

Statement: UPR Pre-session on Moldova
Geneva, December 7, 2021
Delivered by: Freedom House

1. Presentation of the Organization

This statement is delivered on behalf of Freedom House, an independent nonpartisan organization dedicated to the expansion of democracy and freedom around the world. Freedom House has participated in Moldova's UPR processes since 2016.

2. National Consultations for the Drafting of the National Report

The Moldovan State Chancellery facilitated multi-stakeholder consultations to inform the drafting process of the National Report in February and March 2021; Freedom House and other local civil society organizations took part in this process. The National Human Rights Council and Parliament approved the National Report in March and September 2021, respectively.

3. Plan of the Statement

This statement addresses the following issues: (1) media freedom; and (2) justice sector reform, with a focus on the practice of selective justice.

4. Statement

I. Media Freedom

A. Follow-up to the first review

Since Moldova's last review, access to information and media independence and pluralism have remained vitally important media freedom issues in the Republic of Moldova. The government has not made significant efforts to improve access to information and ensure media diversity. Compliance with national laws regulating media remains weak. Public officials consistently obstruct access to public interest information with impunity, or provide privileged access to preferred media outlets. Independent journalists experience intense legal pressure, intimidation and harassment for pursuing access to information and reporting on corruption. Finally, existing legal provisions do not effectively prevent the over concentration of media ownership, and private media remain financially and editorially dependent on affiliated businesses and political groups.

Many of these ongoing issues were raised in the 2016 review process. At that time, recommendations by Sweden and Germany urged Moldova to consider the opinions of civil society and multilateral institutions when adopting a new audiovisual code to ensure media pluralism. Peru and Austria also called on the Moldovan government to facilitate and promote legislation addressing access to information.

B. New developments since the first review

From 2017-18, Parliament facilitated a working group in cooperation with Moldovan civil society with the goal of improving the legal and regulatory environment for media. As a result, a number of key laws incorporating input from civil society, including the Audiovisual Media Services Code, were adopted and entered into force in 2019. While these changes were an important first step in addressing longstanding challenges facing media freedom in Moldova, several urgent legislative priorities remain to be addressed, including major shortcomings in the current Law on Access to Information.

Undue restrictions on citizens' right to access information have intensified during the pandemic, as officials have often chosen to restrict communication channels with the public. Inadequate enforcement of the

Audiovisual Code by the Broadcasting Council and Competition Council has also permitted the continued concentration of media ownership in the hands of powerful interest groups.

C. Recommendations

We therefore urge that media freedom be made a key issue in the upcoming UPR, with a priority on improving access to information and media pluralism. We recommend that the Government of Moldova:

- a. In the nearest future, adopt a legal mechanism that would improve the functionality of the Law on Access to Information and facilitate improved access to public interest information, in accord with international obligations;
- b. Ensure the robust enforcement of the Audiovisual Code by the Competition Council and Broadcasting Council to facilitate greater media pluralism and editorial independence.

II. Justice Sector Reform

A. Follow-up to the first review

In the wake of a series of constitutional crises and tumultuous transfers of government over the past several years, Moldova continues to struggle to establish a truly independent judiciary. Undue political influence severely compromises the independence of Moldova's justice sector. Many of those in power regularly interfere in judicial systems to both protect their political allies and punish opponents, including by delaying or expediting legal proceedings and inconsistently applying punishments for similar crimes.

During the previous review, several countries offered recommendations to Moldova on these topics. The United States urged Moldova to implement reforms to ensure fairness and due process. Canada called on Moldova to enhance the independence of the judiciary and eliminate external influence. Japan recommended Moldova to carry out reforms to prevent political interference in judicial processes.

B. New developments since the first review

Since the 2016 review, Parliament passed a series of laws that further strengthened political levers of power over the judiciary and selectively blocked the appointment of judges based on their political loyalties. Oversight bodies such as the Superior Council of Magistracy also failed to hold corrupt officials accountable or establish a culture of judicial integrity. Monitoring by Freedom House and Moldovan civil society organization Lawyers for Human Rights since 2019 has confirmed the practice of "selective justice" in high profile criminal cases, in which the treatment by the legal system is biased for and against individuals based on their affiliation with influential political and financial interest groups. A new government came to power in Moldova in July 2021 that has launched an ambitious program of justice reform; these efforts have already addressed several priority issues but it is vital that this process be fully transparent and incorporate active civil society participation moving forward.

C. Recommendations

To address the problem of selective justice, we recommend the following to the Government of Moldova:

- a. Ensure the legal principle of equality before law is upheld for all Moldovan citizens, and that current practices permitting selectivity and political bias in the justice system are addressed through legislation and rigorously enforced at all levels of government;
- b. Ensure thorough investigation of the facts of official complaints submitted by judges and prosecutors regarding undue influence and pressures they experience in their work. Encourage whistleblowing in all justice sector bodies and ensure whistleblowers receive full legal protection.

Many thanks for your attention.