed by law. Interference on the part of public authorities, political parties, commercial, economic, social-political, trade union entities is not allowed.

(2) The editorial and creative independence includes the exclusive right of the administration bodies of the company to adopt, within the scope of this Code, decision on:

a) drafting the editorial policy, adopting and modifying the program schedule of the company;

b) organizing the editorial and creative activity;

c) conceiving and producing programs, including news and current affairs;

d) other activities established by this Code and/or the Observers Council of the company.

(3) The company's administration is obliged to insure, within the institution, the editorial independence, the access of the employees to information, the freedom of creation, the respect for the fundamental human rights.

(4) The company's administration shall adopt detailed regulations regarding the organization of the activity, so as to avoid any interference over the editorial and creative process of the company.

#### Article 58. The Duties of the Observers Council

The Observers Council has the following duties:

b) approves the Task-Book of the company, which includes the financial plan and the statement on the editorial policy of the company;

c) evaluates the performance of the company and its administration, by publishing annual reports and recommendations;

f) appoints, following contests, the president of the company, the director of the radio and the director of the television;

g) notifies, ex officio or if requested, about violating the Broadcasting Code and other laws, committed by the company, forwarding its president notifications to enter legality.

#### Article 60. President of the company

(1) The president of the company exercises its general management on principles of decisional independence, is responsible with forming the program services in accordance with the principles of audiovisual communication provided in this code and in other laws, of the efficient management of the company, of all its financial activities.

(5) In order to appoint a president of the company, the Broadcasters Council announces a contest and drafts an ad hoc regulation to hold the contest.

(7) In order to insure the transparency of the contest, the contest-organizing Regulation, which will also contain the requirements for the candidates, the names of the candidates, their CVs, as well as their intention projects over the development strategy of the company, shall be made public.

(8) The Observers Council confirms the candidate to the position of president of the company with the vote of at least 2/3 of its members.

(10) The president of the company may be dismissed by the Observers Council by at least cu 2/3 of the votes of the Observers Council.



(11) The president of the company shall match the following requirements:  
a) shall be a professional in public broadcasting, shall have managerial skills;  
(13) the function of a president of the company is compatible with activities in: didactic, scientific, creation areas in specialty publications of literary, artistic, scientific, social areas if that does not runs counter the company's interests.

Article 66. Creating and functioning of private broadcasters

(1) The private broadcasters may be constituted by natural and legal entities.

(2) The public authorities of any level, the public institutions financed from the state budget, political parties, telecommunications companies may not be founders of private broadcasters.

(3) Any natural or legal person may hold at most two broadcasting licenses within the same administrative-territorial unit or zone, without the possibility to hold the exclusivity.

(4) Any natural or legal entity, from the country or abroad, may be an investor or a majority shareholder, directly or indirectly, of at most 2 broadcasters of different types.

(6) The private broadcasters are obliged to inform the public about their name and premises of their administration, the name of program producers, signals of a radio station, symbol of a TV station.

#### **1.2.14. Statute of the National Public Broadcasting Institution - the Company "Teleradio-Moldova"**

##### **Chapter II. Company's goals, tasks and objectives**

8. The company represents the interests of TV-viewers, radio listeners as well as its other program consumers, independently solving issues concerning broadcasting program services, the content and the form of its programs, their length, periodicity and cost, editorial policy and the mechanism of its implementation.

9. The company has the following main goals and tasks:

a) to ensure the society's free access to information, reflecting public interests in its radio or TV program services;

b) to provide the audience with equidistant information about political, economic, cultural, social and other events

both from our country and from abroad.

c) to reflect equidistantly the activity of the central public authorities, of the local public administration of all

levels, of the structures of the civil society, as well as the most relevant processes and phenomena that happen in society;

d) to opt for humanitarian and peaceful ideas, as well as for the democratic values promoted by the UNO,

OSCE, Council of Europe and other international organizations to which the Republic of Moldova is party;

e) to ensure the right of any person to freely express his or her political, religious, national, social beliefs, taking into consideration the society's general interests.

##### **Chapter III. Company's Rights and Obligations**

13. The Company has the obligation to:

b) to ensure the citizens' right to information, reflecting the socio-political, internal and international life in an objective and impartial way through freedom of expression of different ideas and beliefs, as well as free movement of information.

#### **Chapter IV. Company Management**

19. The President of the company can be dismissed, before his term expires, by the Supervisory Board by at least six votes of its members:

- in cases when the President of the Supervisory Board or an initiative group, formed by at least one third of the members of the Board, forwards a notice in which they bring arguments to the fact that

he does not execute his functions and duties in a proper way, infringing the provisions of the legislation in force;

- at the recommendations of the bodies entitled with the right to control the financial activity of the company – for the infringement of financial activity, which brought considerable prejudices.

21. The President of the company has the following functions:

p) to bear the responsibility for the strict execution of the Broadcasting Code of Moldova.

#### **Section 4. Television Director**

22. The television executive Director is appointed to his position and is dismissed from it by the Supervisory Board. The television executive Director is dismissed from his position by the Supervisory Board by a vote of at least two-thirds of its members on request of the President of the company.

23. The television executive Director has the following main functions:

l) to be responsible for the observance of professional ethics, the Code of Conduct, labor discipline by the television personnel, in compliance with the internal regulations.

#### **Chapter VI. Activity of Broadcast Programming and Organization**

43. Company's programs and its activity concerning the production of TV and radio programs must correspond to professional standards, adopted by the Company's administration (as form, content, conceptual integrity etc). These requirements are compulsory for all the employees of the company.

45. News programs should be presented with impartiality; comments should be separated from news. Information must be verified.

47. Company's programs must comply with the following requirements:

- to provide consumers with information, thus serving citizen and society's interests;  
- to be truthful, thus contributing actively to the creation of free opinion, including through discussions;

- to ensure impartial, equal and competent debates on the discussed problems;

#### **Section 2. Right to Reply**

58. The company's administration grants the right to reply to any individual or legal entity, in compliance with the legislation in force. In this case all material proofs shall be kept until the dispute is completely settled.

59. The right to reply is offered within the same program or a series of programs within 5 days from the day when the request was submitted, but not later than 25 days from the date when the program was broadcast, in case when the person exercised its right to reply within 20 days from the time when the program to which the request refers was broadcast. The reply is not broadcasted live.

63. The right to reply is not granted if:

The request to grant this right is ungrounded.

#### **Section 3. Public Relations**

64. The company is obliged to record and to analyze citizens' petitions, letters and addresses regarding its activity, ensuring, in terms of its competences, the observance of citizens' constitutional rights and freedom, and to inform them about the results of the examination of their letters and addresses within a month from the moment of their reception.

66. In relations and contacts with public and mass-media the company is represented by the President, TV or radio executive Directors as well as by a company's employee, appointed through an order.

### **Section 2. Political Advertising and Hidden Advertising**

77. The company's programs should not contain hidden advertising. It is revealed in accordance with a special regulation, drawn up and approved by the President of the company.

78. The programs that contain hidden advertising are not broadcasted. Persons, who allowed broadcasting programs with hidden advertising, infringed the points 75, 76 and 77 or infringed the legislation on advertising and are subject to a professional investigation with the application of disciplinary sanctions in compliance with labor legislation.

### **Chapter X. Supervision and Control of the Company's Activity**

86. The company activity is supervised by the Supervisory Board in compliance with the Audiovisual Code.

87. The Control over the company's commercial activity is performed by the bodies entitled with this right in accordance with the legislation.

#### **1.2.15. Offenses Code of the Republic of Moldova**

Article 2. The goal of the minor offenses law

The goal of the offenses law consists in protecting the human legitimate rights and freedoms, protecting property, defending public order, other values protected by law, in settling law cases and in preventing the commitment of new misdemeanors.

Article 52. Electioneering on the day preceding the election day or on the election day Electioneering to support a referendum on the day preceding the election day and on the election day is punished by a fine worth 10 to 20 conventional units to be applied on the individuals and 40 to 50 conventional units to be applied on the officials or electoral contestants.

Article 69. Insult

(2) The insult brought about in media is penalized by fine from 50 to 100 conventional units or by work for the community's sake up to 60 hours.

Article 70. Defamation

The defamation, that is the deliberate spreading of deceitful inventions defaming someone else, accompanied by the accusation of committing a felony which may have severe consequences is penalized by fine from 80 to 120 conventional units or by work for the community's sake from 20 to 60 hours, or by arrest of up to 15 days, by fine from 120 to 250 conventional units in case of officials by depriving from the right to hold some offices from 3 months to 1 year.

Article 71. Violating the legislation on the access to information and on petitioning

(1) If an official violates the legislation on the access to information and on petitioning, he/she is penalized with fine from 40 up to 50 conventional units.

(2) Presenting requested information with data obviously erroneous is penalized by fine from 45 to 55 conventional units applied on the official.

#### **1.2.16. Culture Law**

Article 18. Relations between the state and the creative professionals  
The State:

b) guarantees the freedom of expression of the creative professionals, multilaterally stimulating their activity.

### **1.2.17. Law on combating terrorism**

Article 14. Informing public on terrorist acts

(1) While unfolding anti-terror operations, informing the public about a terror act is done in the mode and to the degree established by the leader of the operative group or by its representative responsible for public relations.

(3) In informing the public, one will insure the observance of the legal provisions on the state secret, as well as the adequate protection of secret information services.

### **1.2.18. Law on Combating Extremist Activity**

Article 7. Responsibility of a Mass Media Establishment for the Dissemination of Materials of Extremist Nature and for Conducting Extremist Activity

(1) Dissemination through mass media of materials of extremist nature and conducting by mass media of extremist activity is prohibited in the Republic of Moldova.

