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Meeting: 1531<sup>st</sup> meeting (June 2025) (DH)

Item reference: Action Report (25/03/2025)

Communication from the Republic of Moldova concerning the case of National Youth Council of Moldova v. the Republic of Moldova (Application No. 15379/13)

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Réunion : 1531<sup>e</sup> réunion (juin 2025) (DH)

Référence du point : Bilan d'action (25/03/2025)

Communication de la République de Moldova concernant l'affaire Conseil national de la jeunesse de Moldova c. République de Moldova (requête n° 15379/13) (**anglais uniquement**)

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DGI

25 MARS 2025

SERVICE DE L'EXECUTION  
DES ARRETS DE LA CEDH

**MINISTRY OF JUSTICE OF THE REPUBLIC OF MOLDOVA**  
**GOVERNMENT AGENT**

No. 06/3028

Chisinau, 25 March 2025

**ACTION REPORT**

**for the execution of the European Court of Human Rights judgment**  
in the case of ***National Youth Council of Moldova v. the Republic of Moldova***  
(no. 15379/13), delivered on 25 June 2025, final as of 25 September 2025

**I. CASE DESCRIPTION**

1. The present case concerns the local authorities' refusal to allow the applicant association to display antidiscrimination illustrations on advertising panels, on the grounds that they depicted certain social groups in an undignified and humiliating manner, which was contrary to Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter "the Convention").

2. The European Court of Human Rights (hereinafter "the Court") noted that the applicant association's poster was part of an anti-discrimination campaign involving several other NGOs, one of the aims of which was to promote the first freephone discrimination helpline in Moldova. The central issue in the present case was the applicant association's decision to illustrate its poster with cartoons. On that point, the Court reiterated that satire was a form of artistic expression and social commentary which naturally aimed to provoke and agitate, thereby contributing to public debate.

3. The cartoons on the poster had been accompanied by text encouraging the communities concerned to call a freephone helpline if they experienced discrimination. It was obvious for the Court that the intended goal had not been to insult, ridicule or stigmatize those vulnerable population groups or insidiously to promote hate speech and intolerance. Taken in their immediate, more general context, the poster and cartoons had clearly been a means of drawing the public attention precisely to social stereotypes and to the discrimination experienced by vulnerable groups, while encouraging them to assert their rights.

4. The Court further observed that the domestic courts had not conducted an effective review as required by Article 10 of the Convention. In the Court's view, that failure was a key factor in establishing that there had not been relevant and sufficient reasons for the interference with the applicant association's right to freedom of expression. In addition, such interference could have a chilling effect on satirical forms of expression concerning social issues. Accordingly, the interference had not been necessary in a democratic society.

5. Having found a violation of Article 10 of the Convention, the Court held that the finding of a violation constitutes in itself sufficient just satisfaction for any non-pecuniary damage suffered by the applicant association. Thus, the Court awarded the applicant association EUR 2,500 for costs and expenses, to be paid directly to its representative.

## **II. INDIVIDUAL MEASURES**

### ***Payment of just satisfaction***

6. The sum awarded by the Court for costs and expenses was paid to the applicant association's representative in time and in full, *id est* on 07 November 2024.

### ***Other individual measures***

7. The applicant association has not requested the reopening of the proceedings at the national level following the delivery of the Court's judgment, although Article 450 letter f) of the Code of Civil Procedure allows any applicant to the Court to submit a review request within 6 months from the date of delivery of the Court's judgment. This deadline expired on 25 December 2024.

8. Given the nature of the violation found by the Court in this case, the Government consider that no additional individual measures are necessary. Furthermore, in the Government's view, the finding of a violation of Article 10 in this case constitutes, in itself, sufficient just satisfaction for any non-pecuniary damage suffered by the applicant association. Accordingly, no reopening of domestic proceedings is required, especially as the applicant association has not requested such a measure.

## **III. GENERAL MEASURES**

9. Taking into account the peculiarities of the present case, as well as the period of time elapsed since the events concerned in the Court's judgment, the Government consider it to be an isolated case. Therefore, the dissemination of the Court's findings, the adoption of new legislation in this field and the training of the relevant specialists would be, in the Government's view, sufficient general measures in view of preventing similar violations from happening in the future.

