LCRM – Legal Resources Centre from Moldova

PUBLIC CALL regarding the disposition issued by the president of the Audiovisual Council

Gribincea Vladislav · Thursday, March 26th, 2020

Note: Following the public call, Mr. Drago? VICOL, president of the Audiovisual Coordinating Council, canceled his disposition from 24 March 2020. ***The press release in Romanian is available here.***

Media NGOs and the members of the National Platform of the Eastern Partnership Civil Society Forum express their concern regarding the disposition issued on the 24th of March by the president of the Audiovisual Council, Dragos VICOL, in the context of the state of emergency declared by the Republic of Moldova's authorities. The signers conclude that the adopted disposition is a violation of the legislation. Likewise, some stipulations from this document severely impede the freedom of expression of the audiovisual media service providers.

On the 17th of March, 2020, The Parliament of the Republic of Moldova has declared state of emergency in response to the Covid-19 outbreak, between the 17th of March and 15th of May 2020. The Parliament has offered a broad mandate of action to the Exceptional Situations Commission of the Republic of Moldova. On the 23rd of March, 2020, the Commission has adopted a Disposition which declares deliberative the meetings of the Audiovisual Council (AC) with the presence of at least 4 members (point 10 of the disposition), derogating the provisions of the art. 80 paragraph (3) of the Code of the audiovisual media services, which require the presence of at least 6 members. AC has 9 members.

On the 24th of March, 2020, Dragos VICOL, president of the Audiovisual Council, has issued a disposition 'immediately enforceable for all the subjects of the Code of the audiovisual media services', which is to be applied throughout the whole state of emergency period in the Republic of Moldova. The president's decision comes after several doctors have told the journalists they have to work without protective equipment, sanitizers, and without salaries. In the same context, on the 24th of March, 2020, The People's Advocate has announced the intention of a significant number of doctors to submit resignation applications for the same reasons. At the same time, on the 23rd of March, People's Advocate brought attention to the crucial role of journalists and that they need to have access to information regarding the real state of affairs.

The signatory organizations express their concern regarding the illegal character of the disposition issued by the AC president. The disposition is issued with the violation of point 10 of the Exceptional Situations Commission's Provision no.3 from the 23rd of March, 2020, which allowed

the Audiovisual Council to adopt decisions in meetings with at least 4 members out of 9. Likewise, the disposition was adopted in violation of art. 79 paragraph (4) of the Audiovisual Code which establishes the attributions of the president of the Audiovisual Council.

The Audiovisual Council represents the public interests in the audiovisual area and its mission is to contribute to the development of the audiovisual media services in accordance with the principles of audiovisual communication. The Audiovisual Council, not its president, has the right to approve mandatory executive decisions in this area. Any limitations of rights and freedoms during the state of emergency have to be proportionate and motivated. Through the point.10 dispositions from the Disposition no.3 from the 23rd of March, 2020, the Exceptional Situations Committee has reduced the quorum to ensure the decisions can be taken in the limits of the mandate but did not grant additional rights to the AC president.

The signers are especially concerned about point 5 of the AC president's disposition, which stipulates that *'During the state of emergency period, presenters/moderators/editors will unilaterally renounce from the enunciation of both their personal opinion and the free formation of arbitrary opinions reflecting the topics related to the COVID-19 pandemic, both in national and external context, the only reliable, truthful, impartial and balanced sources being the competent public authorities from the country and from abroad (the Exceptional Situations Commission of the Republic of Moldova, the Government of the Republic of Moldova, the Ministry of Health, Labor and Social Protection, the World Health Organization). This obligation rests imperatively on the need to ensure the maximum accuracy and complete correctness of the information, due to the essential character of the fact that the narrative must come from reliable sources, sufficiently documented from a factual point of view, with a credible and impartial approach to events'*. The mass-media NGOs and the National Platform of the Civil Society Forum warn that imposing such provisions by the AC president seriously affect the media pluralism in the Republic of Moldova. We consider that unjustified restrictions are being imposed on the verge of censorship. For journalists, these provisions could mean the impossibility of ensuring the diversity of opinions, their right of access to information being violated, and for citizens – lack of access or limited access to information and credible sources that could relate another point of view than the official one.

We note that on the 25th of March, 2020, international media organizations such as Article 19, The European Association of Journalists, Reporters without Borders and others, have urged the European Union leaders to ensure the free flow of information, as many governments around the world use the pandemic to claim excessive powers that could undermine democratic institutions, including free press. The joint statement mentions that *'The free flow of independent news is now more essential than ever, both for informing the public about the vital measures to contain the virus, as well as for maintaining public control and debate on the necessity of these measures'*.

The signatory organizations request:

1. The president of the Audiovisual Council, Dragos VICOL – to revoke or cancel the Disposition no. 2 from the 24th of March, 2020;
2. Members of the Audiovisual Council – to condemn such practices of undermining the institutional authority and limiting the freedom of expression;
3. To the Parliament of the Republic of Moldova and the Exceptional Situations Commission – to follow the activity of the institutions that abusively invoke the emergency situation in the country and adopt acts which limit the fundamental human rights and freedoms.

Signers:

- Media NGO-s: Centre for Independent Journalism, the Association of Independent Press, Centre of Journalistic Investigations, Association of Electronic Press, Acces-info Centre, the Committee for the Freedom of Press, Association of Independent Television Journalists, RISE Moldova, the Association of the Environment and Eco-tourism Journalists from the Republic of Moldova.
- The National Platform of the Eastern Partnership Civil Society Forum includes 83 active member organizations from the Republic of Moldova, representing areas such as: good governance, human rights, economic development, the environment, energy security, youth, social and labor policies, etc.

The Public Call **in English** is available HERE.

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