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Meeting: 1563rd meeting (June 2026) (DH)

Item reference: Action Report (18/03/2026)

Communication from the Republic of Moldova concerning the case of Straisteanu v. the Republic of Moldova (Application No. 9989/20) (Group Oleg Balan)

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Réunion : 1563^e réunion (juin 2026) (DH)

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Communication de la République de Moldova concernant l'affaire Straisteanu c. République de Moldova (requête n° 9989/20) (Group Oleg Balan) (**anglais uniquement**)



MINISTRY OF JUSTICE OF THE REPUBLIC OF MOLDOVA
GOVERNMENT AGENT

No. 06/2924

Chişinău, 18 March 2026

ACTION REPORT
for the execution of the judgment
in the case of *Străisteanu v. the Republic of Moldova* ([no. 9989/20](#))
judgment of 5 June 2025, final as of 5 September 2025

I. CASE DESCRIPTION

1. The present case concerns an interference with the applicant's freedom of expression resulting from the obligation imposed on her to remove from her Facebook page videos showing another lawyer addressing her with insulting remarks of a homophobic nature, following events which occurred in 2017.

2. The Court found a violation of Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on account of the domestic courts' failure to strike a fair balance between the competing rights under Articles 8 and 10 of the Convention, in domestic proceedings conducted between 2018 and 2019, in particular by failing to adequately assess the context of the impugned statements and their contribution to a debate of public interest.

II. INDIVIDUAL MEASURES

Payment of just satisfaction

3. The Court held that the finding of a violation constituted in itself sufficient just satisfaction for any non-pecuniary damage suffered by the applicant. The applicant did not submit any claim for costs and expenses. Accordingly, the Court did not make any awards under Article 41 of the Convention.

Other individual measures

4. The applicant 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 revision request within 6 months from the date of delivery of the Court's judgment. This deadline expired on 5 March 2026.

5. 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. Accordingly, no reopening of domestic proceedings is required, especially as the applicant has not requested herself such a measure.

III. GENERAL MEASURES

Publication and dissemination

6. The judgment in the present case was translated, published on the Government Agent's official website¹ and disseminated to the relevant authorities (the Supreme Court of Justice, the Superior Council of Magistracy, the National Institute of Justice and the National Centre for Personal Data Protection).

7. At the same time, the Supreme Court of Justice forwarded the translated judgment to all its judges and relevant specialists, while the National Institute of Justice disseminated the judgment to all its beneficiaries in the course of initial and continuous training of judges and other professionals in the legal field. Similarly, a summary of the Court's findings in this case was included in the National Institute of Justice's bulletin for public information.

8. The Supreme Court of Justice published on its website various materials intended to disseminate the Court's case-law among judges and the general public, as follows: (i) the Romanian translations of the case-law Guides and the Court's thematic factsheets, especially the Guide on Article 10 "Freedom of expression"; (ii) "The Journal of judicial errors in the field of administrative, civil and commercial law", (iii) Thematic Information Notes; (iv) the Treaty on the theory and practice of human rights "Commentary on the Decisions of the European Court of Human Rights *versus* the Republic of Moldova. Conclusions and Recommendations"; (v) the Bulletin of the Supreme Court of Justice, which includes the most relevant judgments of the Court.

9. The National Centre for Personal Data Protection disseminated the Court's judgment within its structural subdivisions and analysed it during an internal session. The judgment was also integrated into the Centre's professional training activities, with particular emphasis on the application of the proportionality principle when balancing the right to protection of personal data with the right to freedom of expression.

Legislative amendments

10. On 15 November 2024, the Parliament of the Republic of Moldova adopted Law no. 195 on Personal Data Protection², which will enter into force on 23 August 2026. The law establishes a new legal framework governing the processing of personal data and transposes into national legislation the provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 (General Data Protection Regulation – GDPR).