### ***Publication and dissemination of the judgment***

10. The judgment was translated and published on the Government Agent's official website<sup>1</sup>. The relevant authorities (the Chisinau City Hall, the Superior Council of Magistracy, the Supreme Court of Justice, and the National Institute of Justice) have been notified and advised on the Court's findings in this case. The Supreme Court of Justice also published a summary thereof on its website<sup>2</sup>. Moreover, the Superior Council of Magistracy disseminated the judgment to the national courts in order to be studied and implemented by judges and other relevant specialists.

### ***Legislative amendments***

11. As it was mentioned in the Court judgment, on 29 May 2012, the Parliament of the Republic of Moldova adopted Law No. 121 on Ensuring Equality. With the adoption of the mentioned law, the necessary legal framework was created for the application of the Council of Europe Directive 2000/43/EC of 29 June 2000 on implementing the principle of equal treatment between persons irrespective of racial or ethnic origin,

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<sup>1</sup> <https://agent.gov.md/impotriva-moldovei/impotriva-moldovei-impotriva-moldovei/hotariri-jurisprudenta-curtii-europene/consiliul-national-al-tineretului-din-moldova-v-republica-moldova-2/>

<sup>2</sup> <https://csj.md/index.php/jurisprudenta-cedo1/rezumat-hotararilor-relevante-ale-cedo/65-rezumat-hotarari-cedo-2024/2386-consiliul>

published in the Official Journal of the European Union No. L180 of 19 July 2000. Moreover, in the above-mentioned law the legislator highlighted the main definitions of the forms of discrimination. This law entered into force as of 01 January 2013.

12. Furthermore, on 17 March 2022, the Parliament of the Republic of Moldova adopted Law No. 62 on Advertising. This law establishes the necessary legal framework for the activity in the field of advertising in accordance with the EU legislation. It also transposes into national law the provisions of Directive 2006/114/EC of the European Parliament and of the Council of Europe of 12 December 2006 concerning misleading and comparative advertising (codified version) (text with EEA relevance), published in the Official Journal of the European Union L 376 of 27 December 2006.

13. Pursuant to Article 7 § 3 (d) of the aforementioned law, the legislator prohibits discriminatory advertising. For the purposes of this provision, discriminatory advertising refers to any form of advertising that has as its object any distinction, exclusion, restriction, or preference in the rights and freedoms of an individual or a group of individuals, as well as the support of discriminatory behavior, based on the real or presumed criteria of an individual or a group of individuals regarding race, nationality, profession, origin or social category, age, sex, language, religious, philosophical, political, or other beliefs.

14. Moreover, according to Article 41 § 2 of the above-mentioned law, the content of advertising images displayed on advertising devices is not approved/authorized by the territorial architectural body and/or local public authorities. Any interference of local public authorities and/or their specialized services in the content and/or design of outdoor advertising is prohibited.

### ***Unification of judicial practice***

15. In order to ensure a correct and uniform application by courts of the provisions of the Convention and the Protocols thereof, the Supreme Court of Justice approved the Explanatory Decision no. 3 of 9 June 2014 regarding the application by courts of certain provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms<sup>3</sup>, as well as the Explanatory Decision No. 7 of 24 December 2012 regarding the practice of application by the courts of some provisions of the Law on Freedom of Expression<sup>4</sup>, as amended by the Decision of the Plenary of the Supreme Court of Justice No. 24 of 16 October 2017<sup>5</sup>. Thus, in paragraph 8 of Explanatory Decision No. 7 of 24 December 2012, the Supreme Court of Justice clarified that, in accordance with the provisions of Article 7 § 8 of the Law on Freedom of Expression, no one can be held liable for the use of a humorous and satirical style, provided that its use does not mislead the public as to the facts. The humorous and satirical genre allows a higher degree of exaggeration and even provocation. Moreover, provocation and agitation are the very essence of satire. This protects the authors and disseminators of caricatures and parodies. However, protection exists as long as the public is not misled about the facts. There are caricatures and satires that are inadmissible in a democratic state, not because they defame or mislead, but because their message is destructive and manifests in other reprehensible actions.

