

The observance of the Broadcasting Code by the Observers Council of the NPBI "Teleradio-Moldova" during the electoral campaign for the early parliamentary elections of 29 July 2009

Case Study

Introduction

This case study has as object the work of the Observers Council of the National Public Broadcasting Institution "Teleradio-Moldova" (*henceforth – the OC*) during the electoral period of the early parliamentary elections of 29 July 2009.

In accordance with the OC Rules, "*...the Observers Council supervises the observance, by the Company's administration and employees, of the legal frame regulating the public broadcasting, assuming the mission of a guarantor of the correct enforcement of the law in the Company's work. The Council's Decisions, adopted on issues related to its duties, are compulsory for the Company's administration...*"

In accordance with the provisions of point 6 of the Regulation on covering the elections of the new Parliament on 29 July 2009 by the Moldovan broadcasters, approved by the decision of the Central Election Commission no. 2641 of 23 June 2009 (*henceforth – the Regulation*) "*The electoral contestants participate in the electoral campaign on equality basis, benefiting from indiscriminate treatment in using mass media.*"

According to art. 56 para. (2) of the Moldovan Broadcasting Code, "*The members of the Observers Council work in their own name and do not represent other interest, external for the company, than the public interest*", thus being obliged to enhanced perseverance and attention regarding the work of the NPBI "Teleradio-Moldova" during electoral races, in case of need, resorting to the duty of the OC members provided by art. 58 let. g) of the Broadcasting Code, which provides that, the OC "*...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.*"

Exposition

The work of "Teleradio-Moldova" during the race for the July 29 early elections was on the agendas of 5 sittings of the OC held on 19.06.09, 24.06.09, 03.07.09, 06.08.09 and 26.08.09 (see the agendas in annex no.1 of this study.)

At those sittings, they discussed 13 issues, 4 of which referred to Teleradio-Moldova's coverage of the electoral race:

1. *Approving internal regulations on the coverage of the electoral campaign of the July 29 elections by the NPBI "Teleradio-Moldova" (sitting of 24.06.2009);*
2. *On modifying the internal Regulations on Teleradio-Moldova's covering the electoral campaign of the July 29 early parliamentary elections (sitting of 03.07.2009);*
3. *The totals of the internal monitoring of the coverage of the electoral campaign for the elections of July 29, 2009, by the Company (sitting of 06.08.2009);*
4. *Discussions on the external monitoring of the coverage of the electoral campaign of the early parliamentary elections of July 29, 2009, by the Company (sitting of 26.08.2009).*

During the entire electoral race, the OC considered a single document straightly referring to the campaign coverage by the national public broadcaster – the Report on the internal monitoring of the work of the NPBI "Teleradio-Moldova" (*henceforth – the Company*) in covering the electoral campaign of the early parliamentary elections of July 29, 2009 (*henceforth – the Report*), which stipulates: "*Guiding ourselves by the rule of those 'three thirds', which provides for the presence, in equal proportions, of the government, of the ruling party and of the opposition parties, we have also monitored the appearances in the news of materials regarding the work of the government.*"

Under the circumstances when the external monitoring reports signaled out a series of violations committed by the public broadcaster, the OC did not act ex officio, did not react to the monitoring reports of the civil society, did not find drawbacks in the Company's work and did not forwarded its president notifications to enter legality.

The OC did not honor its obligation to supervise the observance of the law regulating the work of the public broadcasting by the Company's administration and employees, ignored its mission of a guarantor of the correct enforcement of the law by the Company at the 06.08.2009 sitting, when the results of the

internal monitoring of the Company's coverage of the election campaign for the July 29 poll were made, accepting and approving the Company's Report.