(2) In case if a mass-media establishment disseminates materials of extremist nature, or actions denoting extremism are ascertained in its activity, the state organ that registered this mass media establishment or the General Prosecutor or his Deputy or the respective prosecutor from his subordination or his deputy shall issue a written warning to the founder and (or) the editorial board (editor-in-chief) of this mass media establishment about the inadmissibility of such actions or activity, with the indication of concrete reasons for the warning, including the irregularities committed. In case if measures to remove the committed violations are possible, the warning shall also stipulate the term for the implementation of such measures, which shall be of up to one month from the date of warning.

(4) If the warning has not been challenged in court, according to the established procedures, or has not been ruled as illegal by the court, and if the irregularities which generated the warning have not been removed in the term provided, or if in the course of 12 months from the date of the warning new actions denoting the existence of signs of extremism have been ascertained in the activity of the mass media establishment, on the basis of the claim of the state organ that registered this mass media establishment or of the General Prosecutor or his Deputy or the respective prosecutor from his subordination or his deputy, the court shall issue the ruling on the cessation or suspension for a period of up to one year of the activity of the mass media establishment.

Article 9. Combating the Dissemination of Materials of Extremist Nature

(1) Publishing (directing) or dissemination (broadcast) of printed, audio-visual or other materials of extremist nature is prohibited in the Republic of Moldova.

(2) The extremist nature of the materials is to be established by the court, upon the petition of the prosecutor.

Article 10. The Record of Materials of Extremist Nature

(1) The Ministry of Justice keeps a record of materials of extremist nature.

(5) Dissemination of the materials included in the record of materials of extremist nature on the territory of the Republic of Moldova is prohibited.

### **1.2.19. Police Law**

Article 13. The rights of the police

The police has the right:

29) to freely use media in order to establish circumstances of offenses and identifying offenders, seek for persons hiding from prosecution, in order to seek for missing people, as well as in order to prevent offenses and to strengthen the right of law.

### **1.2.20. Law on state of emergency, siege and war**

Article 22. Powers of the Commission for Emergencies of the Republic of Moldova

(1) The Commission for Emergencies of the Republic of Moldova is instituted through a decision of the parliament and has the following powers:

d) coordinates the activity of media in terms of informing the population about the causes and size of the emergency, about the measures undertaken by the Government to prevent the danger, to remove the consequences of that situation and to protect the population, and to familiarize the population with conduct rules in emergencies;

Article 25. Powers of the Ministry of Internal Affairs

The Ministry of Internal Affairs has the following powers:

g) insures the protection of the headquarters of the public authorities, of the diplomatic missions, of water pumping plants, of power and gas plants, of radio and television stations, as well as of other entities of national importance.

### **1.2.21. Regulation on the Moldovan media's coverage of the new parliamentary elections of July 29, 2009**

#### **I. General provisions**

4. The regulation pursues to insure the fair, balanced and impartial coverage of the parliamentary elections by media, the protection of the freedom of expression, the establishment of some compulsory norms for media, electoral contestants to implement those principles.

5. The principles of fair, balanced and impartial coverage of the parliamentary elections are compulsory for the media outlets from other countries, which have legal access to the Moldovan information space. In case of violations, the responsibility rests with the holders of licenses and relay authorizations.

10. In giving airtime to an electoral contestant to promote its platform, the broadcasters shall also offer airtime, in the same type of programs, to other electoral contestants, without delays and without favoring a certain contestant.

16. Except for the programs in the rubric "Electoral 2009", the people holding public offices and running in the electoral campaign shall not appear in images, will not give interviews and shall not make statements to communicate information from their activity field, in order not to use this occasion for electioneering purposes.

20. During the electoral term, no news about the charities of candidates and their relatives to the second degree may be aired.

29. On the election day, it is forbidden to air results of interviewing voters (exit-poll), until the closure of the polling stations.

31. On the election day and on its eve, no electioneering is allowed. On these days, the media shall air/publish no other election-related information, except for communiqués

received from the Central Election Commission and information about the organization of the voting.

32. If an electoral subject's image is marred in other programs than the ones labeled "Electoral 2009", he/she may enjoy his/her right to reply without any delay in the same conditions, sending a written notification in this regard. The media shall grant the right to reply or rectification on the basis of the application or of the CEC's decision within 48 hours at most from the moment of receiving that notification or of the adoption of that decision. The last day when one can use one's right to reply is two days before the end of the election race.

33. During the electoral race, the airtime granted to the press services of the Parliament, the Presidency, the Government may not be used with electioneering purposes. No electoral contestant shall enjoy priorities because of his/her office.

### III. Electoral debates

49. The public broadcasters are obliged, while the private broadcasters have the right to organize public debates during the electoral term in fair conditions for all the electoral contestants. Broadcasters may offer, for electoral debates, no less than 90 minutes a day for one or several programs.

51. Broadcasters have the right to choose the format of the debates, on condition of observing the equality for all the electoral contestants, of the time allotted to participate in debates.

### IV. Broadcasters' internal regulations

64. The internal regulations of the public broadcasters are adopted by their Observers Councils. The internal regulations of the other broadcasters shall be adopted by their administrations.

65. The internal regulations shall establish:

- the principles of covering the elections by the broadcaster;
- the conditions of offering paid airtime;
- the principle of scheduling and granting the airtime;
- the schedule of paid airtime;
- the charge for the paid airtime time;
- the way of keeping record of the airtime granted to electoral contestants;
- the schedule of the election-related programs.

### V. Final provisions

70. Upon the request of the Central Election Commission, of the Broadcasting Coordinating Council and of the electoral contestants, the broadcasters are obliged to present, within 24 hours, video and audio materials with the copies of respective contracts and invoices.

71. The failure to observe this Regulation implies the application of sanctions provided under the law.

## **1.3 Ethical norms**

### **1.3.1. Resolution 1003 (1993) of the Parliamentary Assembly of the Council of Europe on the ethics of journalism**

The Assembly affirms the following ethical principles for journalism and believes that they should be applied by the profession throughout Europe.

*News and opinions*

2. The journalist's profession comprises rights and obligations, freedoms and responsibilities.

3. The basic principle of any ethical consideration of journalism is that a clear distinction must be drawn between news and opinions, making it impossible to confuse them. News is information about facts and data, while opinions convey thoughts, ideas, beliefs or value judgments on the part of media companies, publishers or journalists.

4. News broadcasting should be based on truthfulness, ensured by the appropriate means of verification and proof, and impartiality in presentation, description and narration. Rumor must not be confused with news. News headlines and summaries must reflect as closely as possible the substance of the facts and data presented.

5. Expression of opinions may entail thoughts or comments on general ideas or remarks on news relating to actual events. Although opinions are necessarily subjective and therefore cannot and should not be made subject to the criterion of truthfulness, we must ensure that opinions are expressed honestly and ethically.

6. Opinions taking the form of comments on events or actions relating to individuals or institutions should not attempt to deny or conceal the reality of the facts or data.

*The right to information as a fundamental human right - Publishers, proprietors and journalists*

7. The media's work is one of "mediation", providing an information service, and the rights which they own in connection with freedom of information depends on its addressees, that is the citizens.

8. Information is a fundamental right which has been highlighted by the case-law of the European Commission and Court of Human Rights relating to Article 10 of the European Convention on Human Rights and recognized under Article 9 of the European Convention on Transfrontier Television, as well as in all democratic constitutions. The owner of the right is the citizen, who also has the related right to demand that the information supplied by journalists be conveyed truthfully, in the case of news, and honestly, in the case of opinions, without outside interference by either the public authorities or the private sector.

9. The public authorities must not consider that they own information. The representativeness of such authorities provides the legal basis for efforts to guarantee and extend pluralism in the media and to ensure that the necessary conditions are created for exercising freedom of expression and the right to information and precluding censorship. Moreover, the Committee of Ministers is aware of this fact, as demonstrated by its Declaration on the Freedom of Expression and Information adopted on 29 April 1982. The profession of a journalist implies rights and duties, freedoms and responsibilities.

15. Neither publishers and proprietors, nor journalists should consider that they own the news. News organizations must treat information not as a commodity but as a fundamental right of the citizen. To that end, the media should exploit neither the quality nor the substance of the news or opinions for purposes of boosting readership or audience figures in order to increase advertising revenue.

16. If we are to ensure that information is treated ethically, its target audience must be considered as individuals and not as a mass.

21. Therefore journalism should not alter truthful, impartial information or honest opinions, or exploit them for media purposes, in an attempt to create or shape public opinion,

since its legitimacy rests on effective respect for the citizen's fundamental right to information as part of respect for democratic values. To that end, legitimate investigative journalism is limited by the veracity and honesty of information and opinions and is incompatible with journalistic campaigns conducted on the basis of previously adopted positions and special interests.

22. In journalism, information and opinions must respect the presumption of innocence ...

23. The right of individuals to privacy must be respected... The fact that a person holds a public post does not deprive him of the right to respect for his privacy.

24. The attempt to strike a balance between the right to respect for private life, enshrined in Article 8 of the European Convention on Human Rights, and the freedom of expression set forth in Article 10, is well documented in the recent case-law of the European Commission and Court of Human Rights.

25. In the journalist's profession the end does not justify the means; therefore information must be obtained by legal and ethical means.

29. In the relations which the journalist must maintain in the course of his duties with the public authorities or the various economic sectors, care should be taken to avoid any kind of connivance liable to affect the independence and impartiality of journalism.

30. In journalism, controversial or sensational items must not be confused with subjects on which it is important to provide information. The journalist must not exploit his duties for the principal purpose of acquiring prestige or personal influence.

31. In view of the complexity of the process of providing information, which is increasingly based on the use of new technologies, speed and conciseness, journalists must be required to have appropriate professional training.

#### *Situations of conflict and cases of special protection*

33. In society, situations of tension and conflict sometimes arise under the pressure of factors such as terrorism, discrimination against minorities, xenophobia or war. In such circumstances the media have a moral obligation to defend democratic values: respect for human dignity, solving problems by peaceful, tolerant means, and consequently to oppose violence and the language of hatred and confrontation and to reject all discrimination based on culture, sex or religion.

