



14 July 2021

**Stakeholder Submission
for the Universal Periodic Review of the Republic of Moldova
(Third Cycle)**

Justice for Journalists Foundation (JFJ) is a British non-governmental organisation created in 2018. JFJ has been monitoring, analysing, and publicising attacks against media workers that took place since 2017 in 12 post-Soviet states, including Moldova. The monitoring is based on data collected by content analysis of open sources. In addition, expert interviews with media workers are used to monitor cases that have not been reported in open sources. All information is verified using at least three independent sources. JFJ also funds journalistic investigations into violent crimes against media workers and helps professional and citizen journalists to mitigate their risks.

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Association of Independent Press (API) is a Moldovan non-governmental organisation created in 1997. API promotes press freedom and is highly appreciated for its media campaigns in various public interest sectors, advocacy activities for mass-media development, defence of the freedom of expression, access to information, promotion of journalistic self-regulation, etc. API is also a national resource centre that contributes to developing the independent press in Moldova by increasing the professionalism of journalists and enhancing the quality and viability of the independent press.

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I. Introduction

1.1. This report is submitted by Justice for Journalists Foundation and Association of Independent Press to the Office of the High Commissioner for Human Rights to be considered for inclusion in the summary of stakeholder submissions for the Universal Periodic Review (UPR) of the Republic of Moldova, scheduled to take place in January - February 2022.

1.2. This submission covers the period since Moldova's last UPR in November 2016. It focuses on the implementation of accepted recommendations relevant to the safety of journalists, media independence, and access to information as cornerstones of media freedom.

II. Recommendations accepted by the Republic of Moldova

2.1. The Republic of Moldova accepted the following recommendations from the **second cycle** of the UPR (A/HRC/34/12 - Para. 121):

- 121.131 Continue efforts to ensure an enabling environment for journalists (Latvia);
- 121.132 Continue to support the work of civil society, especially the work of the human rights and journalists' organisations (Peru);
- 121.135 Support the work of human rights defenders and other representatives of civil society, acknowledge their contribution to the advancement of human rights in the country, thoroughly and promptly investigate threats, attacks, harassment and intimidation against human rights defenders or independent journalists, and bring their perpetrators to justice in fair trials and ensure effective remedies to the victims (Poland);
- 121.138 Ensure strengthening of freedom of expression online and offline, as well as personal data protection (Bulgaria);
- 121.139 Take necessary measures to reduce excessive concentration of media ownership, and develop a new regulatory framework for the creation of new media and the operation of existing ones, in order to ensure genuine freedom of expression (Spain);

- 121.140 Ensure media plurality and independence, and take into account the opinions received from the Organization for Security and Cooperation in Europe and the Council of Europe, as well as from civil society, when adopting a new audiovisual code (Sweden);
- 121.141 Adopt comprehensive national legislation in order to facilitate access to information, foster media pluralism and protect independent media (Austria);
- 121.142 Guarantee fully freedom of expression and information by combating the formation of monopolies and ensuring respect for media pluralism (France);
- 121.143 Adopt comprehensive national legislation such as the new Broadcasting Code in order to ensure media pluralism and protect independent media (Germany); and
- 121.144 Take all necessary measures to ensure the full enjoyment of the right to freedom of expression for all, including the repeal or amendment of all laws restricting the activities, ownership and independence of the media (Ireland).

2.2. The Republic of Moldova also accepted similar recommendations during the **first cycle** of the UPR (A/HRC/19/18 - Para. 73, A/HRC/19/18/Add.1 - Para. 12):

- 73.53. Make efforts to fully guarantee freedom of expression and information, in accordance with Moldova's international obligations (Norway);
- 73.54. Take steps to protect critical and independent media (Germany);
- 76.9. Ensure the freedom of the mass media, particularly of those media outlets that function in the language of the national minorities, including Russian (Russian Federation).

III. Developments since the previous UPR

3.1. Since the Republic of Moldova's latest UPR, the level of press freedom has declined. Pressure on media workers and media outlets, media concentration and restricted access to information have contributed to this trend.