According to the Report¹, ... *In order to outline the real and full picture of the presence of political actors (government and electoral competitors) on Moldova 1 and Radio Moldova , one must have a general look at their presence in news and electoral debates. Thus, during this period, the government was present only in news during 5,526 minutes on radio and 5,678 on television. The electoral contestants benefited from 679 appearances with the total duration of 74,852 seconds (see the table)*

TV MOLDOVA 1		
<i>Political actors</i>	<i>Appearance frequency</i>	<i>Duration (seconds)</i>
<i>PCRM</i>	199	14770
<i>PLDM</i>	118	9038
<i>PL</i>	96	7737
<i>AMN</i>	70	7690
<i>PPCD</i>	59	7786
<i>PDM</i>	53	7203
<i>MAE</i>	17	4004
<i>PSDM</i>	43	7538
<i>PEAV</i>	14	6094
<i>PNL</i>	10	2992
Total	679	74852

Taking into considering the 3/3 rule, during the electoral campaign, the presence on Moldova 1 was as follows:

Government– 5,678 sec; the PCRM – 14,770; opposition parties – 60,082

On Radio Moldova, during the race, the political actors appeared as follows:

RADIO MOLDOVA		
<i>Political actors</i>	<i>Appearance frequency</i>	<i>Duration (seconds)</i>
<i>PCRM</i>	140	17609
<i>PLDM</i>	78	9034
<i>PL</i>	75	8521
<i>AMN</i>	62	7650
<i>PPCD</i>	61	8355
<i>PDM</i>	43	6429
<i>MAE</i>	18	5064
<i>PSDM</i>	33	7020
<i>PEAV</i>	13	5409
<i>PNL</i>	9	3007
Total	532	78098

Taking into account the 3/3 rule, the following situation appears on the radio during the entire electoral race.

Government – 5,526 seconds; PCRM – 17,609 seconds; opposition parties – 60,489 seconds.”

By approving the report, the OC committed deviations from the law (Election Code, Broadcasting Code, CEC Regulation), which contain clear provisions specific to electoral races. Thus, by the arbitrary application of the 3/3 rule – *Government, PCRM, opposition parties* – as described in the Report and

¹ See the full report in annex no.2 of this case study.

not stipulated in the national legislation, the OC defied legal norms and provisions, as point 6 of the CEC Regulation, which stipulates: "*The electoral contestants participate in the electoral campaign on equality basis, benefiting from indiscriminate treatment in using mass -media.*" We specify that during electoral races, the Government is not an electoral competitor, and the parties, in their capacities of electoral contestants, benefit of equal rights and are not separated by the criterion of being in power or in opposition. In its essence, the Report, drafted on the basis of an improvised methodology, tries to accredit the idea that the opposition would have been privileged in relation with the PCR, while the data from those two tables above prove that the PCR was not favored in relation with each of the other electoral competitors.

At the same time, according to the report endorsed by the OC members *"... During the electoral race, the Monitoring Service of Teleradio Moldova prepared a series of commentaries and replies to different external monitoring reports, informed the diplomatic missions about our opinions about the faulty methodology and the quality of executing those monitoring sessions ..."* In the sitting of 26 August 2009, the OC expressly debated on the results of the external monitoring reports, at which some OC members harshly criticized the external monitoring reports, invoking the political partisanship of the NGOs compiling those reports.

Conclusions

1. In its capacity of a supervisor of the work of the NPBI "Teleradio-Moldova" in such an important period for society as the elections, the OC failed to display its capacity to re-evaluate its experience from the previous race, perpetuating the erroneous perception of its role within the Company.
2. Monitoring the OC's work during the election race shows that it had a sporadic, superficial character, without any obvious impact upon the Company's behavior.
3. The OC's rule during electoral campaigns basically limited to the endorsement of the internal regulations on Teleradio-Moldova's covering the campaign for the July 29 parliamentary elections.
4. The OC did not monitor the news and programs separately from the electoral debates and did not react to the national public broadcaster's breaching the provisions of the Broadcasting Code.
5. The OC neglected its role of a representative of the public interest and, by its attitude towards the violations found by the monitoring NGOs, international bodies, in press articles and public statements, it acted as an advocate of the Company.