#### *Ethics and self-regulation in journalism*

38. The self-regulatory bodies or mechanisms, the media users' associations and the relevant university departments could publish each year the research done *a posteriori* on the truthfulness of the information broadcast by the media, comparing the news with the actual facts. This would serve as a barometer of credibility which citizens could use as a guide to the ethical standard achieved by each medium or each section of the media, or even each individual journalist. The relevant corrective mechanisms might simultaneously help improve the manner in which the profession of media journalism is pursued.

### **1.3.2. The Conduct Code on holding and covering the electoral campaign of the 2009 parliamentary elections**

#### Art. 1. Object of regulation

The Conduct Code on holding and covering the electoral campaign of the 2009 parliamentary elections, henceforth called the Code, regulates the conduct norms among political parties, independent candidates and media representatives involved in the process of holding and covering the electoral race.



#### Art. 2. Signatories

In the understanding of this Code, the notion “signatory” includes: representatives of media having signed this Code.

#### Art. 3. Objectives

The objectives of this Code pursue to insure the objective information of voters on electoral processes.

#### Art. 4. General principles

Every signatory, in the electoral race, shall conduct by the following principles:

- observing the electoral legal norms and the provisions of this Code;
- fairly and objectively informing the voters about the signatories and their political platforms;
- respecting the voters’ right to participate in voting on the basis of their own convictions and of the obtained information.

#### Art. 5. Implementing the provisions of this Code

Every signatory shall undertake the necessary measures to inform and persuade members, representatives and supporters not to allow violations of this Code.

#### Art. 6. Unfolding electoral campaign

Every signatory shall respect the rights, freedoms and dignity of other signatories in the electoral campaign and of the voters;

- the freedom of the media, including the right to monitor elections;

Every signatory shall not obstruct the journalists on duty.

#### Art. 9. Monitoring

The monitoring of observing this Code shall be done by the signatories.

In case the signatories violate this Code, the Central Election Commission, following the notification of at least ¼ of the signatories, will convene for debates the representatives of the signatories and media. The Central Election Commission shall publish the violations committed by signatories in order to disapprove of deviating behavior.

### **1.3.3. Code of Professional Ethics for Journalists from Moldova**

2. The journalist will be aware of the fact that information and communication have an extremely important role in forming citizens’ personal attitudes and developing society towards democracy, and that the mass media have a high ethical responsibility to citizens, while journalism involves rights and obligations, responsibilities and liberties. Information is a fundamental right held by the citizen, who also has the related right to have that information passed on to him accurately and honestly, and when it comes to opinion, without external interference from public authorities or from the private sector.

4. The main principle on which to base any ethical judgement passed on the journalist will be the clear separation of information from opinion, so as to make it impossible to mistake one for another.

5. The journalist will publish only the current information of which he is sure and whose origin he knows very well. Presentation, description and narration should be impartial. The journalist will not resort to illegal and dishonest ways of obtaining information. The journalist will acknowledge the right of individuals and legal entities not to provide information and not to answer his questions, except for the cases when the interviewee is under a legal obligation to provide information.

If a journalist is certain that he has made a mistake by publishing false or manipulated information, then he is under the obligation to remedy such mistake by the same written and/or broadcast means that have been used for the publication of that information. When necessary, the journalist should apologize through the media outlet which employs him.

6. Although opinions are subjective by their mere nature, and therefore should not be subject to scrutiny as to accuracy regarding reality, they should nevertheless be subject to honesty and ethics when they are expressed.

7. The journalist ought not to accept, either directly or indirectly, any compensation or fees from third parties for the publication of any kind of stories or opinions.

11. In the information and opinions he presents, a journalist should observe the presumption of innocence until the court issues a verdict. In stories from court rooms, the journalist will refrain from mentioning the names of friends or relatives of people under investigation, except for the cases when this is required for an objective description of the case. The journalist will also refrain from mentioning the name of a crime victim and publishing information which may lead to the disclosure of the victim's identity.

12. The journalist will respect the right of individuals to privacy. Public officers are also justified in not disclosing their private life except for the cases when their private life may affect their public activity. The restrictions on interference will also be strictly observed in relation to persons working in medical or similar institutions.

13. The journalist will be aware that his status is incompatible with governmental, legislative or legal service, as well as with positions of leadership in political parties and other politically-oriented organizations. The journalist will be aware that his professional activity will be suspended as soon as he takes a weapon in hand.

15. The journalist should not use for personal ends or in the interest of people in close acquaintance with him, confidential information that he possesses by virtue of his profession.

17. During his contacts with public authorities or various businesses in the course of carrying out his professional duties, the journalist ought to avoid any complicity that may affect his independence and impartiality.

18. The journalist will reject any assignment if it might lead him into violating any of the principles set in this Code of Ethics.

### **1.3.4. The Code of Broadcasters' Conduct**

#### **Chapter I**

#### **Informing Justly, Fully, Adequately and Political-Social Pluralism**

**Art. 1.** The Broadcasters have the primordial duty to tell the truth, regardless of the consequences it may have on them, this obligation pours from the constitutional right of the public to be informed justly, fully and adequately. In the wake of this right the broadcasters are bound to communicate only facts fully checked.

**Art. 2.** The Broadcasters have the obligation to make a clear distinction between facts and opinions, so as not to confuse them. In reporting facts and opinions, the journalists shall act by good faith and shall not present their opinions as facts.

**Art. 3.** The information presented in news and current affairs programs should ground on facts and data the truthfulness of which can be established by corresponding verification methods.

**Art. 4.** Informing on issues of public interest, politics, economy, society and culture shall pursue to insure the impartiality, the balance and shall favor the free formation of opinions, by presenting the views of all the parties involved and, if it is the case, the main opposing views.

**Art. 5.** The Broadcasters shall specify the political capacity of the people expressing opinions in news programs or debates.

**Art. 6.** The Broadcasters are obliged to offer the right to response and rectification to any natural or legal entity the rights or the legitimate interests of which are harmed in a broadcast by presenting untrue or inexact facts. The Broadcasters may not offer the right to response for expressing opinions or value judgments, in case response to response is asked for or in the case the *audiatur et altera pars* principle is observed.

**Art. 7.** The Broadcaster intentionally distorting the information, making groundless accusations, using photographs, video footage and other sources without authorization, or slandering, commits professional deviations of maximum severity.

## Chapter II

### Public Interests and Respect for Human Rights

**Art. 9.** The Broadcasters are obliged to observe the principle of presumption of innocence and shall not allow for bringing accusations without offering the accused the possibility to say his/her viewpoint.

**Art. 10.** Any person has the right to have his/her private and family life observed, as well as his/her domicile and correspondence. The Broadcasters shall not broadcast information about the private and family life of a person, without his/her agreement, except for meeting the conditions for the cases of justified public interest. The information about the address of a person or of his/her family and their telephone numbers shall not be revealed without their agreement.

Art. 16. Anyone has the right to his/her own image. In case, in broadcasts, accusations are brought to a person related to illegal or immoral facts or behavior, they shall be supported by proofs, and the accused persons have the right to intervene to express their viewpoint. If the accusations are brought by the broadcaster, it is bound to ask for the viewpoint of the incriminated person.

## Chapter III

### Gathering Information and Protecting Sources

Art. 20. The Broadcasters shall obtain information overtly, transparently and legally.

Art. 22. Broadcasting recordings of telephone conversations or (excerpts from) correspondence having reached the broadcasters is allowed in case it meets needs of national security, of public order or it ensures the prevention of punishable acts, it proves the commission of an offense or it represents justified public interest.

## Chapter IV

### Journalist's Independence and Broadcaster's Responsibility

Art. 25. Total transparency shall exist in broadcasting entities as to the ownership over and the management of the broadcaster, so that the citizens shall clearly know the identity of owners and the level of their economic employment in the entity.

Art. 27. The radio and TV journalist does not carry out instructions on the part of authorities, private structures or persons, but subordinates only to the executive management of the employing broadcasting entity.

**Art. 28.** Using the status of a radio/TV journalist to gain personal benefits or for third parties runs counter the ethical norms and is unacceptable.

**Art. 29.** In exercising the profession and in the relations with public authorities, political parties, civil society organizations, or with commercial entities, the radio and TV journalist is forbidden to conclude agreements which may affect his/her impartiality or independence.

**Art. 30.** The radio and TV journalist shall not accept advantages or privileges which may compromise his/her integrity and the image of the broadcaster.

**Art. 31.** The radio and TV journalist shall avoid being in a situation of conflict of interests. It is recommended to separate the editorial activities from political and economic activities. In order to avoid the conflicts of interests, it is recommended that the journalist should not be a member of any political party and should not be an informer or an undercover officer of secret services, while exercising his/her job.

## Chapter V

### Relations among Broadcasters

Art. 39. The Broadcasters shall not settle scores through the agency of waves. Such a behavior damages not only them, but the profession in general.

**1.3.5. Professional standards and principles of journalistic ethics in the programs of the NPBI “Teleradio-Moldova”(approved through decision no.1/35(2) of 07.11.2007 of the Observers Council)**

#### Professional standards

Accuracy

Impartiality

Checking facts

1.4 Credibility

1.5 Responsibility

1.8 Correctitude

No news content shall be considered correct, unless:

it does not include all the substantial facts;

it includes insignificant facts and does not show the significant ones;

it purposefully misinforms viewers and listeners;

the reporters use expressions or schemes displaying their partiality.

2.3.3 Diversity in news programs

Gathering information shall present a full picture of different opinions over the contradictory problems, excluding the appearance of the promotion of certain opinions or manipulations.

## ELECTORAL CAMPAIGNS

### 3.1 Reference to the parliament and politicians

Regular broadcasts of news and other programs shall not have the right to broadcast propaganda during elections. They shall correspond to the standards of informational and artistic value as provided under Art.4 of this Regulation. During electoral campaigns, “Teleradio-Moldova” shall allot airtime for all the political parties and independent candidates for free presentation in fair conditions, while the time will be decided by public vote.