### ***Professional training***

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<sup>3</sup> [https://jurisprudenta.csj.md/search\\_hot\\_expl.php?id=181](https://jurisprudenta.csj.md/search_hot_expl.php?id=181)

<sup>4</sup> [https://jurisprudenta.csj.md/search\\_hot\\_expl.php?id=277](https://jurisprudenta.csj.md/search_hot_expl.php?id=277)

<sup>5</sup> [https://jurisprudenta.csj.md/search\\_hot\\_expl.php?id=270](https://jurisprudenta.csj.md/search_hot_expl.php?id=270)

16. The Supreme Court of Justice in cooperation with the National Institute of Justice organize profiled seminars and courses for judges and court staff on the Court's case-law. Likewise, the Superior Council of Magistracy submits every year to the National Institute of Justice recommendations for including topics that address human rights issues from the perspective of the ECtHR case-law in the Modular plan for continuous training of judges and prosecutors.

17. In the initial training process, the National Institute of Justice's trainees are familiarized with the Court's rulings and apply them in mock trials. According to the Plan for the initial training of judges and prosecutors, in the second semester, the NIJ trainees benefit from the following profile trainings: "The guarantees provided by the European Convention on Human Rights", "The European Convention on Human Rights and the European Court of Human Rights".

18. Furthermore, the Court's judgments are permanently discussed during seminars organized by the National Institute of Justice, such as "Recent developments in the case law of the European Court of Human Rights", and "The European Convention on Human Rights, application of the case law of the European Court of Human Rights in the domestic legal order. The principles of interpretation and application of the European Convention on Human Rights in the domestic legal order", including recent cases concerning Article 10 of the Convention. In 2024, a total of 20 activities were carried out in these modules, with 533 persons being trained, including 109 judges, 135 prosecutors, 94 judicial assistants, 47 clerks, 84 prosecutor's advisers, 3 heads of secretariat, 18 consultants and 43 court staff.

19. On the webpage of the National Institute of Justice, under the heading "Materials for individual study"<sup>6</sup> are placed several electronic resources, which can be accessed and used by interested persons in due time, including the Guide to Article 10 of the European Convention on Human Rights. In addition, under the heading "NIJ Publications", the interested persons can use and access the following electronic resources: "The European Convention on Human Rights. Commentary on the judgments of the European Court of Human Rights *versus* the Republic of Moldova. Conclusions and recommendations" (2017), "Index Table. Judgments of the European Court of Human Rights *versus* the Republic of Moldova, 13 December 2001 – 31 December 2018".

20. In July 2024, the Legal Resources Center of the Republic of Moldova published an analytical document titled *Freedom of Expression of the Media in the Face of Justice*<sup>7</sup>, intended for professionals in the field. The document examines domestic case law regarding the freedom of expression of the media and concludes that, in general, national courts have applied the relevant legislation consistently. No contradictory or unjustified judicial rulings have been identified. The courts have made clear distinctions between factual statements and value judgments, acknowledged the applicant's status as a public figure, and emphasized that the right to freedom of expression takes precedence over the right to protect one's honor and dignity, particularly when the matters at hand concern public interest.

#### IV. CONCLUSIONS

21. Taking into account the nature of the violation found by the Court in the present case, the Government would like to point out that the applicant association's

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<sup>6</sup> <https://www.inj.md/ro/materiale-pentru-studiu-individual>

<sup>7</sup> <https://crjm.org/wp-content/uploads/2024/08/Libertatea-de-exprimare-a-mass-media-in-fata-justitiei.pdf>

situation represents an isolated case rather than a regularity for the national authorities, and does not reveal any systemic or complex issues to be dealt with at domestic level.

22. In this situation, the Government consider that no further individual and general measures are necessary in this case, while the measures already implemented at domestic level are sufficient to conclude that the Republic of Moldova has complied with its obligations under Article 46 § 1 of the Convention. Therefore, the Government invite the Committee of Ministers to end the supervision of this case.



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