Recommendations

- During electoral races, the OC should regularly supervise and consider with enhanced rigor the work of the Company, attentively watching the observance of the electoral law and of the norms of professional ethics;
- The OC should permanently watch with responsibility the enforcement of the provisions of the Code of Producers of Teleradio-Moldova in its editorial policy;
- The OC should competently react in the public interest to the internal and external monitoring reports, case studies, statements and comments appeared in media and expressing points of view of the public;
- The OC is to conscientiously and responsibly assume its mission of a guarantor of the correct enforcement, in the work of the public broadcaster, of the law, consistently insuring the efficiency and responsibility of the Company's administration.

Suggestions

- The Broadcasting Code needs improvements in terms of the mechanism of the OC's functioning, in order to specify and expand the rights and duties of the OC members so that the representation of the public interest in the Company's work should be better insured.

***Agenda
of OC sitting of 19.06.2009, 17.30***

1. *On shelving fixed assets (rapporteur: V. Bădulescu, head of radio Technical Department.)*
2. *Rules applied in terms of political pluralism in broadcasting in some countries (rapporteur: M. Şlapac, C.O. chair.)*
3. *Discussing new entertainment programs.*
4. *Others.*

***Agenda
of OC sitting of 24.06.2009, 17.00***

1. *Approving internal regulations regarding the coverage of the election campaign by the NPBI "Teleradio-Moldova".*
2. *Others.*

***Agenda
of OC sitting of 03.07.2009, 12.00***

1. *On modifying the internal regulations on Teleradio-Moldova's covering the campaign of the parliamentary elections of July 29, 2009.*
2. *Others.*

***Agenda
of OC sitting of 06.08.2009, 16.00***

1. *Discussing the draft Task-Book of the NPBI "Teleradio-Moldova" for 2010.*
2. *Results of the internal monitoring of the coverage of the election campaign by the Company.*
3. *Others.*

***Agenda
of OC sitting of 26.08.2009, 17.00***

1. *Discussions on the external monitoring of the way the Company covered the election campaign of the parliamentary elections of July 29, 2009.*
2. *Others.*

REPORT

on the internal monitoring of the Company's work in mirroring the election campaign of the parliamentary elections of 29 July 2009

The key criteria of the presence of electoral competitors in news and debate programs were laid at the basis of the monitoring, taking into account the criteria of frequency (number of appearances, live interventions of competitors) and the duration of their presence (in seconds). On TV Moldova 1, the newscasts "Mesager" were monitored (in Russian and Romanian), and on Radio Moldova, the programs Radio Matinal, Novosti and Panorama. The monitoring session lasted from June 16 through July 27 and envisaged 84 "Mesager" newscasts and 126 radio newscasts.

Guiding ourselves by the rule of those 'three thirds', which provides for the presence, in equal proportions, of the government, of the ruling party and of the opposition parties, we have also monitored the appearances in the news of materials regarding the work of the government. The following situation appears in news.

TV Moldova 1

The quantity presence of political actors on "Mesager" from 16 June through 27 July, 2009

Political actors	Frequency of appearance	Frequency and duration of appearing on screen (sec.)	Frequency and duration of intervention (sec.)	Total duration
PCRM	192	62/1285	130/7438	8723
Government	137	20/315	117/5363	5678
Parliamentary opposition				
PLDM	110	20/193	90/3085	
PL	88	21/178	67/1799	
AMN	62	16/292	46/1638	
Total	260			7185
Non-parliamentary opposition	51	2/16	49/2010	