Broadcasting subjects about political parties

The presence of some parties in broadcasts depends on its activity. News conferences shall not be the only measurement unit of their activity. Consequently, “Teleradio-Moldova” is not obliged, except for electoral campaigns, to allot airtime to parties, beforehand. Anyhow, the editors must prepare this meeting, a month before, in order to observe the standards. “Teleradio-Moldova” shall decide which party to invite to attend the program, and if the invitee does not want to attend this shall not lead to postponing the program, but they will bring other positions, participants. Certainly, there may be cases when the imbalance may lead to canceling the program.

The editors and journalists willing to interview leaders of political parties shall secure the agreement of editors-in-chief beforehand, except for short interviews.

In case of broadcasting lengthy conversations with the prime minister, we must insure a similar frame for the opposition parties. If the opposition is made up from more than two parties, then the airtime shall not be longer than 1.5 of the time of the prime-minister’s contribution to the program. The program shall be aired immediately after the appearance of the prime-minister or in the next edition of the same evening and not later than the next day.

### 5.3 Protecting information sources

“Teleradio-Moldova” strictly takes into account the principle of protecting the journalists’ sources. Sometimes the information the public must be aware of is accessible only through confidential sources. Journalists often discuss with public figures off the record. If the confidentiality of a source is not respected, this will inhibit the access to essential information.

The information from a source that does not want to be made public may be used if the source is known to the journalist and offers credibility. Anyhow, in order to avoid manipulations with information, a journalist shall carefully verify the truthfulness of a source and must get confirmations from at least other two sources.

### 5.4 News

The news is the basic category of journalism. It must be clear, must not mislead, must be exact, must not be comments but must be facts. If not all the information is possible to be checked out, then the news sources must be identified (STA, Reuters, etc.).

### 5.5 Reports

Reporters must select facts. If it is not possible to check up all the information, then one must show the sources of the news stories.

## RELATIONS WITH STATE AUTHORITIES, WITH GOVERNMENTAL BODIES

The programs of “Teleradio-Moldova” insure full, detailed coverage about the activity of the government and official bodies and accurately airs the views of the opposition and of the representatives of the civil society.

The editors and the journalists from “Teleradio-Moldova” shall keep a professional distance from the power instruments, since the integrity of the institution they work for depends on them.

### 9.4. Editing

The editing process shall end in the correct coverage of what has been seen and heard. Despite the time boundaries required by the radio and TV production, the editing must be concise and clear.

#### 14.3 Censorship

The editors and the journalists from “Teleradio-Moldova” shall not accept direct or indirect censorship pressures. Moreover, they will not admit different forms of self-censorship, since conformism is not part of independent journalism. When a report was aired after being censored, the authorities, editors and journalists or the program producers will say so live.

### 15. THE RIGHT TO CORRECTION

The company “Teleradio-Moldova” will not hesitate to acknowledge the errors in a material and it is established they have been committed. If we did otherwise, we would defend a program implying bad taste or unacceptable ethics, we would lose our trustworthiness.

### 16 OMBUDSMAN / THE GUARDIAN OF THE PROFESSIONAL STANDARDS AND OF THE ETHICAL PRINCIPLES OF JOURNALISM

The guardian of the professional standards and of the ethical principles of journalism in the programs of “Teleradio-Moldova” supervises their being implemented as they are defined in this document.

In conformity with the laws ruling the company “Teleradio-Moldova”, the listeners and viewers shall first address the editor-in-chief of that radio and TV program of “Teleradio-Moldova” as to complaints, proposals and suggestions. If they are not pleased with the answer or the undertaken enterprise, they can take the issue up to the ombudsman.

Institutionally, the ombudsman is part of the council of “Teleradio-Moldova” and is due to report to it regularly. The administration shall give him/her the opportunity ‘to publish’ the results of the notifications in special radio and TV programs.

The decisions of the ombudsman are compulsory for all the Teleradio-Moldova producers

### 21 CONFLICTS OF INTEREST, RIGHTS AND OBLIGATIONS

The TV and radio journalists, editors and other producers from “Teleradio-Moldova” may not use their position or act against the truthfulness, impartiality and trustworthiness of the Teleradio-Moldova programs; jeopardize the reputation of individuals or of the institution as a whole; touch on the trust of listeners and viewers in the programs of “Teleradio-Moldova” by their public and political commitments, by their leisure activities, private investments or financial interests.

#### 21.1 Business conflicts and financial interests

In their time off, the employees are not allowed to work for organizations considered to be rivals of “Teleradio-Moldova”, thus working against its reputation and interests. They imply rival radio and TV stations, software developers, radio or TV production studios, advertising agencies, documentation services.

The employees of “Teleradio-Moldova”, in their time off, may not use their professional skills to train the personnel of rival institutions.

#### 21.2. Appearing and participating in rival electronic media

The employees of “Teleradio-Moldova”, if they have the agreement of their editors-in-chiefs, can appear in roles and radio and TV programs of the rival broadcasters and electronic media:

- as interviewees in factual programs;
- in programs about the artistic, analytical and scientific work;
- as witnesses in documentation and educational programs;
- as jury members or viewers in entertainment programs on condition their position is not mentioned.

#### 21.5. Presents, benefits and other special considerations

The employees of Teleradio-Moldova shall refuse presents, benefits and other special considerations offered by companies, organizations or people with the purpose to influence the reporting or other activities by neglecting the professional standards of truthfulness, impartiality of the programs of “Teleradio-Moldova” or other interests of the public institutions.

The awards won at festivals, contests or other national or international events belong to the author or to the creative team as a rule. If the award is given to or taken by “Teleradio-Moldova”, the authors or the creative team shall be informed and the amount of money shall be reimbursed to them.

The awarded authors and producers are obliged to inform the president of the company “Teleradio-Moldova”.

### **1.3.6. Code of principles, standards and recommendations of the producers of the public company “Teleradio-Moldova” ”(approved through decision no.1/35(3) of 07.11.2007 of the Observers Council)**

#### 2. 1. Editorial missions

The public company “Teleradio-Moldova” shall:

- offer full, wide balanced and objective coverage to events from Moldova’s politics, economy, society and culture;
- offer a comprehensive image of the real situation in the country;
- encourage viewers /listeners to freely form personal opinions;
- respect the human dignity and promote European values, especially referring to democracy, pluralism, tolerance and respect for the human rights and liberties.

#### 2. 2. Requirements

The programs of “Teleradio-Moldova” shall:

- insure the information of the public, serving the interests of the citizens and society;
- be credible, contributing to the formation of free public opinions, including through discussions;
- cultivate the principle of tolerance towards other opinions and convictions;
- insure impartial, balanced and competent debates on the verge of controversial problems, without presenting the contrary views in an erroneous manner.

### **5. IMPARTIALITY**

In all the programs treating controversial subjects, the principle of impartiality must be observed, presenting the views of both sides involved.

The impartiality principle represents a compulsory norm for any programming field, as the program producers are obliged to show lack of prejudices, unbiasedness, respect for the truth, equidistance and balance in approaching.

Failing to observe this norm represents an impediment in airing the material.

#### 5. 1. Impartiality in news programs

TRM's norm specifies that the news stories shall be presented exactitude and impartiality. The reports must be impartial, ample and deeply documented.

From the perspective of respecting the impartiality, the newscasts shall offer the viewers and listeners reports urging them to form own opinions and views. A reporter may not express his/her own opinion. The audience shall not learn the personal opinions of presenters and reporters from TRM's programs.

#### 5. 14. Manipulating the public

The personnel preparing the programs of TRM shall not incite viewers and listeners to exert pressure over public bodies, institutions, companies or individuals to change some law or to support partisan positions, particular viewpoints, albeit this incitement occurs in programs or by attending public meetings, mass actions and manifestations. This negative impact may get the civil society involved in a controversy and run counter the principle that the company does not have an editorial position in its programs, is impartial and promotes the tolerance and social balance.

#### 10. 1. Decency and good taste – value criteria at TRM

TRM shall not air programs that would affect the good taste, common sense, measure and decency or that would cause social imbalance, or would encourage crime and public disorder. TRM's programs must not offend the public's feelings regarding a series of delicate and complex social issues with which society confronts and which touch on the right to opinion, history, mentality, traditions, customs, religion, political, moral orientation, conscience, etc.

### 11. INFORMATIVE PROGRAMS

The informative programs shall be generally a balanced reflection of both reality and controversial issues, avoiding to favor someone's particular ideas or to be a simple photographic representation of the events. The reporters, coordinating editors and department directors shall take into account the importance of insuring the balance and impartiality in presenting controversial subjects.

#### 11. 6. Correctitude of the news

The correctitude is necessary both regarding the aired programs, and the participants in programs. Securing a story by profiting from dishonest means damaging the reputation of the public broadcaster. That is why, a journalists shall obtain information only through legal and moral means.

Airing but a viewpoint on any issue of common interest is but an exception aired only after being coordinated with the management of the Company.

### 16. REPORTING ON AUTHORITIES AND THEIR REPRESENTATIVES

When a current affairs program tackles a problem affecting the power authorities – the government including – the participants shall seek to negotiate the nature and position of their contribution. In these cases, the structure and the form of the program shall be established in accordance with the criteria of the public broadcasting and not as a reaction to pressures. The arguments of all the sides shall be equally underlined.

### 19. COVERING ELECTORAL CAMPIAGNS. POLITICAL ADVERTISING ON TRM



The main mission of TRM in covering electoral campaigns is to provide informational support to the voters in order to ease their correct choice.

In electoral campaigns, TRM shall assume the roles of:

informing;

educating;

controlling.

#### 28. 4. TRM's personnel and conflicts of interests

TRM's viewers and radio listeners shall be confident that the editorial decisions at TRM are made by honest professionals.

TRM shall be confident that its program producers do not act to the detriment of the company impelled by personal interests and reasons or by influences from outside.

