



APRIL 2002  
Chisinau, TRM



## MANOLE AND OTHERS v. MOLDOVA

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Briefing to the Committee of Ministers [March 1, 2024]

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## Teleradio-Moldova (TRM)

1994 ● State Owned Company

2001 ● Communist Party & Unbearable Censorship

2002 ● Public Company  
Collective Dismissal — ECtHR application

2009 ● ECtHR's judgment



THE UNDECLARED „STATE OF EMERGENCY”





## General principles (Pluralism in Audiovisual Media)

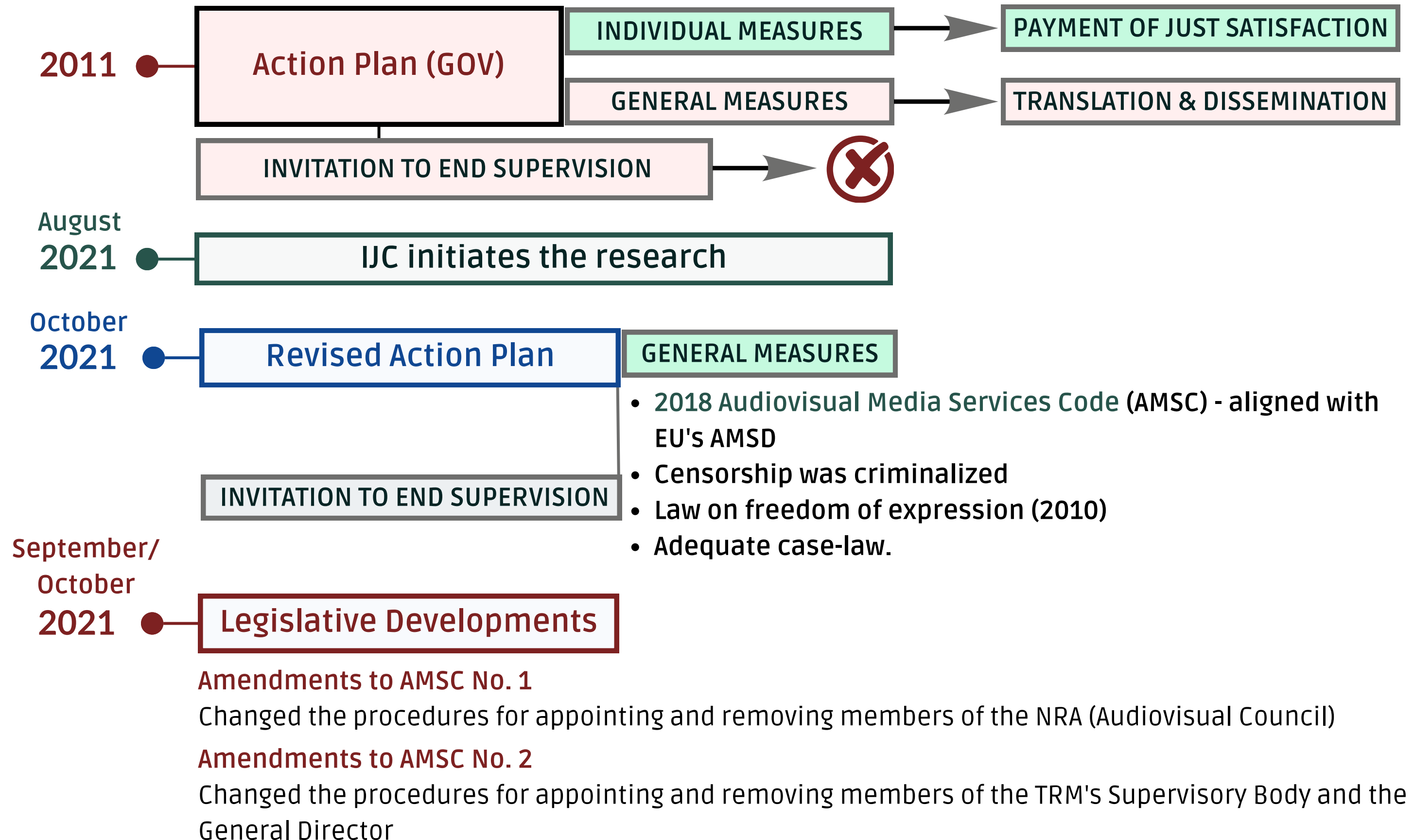
- TRM held a position of **dominance** (private TVs were too weak).
- RM had the duty (**positive obligation**) to ensure:
  - the public access to impartial and accurate information & diversity of political outlook;
  - journalists & other professionals are not prevented from imparting info.

## Interference with the applicants' right to freedom of expression

- Media employees – directly affected by the policy applied by their employer
- Sanctions taken by an employer -> interference with freedom of expression

## Conclusion on compliance with Article 10

- TRM enjoyed virtual monopoly over audiovisual broadcasting in Moldova
- The State failed to comply with its positive obligation.
- The legislative framework was flawed (it did not provide sufficient safeguards against the control of TRM's senior management, and thus its editorial policy, by the political organ of the Government)
- These flaws were not remedied when Law on TRM (2002) was adopted



2018

2021

**GENERAL DIRECTOR**

**Appointment**

Supervisory Body (SB)

Public competition

**Dismissal**

2/3 of the total SB members

Clear criteria

**Appointment**

Parliament, at the proposal of the SB

Discretionary right to reject the candidates

**Dismissal**

Parliament, in case of finding "defective activity" or "improper performance of duties"

**SUPERVISORY BODY**

**Appointment** (9 members)

NRA (Audiovisual Council)

Public competition

**Dismissal**

Resignation, mandate expiration

Conviction, unjustified absence etc.