11. Although the Court did not find in its judgment any deficiencies in the domestic legal framework, it has to be noted that this new law sets out detailed principles governing the processing of personal data, including legality, fairness and transparency, purpose limitation, data minimisation, accuracy and integrity of processing. It also defines the legal grounds for lawful processing of personal data, including situations where such processing is necessary for compliance with a legal obligation or for the performance of a task carried out in the public interest or in the exercise of official authority.

12. In this context, Article 51 of Law no. 195/2024 regulates the relationship between personal data processing and freedom of expression, by providing specific conditions under

¹ <https://agent.gov.md/wp-content/uploads/2025/09/Hotararea-Straisteanu-v-MDA-traducere-RO.pdf>

² https://www.legis.md/cautare/getResults?doc_id=144681&lang=ro

which certain processing operations carried out for purposes of expression may fall outside the scope of the law, notably where the publication serves a public interest and where the application of data protection rules would be incompatible with such purposes. This provision reflects, at legislative level, the need to take into account the context and the public interest dimension when assessing interferences with freedom of expression.

13. At the procedural level, the National Centre for Personal Data Protection adopted Regulation no. 25 of 10 July 2024 on the control of the legality of personal data processing. The Regulation clarifies the legal and institutional framework governing supervisory activities carried out by the Centre, including the conditions for conducting on-site investigations.

14. These developments contribute to strengthening the domestic legal framework governing the processing and supervision of personal data and provide clearer rules applicable to the activities of public authorities and other entities in this field.

Professional training

16. The Supreme Court of Justice in cooperation with the National Institute of Justice organise profiled seminars and courses for judges and court staff on the topic of 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 Court's case-law in the Modular plan for continuous training of judges and prosecutors.

17. The continuing training Programme for 2025 within the National Institute of Justice includes several seminars addressing the following topics: „*Recent developments in the case-law of the Court*” and „*The European Convention on Human Rights, application of the Court's case-law in the domestic legal order*”, „*Principles of interpretation and application of the European Convention on Human Rights in the domestic legal order*”. These training sessions aim to improve the legal professionals' knowledge and understanding of the relevant jurisprudence, including on matters arising under Article 10 of the Convention, thereby reinforcing their capacity to apply Convention principles effectively in domestic proceedings.

18. In the initial training process, the National Institute of Justice's auditors 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 of 2025, the INJ auditors 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”.

19. 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”. These modules also cover recent judgments concerning Article 10 of the Convention.

20. In 2025, a total of 24 activities were carried out in these modules, with 535 participants, including 94 judges, 162 prosecutors, 78 judicial assistants, 56 clerks, 70 prosecutors' advisers, 1 head of secretariat, 44 court staff, 15 lawyers of the National Legal Aid Council, 2 representatives of the State Chancellery, 3 representatives of the Chişinău Municipality and 10 criminal investigation officers.

21. On the webpage of the National Institute of Justice, under the heading "Materials for individual study"³ are placed several electronic resources, which can be accessed and used by interested persons in due time, i.e. "The Guide to Article 10 of the European Convention on Human Rights. The right to respect for private and family life, home and correspondence". In addition, under the heading "NIJ Publications", any interested persons can use and access resources such as "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", "Index Table. Judgments of the European Court of Human Rights *versus* the Republic of Moldova, 13 December 2001 – 31 December 2018".

CONCLUSIONS

22. Taking into account the particularities of this case, the Government conclude that no further individual measures are necessary.

23. As regards general measures, the Government observe that the violation identified by the Court resulted from the domestic courts' failure to conduct an adequate balancing exercise between the competing rights under Articles 8 and 10 of the Convention, rather than from deficiencies in the domestic legislative framework. The judgment was translated and disseminated to the relevant authorities, and its findings have been integrated into the professional training activities organised by the National Institute of Justice for judges and other legal professionals.

24. In view of the measures adopted and their contribution to improving the application of the Convention standards in the domestic practice, the Government invite the Committee of Ministers to take note of the progress achieved by the national authorities in ensuring at domestic level the proper balancing between the right to respect for private life and the right to freedom of expression, and to end the supervision of the present case.



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³ <https://www.inj.md/ro/materiale-pentru-studiu-individual>