### 29. ETHICAL NORMS AND INCOMPATIBILITIES

#### 29. 1 Ethical reforms

In his/her work, a TRM journalist conducts himself/herself by ethical principles, which consist from the following moments:

Respect for truth and for the right of the public opinion to truth is the highest duty of the TRM journalists.

Respecting this duty, a journalist defends the principles of freedom in the case of correctly gathering and airing the news, as well as the right to commentary and critique.

A journalist reports only on the basis of events, the sources of which he/she is aware of. He/she does not omit important information and does not falsify documents.

He/she will take care not to touch TRM's image as a public service through his/her actions, but also his/her professional honor.

Grave hits to the professional honor are:

- plagiarism;

- slander;

- insult;

- gossip;

- ungrounded accusations and usage of false;

- using corruption ways to spread information.

### 30. PUBLIC RELATIONS

As a public institutions, the company TRM bears responsibility for all programs in front of the audience from the country and abroad. TRM aims at responding promptly and friendly to questions and comments. The administration of the public company shall make transparent the activity of the institution systematically, be it through special broadcasts, or through the print media.

#### 30. 2. Errors and corrections

"Teleradio-Moldova" shall not avoid correcting its error when it is proved the mistake has been committed on purpose.

#### 30. 3. Complaints and petitions

Any complaint or petition referring to the programs of "Teleradio-Moldova" shall be immediately rendered to the Ethics Commission or to the Legal Service, as is the case.

### **1.3.7. Statute of the National Public Broadcasting Institution - the Company “Teleradio - Moldova”**

#### Section 3. Ethical norms and incompatibilities

37. The company's employees work in accordance with the norms of professional ethics.

38. Company's employees are forbidden:

- a) to receive money, gifts, services or other benefits that could be considered as a reward for execution or non execution of some actions related to professional duties;
- b) to accept gifts, rewards, commissions, services or other benefits that could be considered as reward from the structures and organizations from the R. of Moldova or abroad for signing or termination of some contracts, for the insertion or non insertion, hiding or omitting some pieces of information, for the invitation of some persons to different programs, as well as other actions related to professional activity;
- c) to make hidden advertising;
- d) to advocate political parties;
- e) to commit actions and deeds that do not comply with the journalist's ethics norms.

39. The infringement of ethics norms by the Company's personnel should be proved by evidence.

40. The President of the company creates a Commission for Ethics that examines the issues of infringement of ethics norms by the company's personnel.

The President of the company approves the membership and regulation of the Commission for Ethics.

41. The Commission for Ethics develops the Code of Conduct of the company's employees, which has to be approved by the Supervisory Board. It also develops special norms and recommendations on the observance of professional ethics in producing and broadcasting TV and radio programs, publications, Internet sites, as well as in other spheres of the employees' professional activity.

## CHAPTER II. PRACTICES OF COVERING ELECTORAL CAMPAIGNS

### 2.1 News programs in electoral campaigns

82.4 per cent of the respondents in an opinion poll carried out in July 2009 by the Public Policies Institute from Moldova answered they watched TV on a daily basis. From such a prospective we can suppose this category of citizens was largely under the influence of TV newscasts during those two election campaigns (of 5 April and 29 July.)

During the reference periods, the TV news broadcasts were remarkable through relevant quantitative dimensions. Thus, in the electoral race from the spring of 2009, the monitored TV stations (EuTV, Moldova1, N4, NIT, Prime, ProTV, TV7, TVC21) aired news with the total duration of 1,909,878 sec. (530.24 h). They contained 7,465 news stories with the presence of political actors, their total duration being 754,791 sec. (210.06 h). During the race of the early elections, the watched TV services aired newscasts with the total duration of 1,316,827 sec. (366.18 h). They contained 5,970 stories with political actors, with the total duration of 706,735 sec. (196.31 h).

Analyzing the presented data, we'll find that, during the electoral race, the TV news consumer was daily offered newscasts with the average duration of about 32,000 sec. or 533 min., containing from 124 to 142 stories on political/electoral topics. The daily duration of this category of news raised from 12,589 sec. in the spring campaign to 16,827 sec. in the summer campaign, thus their share in the general texture of info programs raised from 39.61 to about 54 %.

This news arsenal served, first, as one of the most important platforms of insuring the visibility of the political act, including the electoral act. Second, it influenced the freedom and (or) the restriction of the citizens in exerting their right to unrestricted and conscious electoral option. Its beneficial and (or) malefic impact was determined, partially, by quantitative and qualitative media practices applied by the monitored TV stations in editing the news during those two election races. Roughly speaking they can be split into two categories.

*The first one* contains practices of covering election races, which, expressly and effectively, respected the citizens' right to information and free shaping of opinion. Among them, while monitoring the parliamentary elections in 2009, we remarked the extensive coverage of personalized and institutionalized political players, using two sources at least, different and independent, in covering conflict-related situations, the balanced and impartial presentation of electoral players, etc. Qualified by us as good practices, they are most often noticed at ProTV, TV7, TVC21, as well as on EuTV on certain segments of news broadcasting. They were not there or were insignificantly used at the other watched TV stations (NIT, Moldova 1, N4 and Prime).

*The second* category contains the media practices affecting or running counter a citizen's right to correct and equidistant information, including the coverage of electoral campaigns within the boundaries of political partisanship, of passionate presentation of facts, using labeling and pseudo-reasoning, etc. These media practices were qualified as strange to the social missions of the media in elections. The monitoring reports displayed that promoters of the practices from this category were TV NIT, Moldova 1 and N4. In a series of cases, the other monitored TV stations also resorted to them.

The good practice registry, which we present below and we recommend to be applied in the future elections, takes into account the ambivalent character of the coverage of the electoral campaigns in 2009 in newscasts. Thus, it establishes, first, the norms of professional conduct of the monitored broadcasters which observe the requirements of quality journalism. Second, the good practice registry makes reference to the negative experience, from which, on the contrary, extracted were certain timely norms for the

strengthening of the contributions of TV stations in unfolding the future electoral campaigns.

Fair treatment of whole spectrum of electoral contestants. This requirement is imminent to insure conditions of symmetrical coverage for any electoral contestant. It especially requires the fair coverage of the personalized and institutionalized political actors, regardless of their political color. Such a practice was demonstrated, most often, by PROTV and TV7. At the same time, this requirement implies excluding partisan involvements, both quantitative and qualitative, displayed in the newscasts of TV NIT, N4, Moldova 1, on certain segments by EuTV, which treated, partially and preferentially, the political actors of the PCRM and the PPCD.

Political diversity. Respecting the above-mentioned requirement generates, naturally and unavoidably, the reflection and promotion of one of the principles of democracy, which implies the need of existence of several and different social-political forces placed between society's members and the government. The political diversity was an attribute of the newscasts aired by all the monitored stations. But, it however did not become a must of every particular TV service. Consequently, in the past two electoral campaigns, NIT, Moldova 1 and N4, for instance, supported the PCRM, and EuTV – the PPCD, reasons why the political diversity at those stations had a rather restrained character.

Adapting newscast agendas to the registry of effective political events. News broadcasting is to display loyalty to the flow of electoral events, to give them priority depending on the political and public opinions. In other words, the political reality determines the agenda of newscasts and not vice versa. Electoral media practices disguised some monitored stations' temptations to impose their own agendas on the public, a reason why those stations turned into electioneering agents. For instance, this is how N4 and NIT behaved in their newscasts of 17 and, respectively, 21 July 2009. In the first case, N4, making reference to a news conference of the PLDM, which debated on the involvement of the public authorities into the electoral process, switched the stress on some subjects collaterally treated at that news conference (the timeliness of presenting data about rigging the April 5 elections). NIT, on another occasion, deviated the TV viewers' attention from the statement of the leaders of the Liberal parties on the eve of 29 July elections addressing the Moldovan society to come to vote, focusing it on S.Urechean's intention to become a president. Both N4, and NIT, in the analyzed materials, applied *agenda setting* with electoral purposes: to deviate the voters' public opinion from the issues tackled by those electoral actors to areas less representative in the present campaign, which disadvantage or mar their public authority.

Balance. John Hartley, the author of the known study *The Discourse of News* explains: "Balance means an approach of the kind: "first the Conservatives stated.., and the Labor responded..." This norm was most often respected by ProTV, TV7, TVC21, EuTV. Other stations either ignored it as a rule (NIT, N4), or applied it selectively (Moldova 1). Thus, for instance, Moldova 1 almost in all the cases balanced the criticism brought about by the opposition in the address of the ruling party (PCRM) with the view of the criticized side. However this standard was not always observed in cases when the accusations were brought about in the address of the opposition. "The leaders of the Democratic Party and of Our Moldova Alliance were not to be found today to comment the PCRM's initiative," said Moldova 1 in its newscast *Messenger* of 22 August. Such reasoning, often used by that TV station, cannot be considered as an expression of balanced approach of political reality.

The rule of those two sources, different and independent, in treating controversial subjects. Opposing view. Resorting to at least two sources, different / opposing and independent, represents the proof of the equidistance of the TV station and of its non-involvement into the electoral process. It is especially necessary in the stories dealing with

conflict-related situations. During the monitored campaigns, first of all ProTV, followed to a lesser degree by TV7 and TVC21, observed the rule of those two sources. Other watched TV stations had lots of drawbacks in this regard. For instance, NIT, in the election race of the summer of 2009, aired 305 conflict-related stories, but used two sources in 85 cases, N4, respectively – 378 and 158, Moldova 1 – 385 and 223. The public broadcaster, for instance, in covering the first sitting of the parliament elected on July 29, committed a double derogation from this rule (see: the newscast *Mesager* of 28 August). In the first case, only the PCRM's disapproving view on the parliament's decision to continue the works of the parliament was aired, neglecting the opinion of the adverse side on the verge of this controversial subject. In result, program consumers did not have the possibility to evaluate, freely and conscientiously, the events occurring in the country's legislature and to make their own judgments. In the second case, the controversy envisaged the Liberal-Democrats' request that the public broadcaster airs the parliament's sittings live. On this occasion, the broadcaster showed the PCRM's view through the statement of V. Mişin "The live broadcasting of the parliament's sittings, and especially on televisions, will decrease the efficiency of the parliament's work. In the first plane, they will place the artistic qualities of every MP. Everybody will try to show its skills as an artist." This view however was not balanced with the reasoning of the ones having opted for airing live the plenary sittings of the parliament.