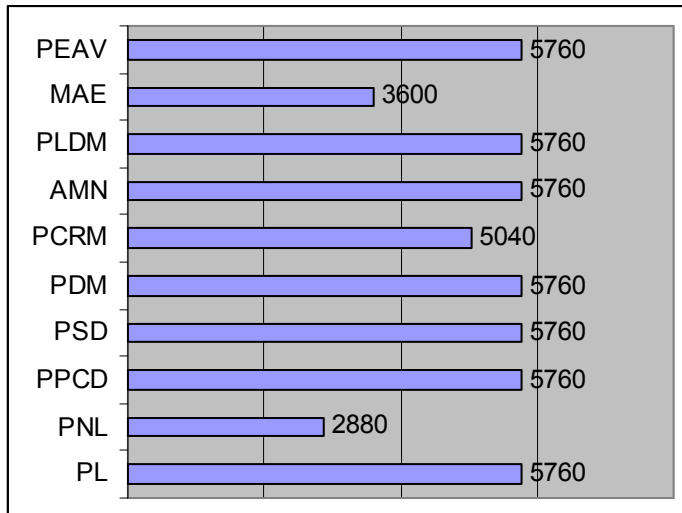
PPCD	45	11/180	34/1263	
PDM	12	2/20	10/384	
MAE	4	--	4/144	
PCM	31	2/20	29/1506	
PSDM	2	--	2/128	
PPR	9	1/5	8/712	
Partia rodina	6	--	6/334	
Alianța Verde	8	2/43	6/247	
Ravnopravie	4	--	4/252	
UCM				
Total	172			7264
Total opposition	432			14449

Quantitative monitoring of the appearances of electoral contestants in the newscast “Mesager” from June 16 through July 27, 2009

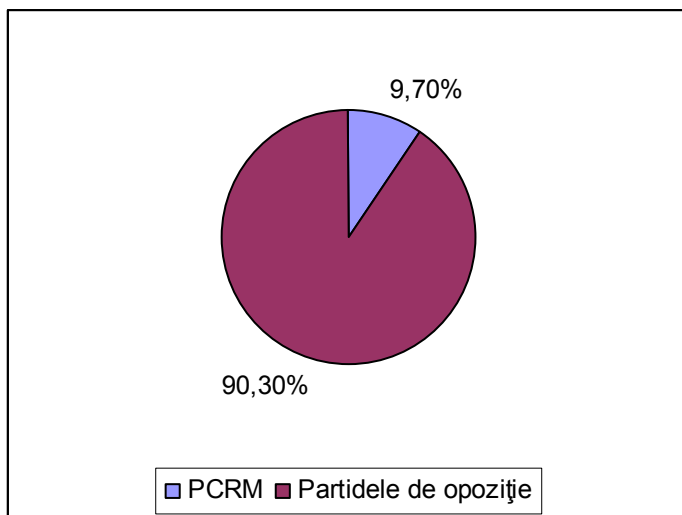
Monitored institution	contestant,	Frequency of appearance	Total duration	Percentage
PCRM		192	8723	30.24%
Government		137	5678	19.68%
Opposition parties from and outside the parliament		432	14449	50.08%

On **TV Moldova 1**, 32 debates took place, which were attended by all the electoral participants. Later PNL withdrew after participating in only 4 debates and MAE, which attended 5 debates. The PCRM missed a debate. Each electoral contestant benefited from 12 minutes, gaining the

following total volume during the entire race:



All in all, the opposition parties had 46,800 sec. of debate time, while the PCRML – 5,040. The following picture appears in percentage.



On **Radio Moldova**, the monitoring created the following picture:

Contestant, monitored institution	Frequency of appearance (times)	Intervention (voice) (times)	Duration of interventions (sec.)
V. Voronin, RM president	59	13	1726
PCRML	133	120	9525
Other supporting parties (PSPPR, MSPR, ATP)	8	8	1318
Total	200	141	12569

Percentage	22,60	28,60	40
------------	-------	-------	----

Presence of government and its members

Contestant, monitored institution	Frequency of appearance (times)	Intervention (voice) (times)	Duration of interventions (sec.)
Z. Greceanîi, prime-minister	13	13	729
Government	331	47	4797
Total	344	50	5526
Percentage	33,87	10,14	17

