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## ARTICLE 19

For immediate release – 27 November 2008

### Moldova: Proposed Secrecy Law Threatens Openness

**ARTICLE 19 has prepared an in-depth analysis of the draft Law of Moldova on State Secrets. Although the draft Law does include some positive provisions, it fails to establish an appropriate balance between legitimate secrecy interests and the right to information.**

The draft Law is due to be tabled for a second reading in Parliament this Thursday. ARTICLE 19 has several key concerns regarding the draft State Secret Law, including the following:

- The lack of clarity as to the relationship between the secrecy law and the access to information law, including which prevails in case of conflict. The draft Law also envisages the possibility of a request for information being denied simply because the information has been classified.
- The definition of State secrets is overly broad and includes information created and held by private parties, as well as information which is not legitimately secrecy, assessed by reference to a very weak harm test
- The envisaged duration for classification is unduly long.
- The draft Law does not include a public interest override and fails to provide protection to whistleblowers.
- Control over the classification of information is assigned to the security services, posing a threat to the right to information and privacy.

ARTICLE 19 urges the Moldovan authorities to amend the draft Law to address these concerns and to bring it into line with international standards.

#### **NOTES TO EDITORS:**

- The analysis is available in English at: <http://www.article19.org/pdfs/analysis/moldova-memorandum-on-moldova-s-draft-law-on-state-secrets.pdf> and in Romanian at: <http://www.article19.org/pdfs/analysis/moldova-memorandum-privind-proiectul-de-lege-cu-privire-la-secretul-de-stat-.pdf>
- An English translation of the draft Press Act is available at: <http://www.article19.org/pdfs/laws/moldova-draft-secrecy-act.pdf>
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