*Distinct presentation of facts and opinions.* Practicing quality journalism shows that facts must be separated from comments, and the journalist's opinions are not timely in the story's corpus. This is done to allow the information consumers to judge and freely form an opinion about the political reality. During the electoral campaigns of 2009, in the news programs from a series of monitored TV stations, and especially from NIT, N4 and Moldova 1, frequently, there was not made clear distinction between facts and opinions. The latter ones were often presented as facts. In many cases the story was often based on the author's opinion. An example of presenting the author's opinion as a fact can be extracted from the following statement made on Moldova 1 in *Mesager* of 28 August 2009: "We remind that the president of today's sitting of the parliament, PCRM parliamentarian Ivan Calin announced a break till September 4, *a term provided by the legislation*, but ignored by the Liberal-Democrats". The statement that September 4 would be a term "provided by the legislation", although being a simple opinion of the author (no law qualifies that day as a term for a parliamentary pause), is presented as an unquestionable fact. Something similar is seen in a report by Moldova 1 about the first sitting of the parliament. Thus, in the phrase ("The representative of the Communists Party, Maria Postoico, stated that, in order to form its parliamentary faction, the PCRM asks for a break till September 4. Thus, according to the parliamentary procedure, Ivan Calin announced a pause in the legislature's work till 4 September") the author's own interpretation is presented as a fact – "according to the parliamentary procedure."

*Labeling and pseudo-reasoning.* The stories covering the electoral race must be executed in a passionless manner, avoiding labeling or pseudo-reasoning. Otherwise they will have the substance of electioneering, and the TV station airing them will turn into a political agent. In this context, we'll refer to a story from *Curier* of 6 August of NIT. "The most secret political negotiations since the formation of Moldova" – that's how they formulated the first labeling used right in the text pronounced by the news presenter. This way, the TV viewer is made (invited, persuaded, impelled) to adopt an attitude, at least circumspect, if not repulsing towards the actors of those political negotiations. The content of the statement "the most secret political negotiations" is later correlated, in the text, repeated, with the phrase "to plot" ("Both media and the whole society are not informed about what those four parties are plotting"; "the Liberal partners try hard not to unveil what

they are plotting”). Contextually this implies to scheme, to prepare something bad or wrong in a hidden way.

The negative attitude towards the parties involved in the negotiations was also supported by the gratuitous statement “The Liberals share offices and get involved into the country’s fate in restaurants, in Chişinău’s suburbs, hidden from the public’s eyes and ignoring the public opinion.” The following labeling was pronounced in the first sentence by the reporter: “Starting from their conviction of having won in the elections, the leaders of those four small parties decided to start negotiations to form a coalition”. By stating “starting from their own conviction of having won in the elections” the viewer is suggested he/she is to deal with some imposters, who assume something that does not belong to them, by own power. The qualifier “small” in the phrase “four small parties”, meant to underline the insignificance of those parties, thus supported the idea from the upper statement. Repeated on another occasion (“It’s not known yet who’ll rule: those four small parties or the party supported by half of the country’s population”), that qualifier attaches mistrust towards those parties and claims loyalty to the PCRM as the big political force.

The labels from the analyzed material were accompanied by a series of pseudo-arguments. The first two were in the phrase “the party supported by of the country’s population”. The author seems to refer to the result of the July 29 poll. Consequently, the question is about the results of the elections not attended by the population, but by the voters – the first false statement. The second is about the number of PCRM supporters. According to data from the side [www.alegeri.md](http://www.alegeri.md), that party was voted by 44.69%, that is less than half of the total number of voters, who voted, and those represent not 100%, but only 58.5% of the total of the population entitled to vote.

In *conclusion* we note: the practice of covering the political actors in the news of the monitored TV stations during the campaigns of the elections from 2009 demonstrated that the journalistic reports would have had the expected informative impact and would have been spared from the propaganda factor, if their being selected and edited had been guided by the following principles and requirements:

*The fair treatment of the entire spectrum of electoral contestants;*

*political diversity;*

*adapting news agenda to the registry of effective political events.*

*promoting balance of facts and opinions;*

*promoting impartiality by applying the rule of the two sources, different and independent, in treating controversial subjects;*

*distinct presentation of facts and opinions;*

*stop labeling and pseudo-reasoning;*

*stop dramatizing the documentary material;*

*avoiding passion and ostentation in writing news;*

*suppressing a journalist’s personal opinion in rendering facts and events;*

By observing the above-mentioned principles and requirements we’ll create the due premises to use the strategic potential the news in an electoral campaign: the free formation of the citizen’s electoral option on the basis of balanced, equidistant and impartial informational offer.

## **2.2 Programs with political actors during electoral campaigns**

For Moldova’s contemporary history, the year 2009 proved to be a period with big stakes on the media plane, since the parliamentary elections opened a series of new political confrontations in which the media’s weight proved to be essential. The electoral marathon made media to give priority to politics. Largely, this influenced the work of broadcasters.

With different intensity degrees, the TV stations got involved in covering the electoral competition, illustrating, through their political-media actions, the role they wanted to have in the Moldovan media landscape.

On the one hand, the electoral campaign offered the occasion to running political actors to display their performance, focusing on sending the electoral message, on the other hand, for the media, the start of the campaign meant checking the adopted editorial strategies.

Rendering the electoral message through TV programs – a format used along news, debates and electoral advertising – naturally matched, for most televisions, their strategies adopted in the races. *Covering political players in different aired programs is, undoubtedly, timely and justified*, since it offered the opportunity to diversify the TV programs and to present, more consistently, the electoral contestants. By programs, one expands the spectrum of political information communicated to the audience, it is communicated directly and unveiled more, as compared with the newscasts.

Thus, the time allotted for this type of programs lasted, for all the watched televisions, from 37 % (the first campaign) to 22 % (the second campaign) of the total TV time allotted to present political actors. These data confirm that the televisions generally counted (some – more, others – less) on airing programs with political actors, while the politicians fully exploited this type of programs to enhance their own visibility.

The weight of the programs attended by political actors was different on the monitored TV stations. This format of programs to present political actors was exploited especially by the channels EuTV and Moldova 1. From the total volume of programs attended by political actors, the largest share was accounted for by EuTV. Constantly, this TV channel held from 1/3 to 1/2 of the total time allotted to such programs by all the televisions attended by political actors, thus exceeding all the other televisions put together. (From 4 February to 5 April this index was 51.3 % from the total.)

The opposing pole of editorial preference was occupied by the televisions, which had no such programs in 2009, or allotted but insignificant time to programs about political actors. Shirking from presenting political actor sin programs (NIT, Prime, 2Plus, TVC 21) cannot be interpreted as something positive, since it *decreases the spectrum of covering political events and diminishes the possibilities of informing the audience*. This reluctance towards the communicative potential of programs with the participation of political actors, shown on some televisions, results in contributing less than necessary to the full unfolding of the election race, to adequately inform the voters.

The monitoring recorded a constant movement of the attention of the televisions and political parties towards promoting the political message, especially through newscasts, and through debates and advertising. Thus, if before the race, the monitored televisions used to present political actors in 39 program series, during the campaigns it was noticed that the number of such programs fell (to 14 program series in the first race and to 23 series in the second). Instead, the televisions focused on covering the campaign in newscasts. The weight of the news presenting political actors during the electoral race at some televisions (for instance, N4 in the second race) reached the quota of 86 % of the total volume of news programs.

Or, the media offer of some televisions could cover the entire spectrum of genres used in broadcasting journalism, in order to make the news and the analytical, cultural programs complete each other. It's not a matter of exact symmetry of the programs – each TV channel has its own identity, or, at least, aspires to have one, but if politics is the only topic, what space should remain there for other journalistic sectors? Truly they may get devoured by politics. That's why, in developing and implementing editorial policies, it is considered as *welcome to have a wise attitude, a feeling of measure concerning the allotment of the televised time to different types of programs* – informative, analytical, cultural, etc., in order

to present the audience the reality as multilaterally as possible and to insure the necessary balance and the responsible structuring of program schedules.

The notion of “balance” actually is the one which should have priority in the TV media practice, especially when the TV stations get involved into the political-electoral process.

In this respect, it’s important *to separate programs with electoral traits from other genres of programs*. The televisions’ behavior must be like an open cards game in order to let the audience clearly understand when it is shown a program with political-electoral message and when the same political-electoral message is surreptitiously inoculated through other types of programs, for example about culture or entertaining, with political actors being present in them. The citizen’s agenda, the public agenda may, in this case, be obstructed by hidden electoral propaganda. It certain that *broadcasting political preferences in a hidden manner is inadmissible in the media practice*, which determines the need that the message with electoral content should be aired in announced political-electoral programs. Eloquent, in this regard, is the example of openly favoring a politician – president V. Voronin – by offering him airtime in a program occasioned by a holiday, “March 8 Message” on N4 (they even interrupted a movie, which is not allowed by the law). That program was occasional at the first sight, but it implicitly had electoral connotations. In fact, several programs aired by televisions during the electoral period, which were dedicated to political-electoral topics, were not marked by the label “Electoral-2009”, thus the electoral message they promoted being hidden.

It’s worth remarking that, the provisions of art. 7 of the Broadcasting Code regarding the social-political balance and pluralism and those of art. 4 of the Regulation of the Central Election Commission on covering the parliamentary election campaign of 5 April 2009 in Moldovan media Moldova required “the fair, balanced and impartial coverage of the parliamentary elections through media, the protection of the freedom of expression, the establishment of some compulsory norms for the implementation of those principles by journalists, electoral contestants, politicians engaged into the electoral campaign”.