Presence of parties from parliamentary opposition

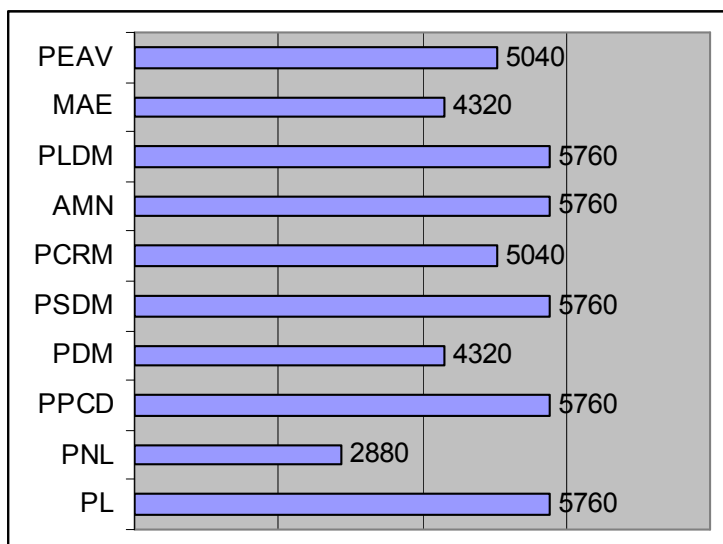
Contestant, monitored institution	Frequency of appearance (times)	Intervention (voice) (times)	Duration of interventions (sec.)
PLM	67	61	2761
PLDM	70	65	3274
AMN	54	46	1890
Total	191	172	7925
Percentage	21,58	34,89	25

Presence of parties outside parliament.

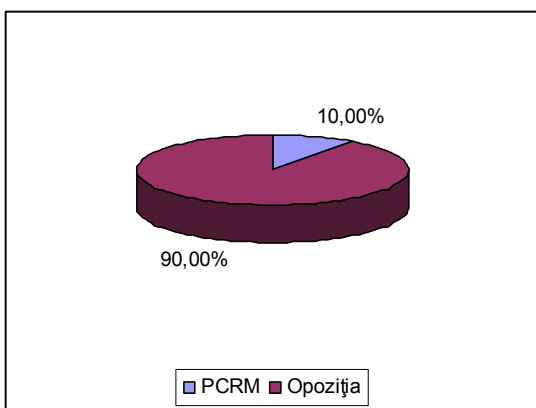
Contestant, monitored institution	Frequency of appearance (times)	Intervention (voice) (times)	Duration of interventions (sec.)
PPCD	53	43	2595
PDM	37	32	2109
PNL	5	4	127
MAE	11	11	774
PCM	3	3	184
PSDM	25	24	1260

UCM	7	5	376
PPNȚ	3	3	95
PEAV	6	5	369
Total	150	130	5685
Percentage	16,95	26,37	18
Contestant, monitored institution	Frequency of appearance (times)	Intervention (voice) (times)	Duration of interventions (sec.)
PCRM	200 22,60%	141 28,60%	12569 39,64%
Government	344 38,87%	50 10,14%	5526 17,43%
Opposition parties	341 38,53%	302 61,26%	13610 42,93%

The debates on radio were organized on the same principles as on TV Moldova 1. There were two moderators and, in order to have the electorate as a third actor present, listeners could phone in and ask questions. 32 debates were held all in all. Some of them were not attended by some electoral participants (PDM -- 2 programs, PCRM – one program), because PNL and MAE abandoned the electoral race. In the radio debates, each electoral contestant gained the following presence (in seconds):



Thus, in the debates on the radio, the ruling party as compared to the opposition parties is in the following relation: PCRM – 5,040, opposition parties – 45,360.