**Appointment** (7 members)

3 proposed by the Parliament and 4 - CSOs

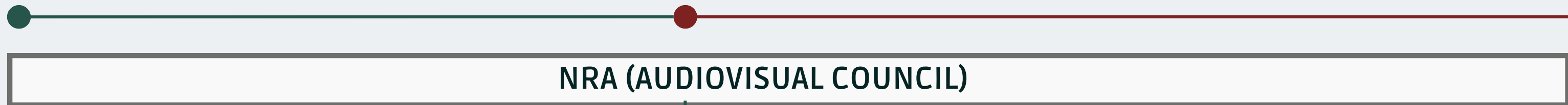
Discretionary right to reject the candidates by the Parliamentary Committee

**Dismissal**

Parliament, in case of finding "defective activity" or "improper performance of duties" or in case of rejecting of the annual activity report

2018

2021



**Appointment** (9 members)

Candidates proposed: 2 - Parliament, 1 - Gov., 1 - President; 5 - CSOs (public competition)  
 Parliamentary Committee approves/rejects  
 Parliament approves finally

**Dismissal**

Resignation, mandate expiration  
 Conviction, unjustified absence etc.

**Immovability**

**Appointment** (7 members)

3 proposed by the Parliament, 1 - Gov., 1 - President; 2 - CSOs  
 Discretionary right to reject the candidates by the Parliamentary Committee  
 Parliament approves finally

**Dismissal**

Parliament, in case of finding "defective activity" or "improper performance of duties" or in case of rejecting of the annual activity report

\*Replicates the mechanism which has been in place at the time of the events relevant for the case

December  
2023 ●

Updated Action Plan (GOV)

## GENERAL MEASURES

### 1. Draft Law no. 218 of 4 July 2023 amending the AMSC (Law No. 248/2023)

- "Anticipated to contribute to an efficient activity of the NRA in the audiovisual field".

### 2. Draft Law on the Subsidy Fund

- Development of media pluralism; strengthening editorial and economic independence etc.

### 3. The commitment of the Parliamentary Committee (PC)

- To promote any amendments that comply with the standards of the CoE and the EU, as well as to take into due consideration the recommendations of the CoE experts.

January  
2024

IJC: Rule 9.2. Submission

### 1. Draft Law no. 218 of 4 July 2023 (Law No. 248/2023)

- Unrelated to the implementation of the ECtHR judgment in the present case

### 2. Draft Law on the Subsidy Fund

- The regulations do not extend their purview to encompass the public broadcaster or the NRA
- Unrelated to the implementation of the ECtHR judgment in the present case

### 3. The commitment of the Parliamentary Committee (PC)

- The matter pertaining to the review of relevant provisions within the AMSC has not been deliberated within the agenda of the PC/PJWG
- Requests made by the IJC to instigate efforts in this regard have yet to be acknowledged or acted upon



2018

2021

**GENERAL TENDENCY TO SLIGHTLY FAVOR THE GOVERNING POLITICAL FORCES****Freedom House, Nations in Transit 2020:****Moldova, April 2020:**

The editorial independence of the public broadcaster TRM remains flawed. According to the new AMSC, the members of TRM's Board of Supervisors are to be appointed by the AC, which is highly politicized. Domestic monitoring organizations identified sporadic instances of biased coverage in TRM's reporting.

**Monitoring Reports:**

- OSCE/OHDIHR, November 2020 (TRM gave I. Dodon - former president of RM - positive media coverage, while his opponent had neutral coverage. Election, Second Round)
- IJC, March 2021, April-September 2020

**Recent (November - December 2022 and December 2023) IJC:**

- M1 presented information regarding opposition parties and politicians in an equitable and impartial manner.
- A slight bias toward the governing party was observed in terms of news coverage frequency, including direct citations as sources.
- Representatives of non-parliamentary political parties received limited attention in the news.

2018

2021



CAUSES

**Subsequent legislation** regulating the procedures for conducting public competitions lacked clear/measurable criteria  
\*NRA (Audiovisual Council) and TRM's Supervisory Body

**Flawed appointing/selection mechanisms** for the NRA, TRM's SB and Director (2021 amendments)  
**Flawed dismissing/revoking mechanisms** for the NRA members, TRM's SB and Director (2021 amendments)  
**Direct subordination to the Parliament** (2021 amendments)

**IJC kindly invites the Committee of Ministers to request the Government of the Republic of Moldova to adopt the following measures:**

- Reviewing the pertinent provisions of the Audiovisual Media Services Code No. 174/2018 (AMSC);
- Reinstating the mechanisms that govern the status and composition of the Audiovisual Council, TRM's Supervisory Body, and senior management, as outlined in the 2018 version of the AMSC;
- Ensuring that these mechanisms include clear safeguards for a genuine independence of the NRA and immovability of its members, as well as exclude possible political control of TRM;
- Ensuring that subsequent legislation overseeing the procedures for public competitions in the selection of the Audiovisual Council members, TRM's Supervisory Body, and senior management incorporates well-defined and measurable criteria for evaluating and assessing candidates;
- Amending the AMSC in order to ensure that the funding model for the public broadcaster will reduce the vulnerability of TRM to influence from governing political parties.