Naturally, during electoral terms, the audience demands more political information, as the politicians and parties stimulate the enhancement of the political content of TV programs (as they are convinced the media have a very big role in politics), but so do the broadcasters, as they are interested in raising their audience, in the benefits that may be brought by their being vehicles of political-electoral messages. But, in a democratic society, especially in electoral periods, the equality of chances must be insured for all the electoral contestants, priority shall be given to the principle of *the equal access of political actors to the floor offered by media*. The objectivity, complete character, the equidistance and impartiality of the information aired represent fundamental principles in the work of the TV system.

That’s exactly here when the so-called rules of “democracy of minutes” enter the game. They are based on insured the guarantees for real political competitiveness, especially, in the context of the electoral campaign. Monitoring the media practice however proved that the TV stations, despite efforts to temper their political likes and predilections, most often failed to resist the temptation of privileging certain political actors, EuTV, Moldova 1, N4 and NIT being eloquent examples in this respect, allowing for a coverage lacking due balance in terms of number of appearances and the volume of TV space granted to the presentation of political actors.

Thus, the work of the main TV channels during the electoral periods in 2009 implied *differentiated and selective treatment concerning political/electoral actors*. Monitoring the duration of TV presence of political parties displayed the massive coverage of the PPCD and the PCRM in relation to other parties. Jointly, those two parties had half of all the duration of programs with the participation of political actors. As is shown by the monitoring data, there were certain electoral periods, when in the programs of Moldova 1



only the above-mentioned parties were monitored. Or, not only what the television broadcast matters for the results of the electoral races, but also what they do not: thus, the capital sins of the media and of the politicians are the sins of omission, which affects the visibility of the electoral contestants disliked by some TV channels. Resorting to the principle “presented / hidden” implies the omission of covering the actions of political contestants, finally producing an abstention from *the exact, full and balanced information* and, thus simulating the audience's ignoring the rival political forces. Both in terms of allotted airtime, and in the case of frequency of appearances, the situation traced by the monitoring successfully illustrates the ethical deviations of which the journalists and the managers/owners of those stations are responsible .

Supervising the political environment undertaken both by the media openly sharing the power's positions, and by the media opposing the power, thus is placed in a tense context, highly marked by political interests and predilections. The conflict-like approach, justified for media interventions, by the by, determines the trend of consistently pursuing the political adversary, zealously remarking and covering its actions, interpreted as significant, but especially the ones considered vulnerable. Consequently, the enhanced attention granted to the coverage of the politicians' activities, through criticizing optics evidently. But certain temperance is necessary here as well, in order not to transform the critique into criticism. The data collected by the monitoring show that the intensity of media criticism is more characteristic of media displaying affiliation to the power than the other media.

The monitoring sessions also took into account the positive / negative contexts of presenting political actors. Aggregated, at the monitored televisions, the PCRM appeared in a positive context, two times more often than all the other political parties from top 10, all together, over 6 times often than the opposition Liberal parties, all together. While counting the *favoring / disfavoring attitude* index showed that *the disfavoring attitude* was displayed (especially by NIT and N4, but also by Moldova 1) towards 5 actors-political parties, which exclusively represented the opposition and its representatives.

The vulnerability of approaching the political realities, deprived of balance and impartiality, was also noticed in presenting personalized political actors. Among the mostly covered in media during that period were V. Voronin, Iu. Roșca, V. Filat, S. Urechean, D. Chirtoacă, M. Ghimpu, M. Lupu (the latter – in the second race). This list practically remained unchanged during the entire election period, over-boosting the coverage of some political actors and providing but scarce information about other political actors. Noticed was the significant enhancement of the televised visibility of PPCD leader Iurie Roșca, whose TV presence from 17 June to 29 July was two times bigger than the airtime offered to the second political actor from the top 10 list – Vladimir Voronin or the third one – Dorin Chirtoacă, and it was equal to the total airtime of 77 political actors covered by televisions in the programs during the election term. In fact, the monitoring data show that a single political actor – Iu. Roșca – enjoyed, in programs, during the run-up period, ¼ of all the airtime allotted to cover political/ electoral actors. With the longest TV duration and with the most frequent appearances on EuTV, Iu. Roșca benefited (especially, during the second campaign) from the longest airtime allotted by Moldova 1. Iu. Roșca and the government's representative I. Dodon, together, enjoyed more visibility on Moldova 1 than all the other personalized political actors covered by this channel from 17 June to 29 July. The monitoring thus finds *a shallow treatment of the political realities on behalf of several TV stations, including, of the public broadcaster, Moldova 1.*

Some programs aired by televisions during the electoral campaign were clearly oriented to *air “prescription of opinion”*, and to *inform the audience impartially*. Finally, the tendentious, unfair and imbalanced treatment of political actors endangered the principles

of equidistant information of the voters on political events, on the platforms and visions of electoral contestants.

The game rules the media established for themselves, related to the game rules impelled by politicians, attributed them namely the hypostasis of speakers of the political forces, finally determining the partial and non-equidistant content of media messages. As the experience of political confrontations of the last couple of years shows, the media split into two adverse camps, very obvious when the electoral campaign launched, one affiliated to the power, the other – to the forces in opposition.

In general, the monitoring data demonstrate the classification, which – willing or not – the televisions made during the electoral campaigns, practically dividing the political actors into three categories: a) massively covered (V. Filat, S. Urechean, V. Voronin, Iu. Roșca, D. Chirtoacă, D. Braghiș); b) significantly covered (D. Diacov, M. Ghimpu, V. Tarlev, Z. Greceanăi, O. Cernei, A. Tănase, V. Pavlicenco, E. Mușuc , etc.); c) the other personalized political actors.

The significant presence of the political actors in the programs aired by the TV stations implies the politicization of the TV space. Exploiting the TV resources for political interests cannot be avoided, but it must be correlated with the democratic norms of media's functioning. The attempt to favor certain actors by TV channels is noticeable and does not contribute to the assertion of those norms.

The objectivity and correctitude (the monitoring offered materials to highlight the trend to provide the audience with correct and impartial information in the programs of some TV stations as TV7 and ProTV) have nothing in common with the servilism to certain political forces, displayed in some programs during the run-up term. EuTV, and especially N4 and NIT, displayed an open positioning by the side of certain electoral contestants, promoting on the other hand an aggressive attitude towards other electoral contestants. This may be noticed in programs as “Media Expres”, “Post-Factum”, aired in the electoral term by EuTV or by the cycle of programs “Revista presei” (Press Review) (N4). To exemplify, it's worth remarking that, in those programs, the political information and analysis were replaced openly by electoral propaganda. How else can be interpreted the fact that, for instance, in the Press Review, in lots of editions, the electoral symbols of the PCRM were shown on the first plane?

Such a partisanship practice of 'filtering' the electoral contestants, dividing them in 'ours' and 'the undesirable' who must be 'exterminated', the forced promotion in the favor of certain political actors concomitantly with the openly disapproving coverage of other political actors, the insistence on airing compromising information, using manipulative TV formats, airing distorted information or the purposeful omission of the information, substituting facts through partial comments represent more than just lack of professionalism. All those represent concrete cases of violating the norms established for the coverage of the electoral campaign. The set of precise norms and criteria to be observed by televisions and, especially, by the public television, is there established in laws and normative acts adopted by the CEC and BCC, but also in the materials of different NGOs dealing with media or in the ethics codes of televisions.

Eloquent in this respect is the reference to the provisions of such a code, drafted by Muscovite journalists from NTV when launching that station: “You don't have the right to be by the side of a certain party, bloc or candidate, to show your political likes or dislikes in any manner. You do not have the right to generalize or to draw conclusions exceeding the frame of the covered episode of the electoral struggle, to substitute the information through your own interpretation of the reported... The images must not render the subject a propaganda orientation.”

Without such a clear system, which offers certainty that the results of the activity will not be arbitrarily judged, respectively, without work criteria established and committed to by both journalists and media owners, it's difficult to present the electoral campaigns in a fair, correct and equidistant manner.

The television's peculiarity – its social nature – is that it must serve not only the interests of the owner, but, first of all, the interests of the viewer, of society. In other words, if we strive for the European standards, if we want our citizens to have what is called “media competence” (cf.: A European Approach of the Media Competence in the Digital Environment – Communication of the European Commission to the European Parliament, COM(2007) 833), then the journalists are bound to acquire this media competence, that is to professionally exercise the journalistic act.

### **2.3 Electoral debate programs**

The electoral debate programs were an important component of the coverage of political actors in the electoral campaigns in 2009. In fact, the debates represent the traditional genre, which is absolutely necessary, for the political-electoral communication, offering viewers the possibility to know the views, positions, political identity and the electoral programs of the contestants, to compare their traits, to appreciate the similarity and difference in attitudes, in other words, to shape a clearer image by watching the live TV confrontation among political actors.

The importance of the debates consists in confirming the right to free expression of political views in the context of offering equal opportunities of access to the floor represented by the media. At the same time, holding the debates guarantees the voter-citizen the opportunity of better knowing information sources to make easier for him to make a political option, and to have insured him/her from being impelled this option – exactly due to this type of programs with their rigid rules.

During the 2009 electoral period, four monitored televisions (Moldova 1, EuTV, TV7 and ProTV) had debate programs in due time, which were attended by the representatives of all the electoral contestants. The fact that other televisions did not hold debates affected the possibilities of fully airing the electoral message.

Holding electoral debates at the monitored TV stations largely matched the parameters of correctitude in terms of organization and professionalism and matched the norms established by the institutions in charge and ethical requirements. The political forces, electoral contestants benefited from the principle of parity of the airtime offered on the analyzed TV channels, “the rule of allotted time” was respected; the timing was done in a correct manner. Moderators' behavior at debates was impartial and contributed to the dynamism of the programs and projection of the contestants' view.