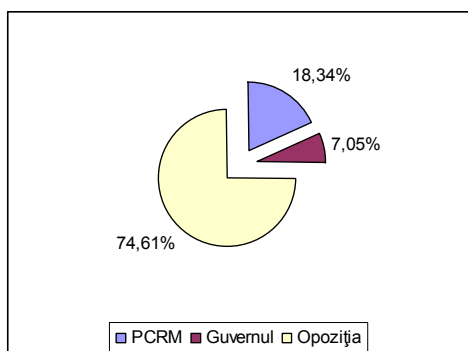
The debates were held in accordance with the provisions of the Election Code, the Broadcasting Code, the CEC Regulation and the internal regulations. They were held in an organized mode, according to the announced schedule and internal regulations. The principles of fair presentation of each competitor, of the access to information of the electorate to the platforms and programs of the racing actors were respected. In order to outline the real and full picture of the presence of political actors (government and electoral competitors) on Moldova 1 and Radio Moldova, one must have a general look at their presence in news and electoral debates. Thus, during this period, the government was present but in news during 5,526 minutes on radio and 5,678 on television. The electoral contestants benefited from 679 appearances with the total duration of 74,852 seconds (see the table)

TV MOLDOVA 1		
Political actors	Appearance frequency	Duration (seconds)
PCRM	199	14770
PLDM	118	9038
PL	96	7737
AMN	70	7690
PPCD	59	7786
PDM	53	7203
MAE	17	4004
PSDM	43	7538
PEAV	14	6094
PNL	10	2992
Total	679	74852

Taking into consideration the 3/3 rule, during the electoral campaign, the presence on **Moldova 1** was as follows:

Government– 5,678 sec; the PCRM – 14,770; opposition parties – 60,082

See table for percentage shares:



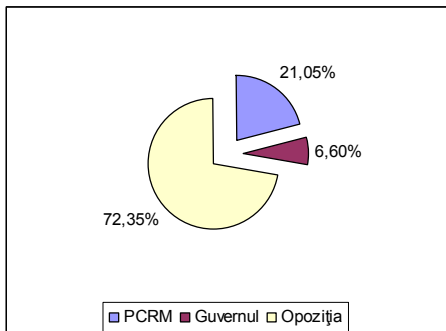
On **Radio Moldova**, during the race, the political actors appeared as follows:

RADIO MOLDOVA		
Political actors	Appearance frequency	Duration (seconds)
PCRM	140	17609
PLDM	78	9034
PL	75	8521
AMN	62	7650
PPCD	61	8355
PDM	43	6429
MAE	18	5064
PSDM	33	7020
PEAV	13	5409
PNL	9	3007
Total	532	78098

Taking into account the 3/3 rule, the following situation appears on the radio during the entire electoral race.

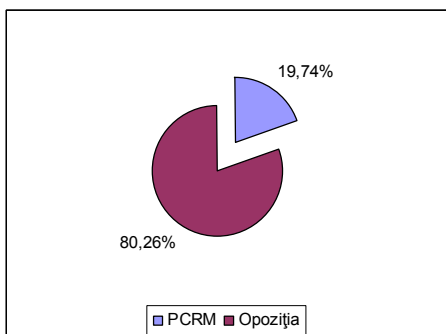
Government – 5,526 seconds; PCRM – 17,609 seconds; opposition parties – 60,489 seconds.”

See table for percentage shares:

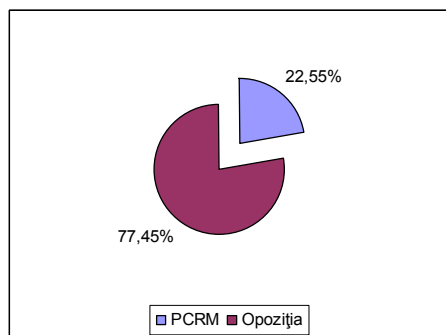


The ruling party, as compared to the opposition parties, **all in all during the race**, is positioned as follows:

TV MOLDOVA 1



RADIO MOLDOVA



During the electoral race, the Monitoring Service of Teleradio Moldova prepared a series of commentaries and replies to different external monitoring reports, informed the diplomatic missions about our opinions about the faulty methodology and the quality of executing those monitoring sessions, attending the monitoring sessions carried out by *Trans Euro Media* under

the aegis of the Council of Europe, having a representative in the Monitoring Board, prepared materials envisaging different aspects of TRM's work during the electoral race for the parliamentary elections, posted on TRM's web site

The Monitoring, Public and International Relations Directions