3.2. While the National Human Rights Action Plan for 2018-2022 (NHRAP) prioritises transparency, access to information and freedom of expression, it includes no measures directly aimed at **protecting media workers and media outlets from undue pressure**. Meanwhile, media workers do not enjoy the degree of security that existing legislation guarantees them. In 2017-2020, there have been at least 228 instances of pressure on media workers and media outlets. Below is a brief overview; our reports contain a detailed breakdown of these incidents by year and category, as well as representative examples.¹

3.2.1. At least 32 physical attacks and threats to life, liberty and health have taken place (mostly non-fatal attacks and beatings).

3.2.2. In 36 instances, judicial and economic mechanisms were used to exert pressure on media (primarily through selective application of repressive laws).

3.2.3. As many as 160 instances were non-physical attacks and threats online and offline. In 2017-2019, the top three methods of attacks in this category included: (1) illegal impediments to journalistic activity, (2) wiretapping and surveillance without a court decree, (3) harassment, intimidation, pressure, and threats of violence and death. In 2020, there was a significant increase in the number of defamations, spreading libel about a media worker and media outlet, illegal impediments to journalistic activity, and denial of access to information. Notably, many journalists consider such attacks and threats an unavoidable part of their everyday professional activity and do not report them.

3.3. In about 70% of documented incidents, undue pressure was exercised by the representatives of the authorities. They included, among others, public officials at the central, regional and local levels, parliamentarians, police officers, and employees of the state security guard services.

3.4. In 2017-2020, there has been a direct correlation between important political events in the country, intensification of protests, and the number of attacks and threats against media workers. Some examples of the events that were the most dangerous times for journalistic activity in Moldova included: 26 August 2018 – protest against the ruling Democratic Party; 8-9 June 2019 – pickets outside state institutions during a political crisis in the country; 2 March 2020 – a protest by veterans of the Transnistrian conflict; 20 July 2020 – consideration by the parliament of a vote of no confidence in the

¹ <https://jfi.fund/attacks-on-journalists-bloggers-and-media-workers-in-armenia-georgia-and-moldova-2017-2019/#moldova>; https://jfi.fund/report-2020_3/#mld

government; 12 August 2020 – a protest by the workers of private preschool day care centres; 9 September 2020 – registration of Igor Dodon as a candidate for president; 15 November 2020 – the second round of the presidential elections; and 16 December 2020 – farmers’ protest.

3.5. Despite the legislative changes and institution-strengthening proposed in the NHRAP, the country’s **media market** situation has changed marginally. A significant part of the media institutions remains under the direct or indirect ownership of politicians, while their editorial policy depends on the political and business interests of the owners.

3.6. Despite the legislative changes and capacity-building proposed in the NHRAP, **access to information** remained a problem. It became particularly acute in 2020, fuelled by the pandemic and extensive powers rendered to the Commission for Emergency Situations after declaring a constitutional state of emergency. On 17 June 2020, the Supreme Court of Justice issued a decision, according to which the Law on Access to Information was “obsolete” and “inapplicable” after the new revision of the Administrative Code entered into force on 1 April 2019. This decision significantly restricted the right of access to official information of public interest. After many filings and pleas by non-governmental organisations, media outlets, and lawyers, the Supreme Court of Justice reversed the decision.

IV. Recommendations

4.1. Ensure the protection of media workers, including journalists, camera operators, photojournalists, and other employees and managers of traditional and digital media, as well as bloggers and online activists, from any undue pressure related to their journalism and emanating from the representatives of the authorities or any third parties.

4.2. Ensure that media workers are protected not only from physical attacks but also from non-physical attacks and threats online and offline and undue judicial and economic pressure.

4.3. Support media workers and media outlets, acknowledge their contribution to the society, thoroughly and promptly investigate threats, attacks, harassment and intimidation against them, and bring their perpetrators to justice, including those with direct and supervisory responsibility, in fair trials and ensure effective remedies to the victims.

4.4. Further facilitate access to information and ensure respect for media pluralism.