The electoral debates programs aired by the monitored televisions lasted during 240,616 seconds and had 118 editions. However the fact that the televisions allotted, for debates, only 13.9 % of the total airtime dedicated to political information broadcasting, according to the monitoring data, and allotted much more airtime – 595,033 seconds or 34.5 % of the total – to air programs with the participation of political actors tells of a crooked trend to substitute the conveyance of the direct political-electoral message by the electoral contestants with another type of presentation of political contestants, engaging them to participate in programs “other topics” than the political-electoral ones. Thus, the potential of the debates was decreased.

### **2.4 Electoral advertising**

The monitored TV stations were important platforms for the electoral advertising in the campaigns for the parliamentary elections in 2009. During the races, the electoral contestants (80 % of them – in the spring race and 100 % – in the summer race) aired ads during 211,270 sec. (in the spring – 128,690 sec., in the summer – 82,580 sec.)

The monitored TV stations basically abided by the legal provisions of airing electoral advertising, allotting up to 120 minutes to a contestant for ads. The conduct of some monitored TV stations was marked however by certain deviations from the normative frame of airing electoral advertising. Thus, EuTV in both campaigns, and TV7 – in the spring campaign -- started to air advertising lasting more than 2 minutes, which is not legal. During the spring race, some TV stations aired ads shorter than 20 sec. In the summer campaign, there was a case of airing electoral advertising in a newscast.

On July 13, 2009, NIT, in its newscast Curier, referring to the CEC's decision to ban an ad by the PCRM, fully played that ad. Thus, this TV station concomitantly committed two violations, at least:

Deviated from art. 22 of the Regulation on covering the electoral campaign of 29 July 2009 by Moldovan broadcasters, approved by the CEC in its decisions no. 2641 of 23 June 2009, which expressly reads the following: *“In newscasts, current affairs, sports programs, in programs for children, on religious or cultural-artistic issues, no electoral advertising is allowed.”*

It ignored the CEC decision to halt airing that ad, a decision mentioned in the report as such.

This way, NIT showed itself as the undoubted representative of the PCRM.

Beyond those deviations, the monitored TV stations showed correct conduct in airing electoral advertising.

## CHAPTER III. RECOMMENDATIONS

### 3.1 Recommendations for televisions

#### Principles

"Equity", "balance" and "impartiality" must be the principles on which the television channels should base on, including (or especially) in an electoral campaign, in order to let viewers shape correct opinions about political actors. The TV stations would be the first to win in such a situation. First, because they would shelter themselves against possible sanctions on the part of the BCC for deviations from the Broadcasting Code and the Election Code.

Second, there is life after elections, too. In other words, a television making excessive propaganda to a party, at some point starts to identify itself with it, losing trustworthiness and, consequently, audience. The recent elections in Moldova showed that the aggressive propaganda from the boob tube can produce reverse effects in the audience (voters).

Last but not least, the political partisanship in a party's favor could have even more tragic consequences for such televisions, if the party promoted illegally occurs to lose elections.

#### Improvisation versus regulation

In those two electoral campaigns in 2009, several televisions regularly aired programs in which some journalists were considering the performance of political actors in the race, without counting their airtime. Thus, purposefully or from ignorance (which is less probably), these televisions grossly favored certain political actors and disfavored others.

In an electoral campaign, public and private broadcasters can give access to electoral competitors only in programs of electoral promotion (in which candidates by themselves may promote their political platforms, activities in the race), debate programs (in which broadcasters discuss electoral platforms and topics of public interest related to the electoral campaign, attended by representatives of electoral competitors or candidates, journalists, analysts and other invitees) and news programs (in which the campaign activities of candidates are presented by observing the principles of equity, balance, impartiality and correct information of the public).

In addition, TV stations must not allow statements or images that may harm human dignity, honor, private lives, the right to one's own image or are contrary to good manners. These principles were often ignored by some monitored televisions.

#### Politically engaged journalists

Some Moldovan TV stations developed their editorial policies in 2009 in function of their political likings. APEL's monitoring showed too big a discrepancy between the number and quality of appearances on the screen of different political actors, not to see that. The managers and editors of those TV stations also involved journalists into the propaganda they made for some parties. As a result, we watched moderators, reporters and news presenters, who completely abandoned the elementary journalistic principles and norms. They specialized in manipulating the public, in the distorted presentation of public events, which polarized even worse the political camps and the voters.

Journalists must be let to work according to their professional principles, including the ethical ones. Thus, their usefulness and trustworthiness will be doubted.

### Hidden political advertising in news

In the electoral races of 2009, some televisions (including the public TV station) aired news with state dignitaries also in the position of electoral contestants. Often, such stories actually contained hidden electoral advertising. This practice must be halted, in order to offer equal conditions for all the political actors appearing in the news.

### Between electoral races

The televisions covering political phenomena have the duty to promote the public debate also between polls, to enable the citizens to have a full image about the political actors. Particularly, the public debate must focus on topics, not on people.

## **3.2 Recommendations for political actors**

### Visibility stake

In electoral campaigns, political parties establish different strategies said to take into account a certain profile of the voter, so that the political actor may win his trust.

In those 2 electoral races from 2009, there was the impression that Moldovan political actors counted on an uneducated voter, ready to accept groundless promises or shallow messages.

They rendered the feeling they counted on their mere presence on the screen, which would be enough to win the voters' liking. What mattered for them was what the specialty literature calls "the visibility stake", according to which the candidate appearing more often "in video" has the biggest chances to win the confrontation.

The political actors gave the impression they may be efficient rather in managing image than in managing society and the social problems.

It's preferably that they have elaborate TV appearances, not improvised; based on ideas, not on people.

Through his/her discourse, the political actor must get to exactly symbolize what the masses want. He/she thus strengthens the need for safety, gives hope and defeats concerns.

The TV debates as a genre are designed to enable speakers to exchange ideas, but not to settle accounts. When lamenting about the low turnout of voters, the political actors must realize that absenteeism is a consequence of their non-persuading public performance, even faulty sometimes, or below one's expectations.

### Defaming one's adversary

The TV programs dedicated to the 2009 parliamentary elections abounded in personal attacks. The Moldovan political actors adopted a kind of political marketing which absolved them from any moral task, proving one's again that morals and politics are incompatible.

If such manifestations take place in a frame not excluding television, they are dealt with by the provision of the Broadcasting Code, which refers to the interdiction of harming human dignity.

### Conduct Code

Political actors are recommended to jointly adopt an accord viewing the future electoral races, a conduct code for their appearances on TV. A set of behaving rules of political actors could prevent the deterioration of the political and social climate during the electoral campaign. The political actors are also urged to cooperate with the media in such a manner, so that the people should be informed efficiently and correctly about all the political events and about the stakes a poll has.

### **3.3 Recommendations for the Central Electoral Commission (CEC)**

1. The CEC should draft proposals to adjust the electoral legislation, including the one referring to the way of media's covering elections, within the first 6 months after elections.

2. The CEC should draft rules of covering the electoral campaign by media, which should also contain mechanisms of bringing to legality the work of media in case of deviating from law.

3. The CEC should contribute to remove ambiguous provisions from the electoral and broadcasting legislation, in order to clearly set the powers of every authority (CEC and BCC) and to make possible the efficient supervision of the way in which media cover the electoral process.

4. The CEC should encourage the widest possible participation of all broadcasters in mirroring the electoral process, pursuing the adequate, complex and full informing of the voters on electoral offers.

5. The CEC should hold timely public debates before adopting the Regulation on media's covering elections.

6. The CEC should regularly organize post-electoral analyses, including evaluations of the media's behavior; should draft regulations for media; should create mechanisms of real implementation of recommendations.

### **3.4. Recommendations for the Broadcasting Coordinating Council (BCC)**

1. The BCC should adopt the Concept of media's covering election campaigns only after consultations and public debates with all electoral actors.

2. The BCC, if necessary, should change the Concept, if some provisions from it disagree with the CEC's Regulation.

3. The BCC should encourage the participation of all the broadcasters in covering electoral campaigns in order to better inform the citizens on electoral offers.

4. The BCC should insure the monitoring of broadcasters' work in elections in a manner allowing it to promptly respond to any tracked violation, in order to keep and enhance the un-distorted information of voters.

5. The BCC should demand the broadcasters to state their editorial policy on the eve of each electoral race in order to make them responsible to the voters.

6. The BCC should enhance its activity, visibility and transparency in electoral campaigns, including by holding news conferences.

8. The BCC should regularly organize and unfold post-election analysis to assess the broadcasters' behavior in elections, to draft recommendations, to create implementation mechanisms for recommendations in order to improve the information of the voters on the electoral process.

9. The BCC could initiate reunions before election races, which would be attended by broadcasters, electoral contestants, the CEC, the civil society, in order to adopt clear conduct rules, to be observed by all during the races.

### **3.5. Recommendations for the Observers Council of the NPBI "Teleradio-Moldova" and for the OC of the RPBI "Teleradio-Gagauzia"**

1. The Observers Councils of the public broadcasters should carefully supervise the work of media in elections and should curb any attempt of political partisanship.

2. The Observers Councils of the public broadcasters should order to state the editorial policy of the institutions, the work of which they supervise, in order to offer the

public/voters the opportunity to watch the way in which it is observed during the electoral campaign.

3. The Observers Councils of the public broadcasters should encourage the institutions, the work of which they supervise, to actively participate in drafting proposals to improve the content of the Concept and of the Regulation on the media's covering elections.

4. The Observers Councils of the public broadcasters should intensify their work in electoral races, including by communicating relevant information to the public about the work of the institutions they supervise.

5. The Observers Councils of the public broadcasters should order external, independent monitoring of the work of the institutions they supervise, in order to respond promptly in case deviations from the publicly announced editorial policy are signaled out.

6. The Observers Councils of the public broadcasters should organize post-election analyses of the way in which the supervised institutions worked, in order to improve their activity in the interest of the voters.