



Last update: 15/03/2021

Republic of Moldova

Membership to the Council of Europe	13 July 1995
Entry into force of the European Convention on Human Rights	12 September 1997
First case under supervision of execution	Metropolitan Church of Bessarabia and Others (45701/99) Judgment final on 27 March 2002
Total number of cases transmitted for supervision since the entry into force of the Convention	496
Total number of cases closed by final resolution	335

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION*

> Actions of security forces - use of force and effectiveness of investigations

Ill-treatment and torture in police custody, notably in order to extract confessions, lack of effective investigations and effective remedy;
Refusal to provide adequate medical assistance for security reasons while in police custody.
Conviction based on confessions obtained by means of torture.

Levinta group (17332/03+)
Judgment final on 16/03/2009

Status of execution
Enhanced supervision

Death of a person during a police operation in March 2009; ineffective investigation into the circumstances leading to his death.

Timus and Tarus (70077/11)
Judgment final on 15/01/2014

Status of execution
Enhanced supervision

> Conditions of detention

Poor material conditions of detention in establishments under the authority of the Ministries of the Interior and Justice; lack of access to adequate medical care and absence of effective preventive and compensatory remedies.

I.D. group (47203/06)
Judgment final on 11/04/2011

Status of execution
Enhanced supervision

> Lawfulness of detention and related issues

Various breaches to the right to liberty and security in the context of unlawful detention:

- unlawful detention despite the higher court's decision to quash the detention order;
- lack of relevant and sufficient reasons for ordering or extending the detention;
- failure to ensure a prompt examination of the lawfulness of the detention;
- unjustified refusals to let the defense access the case files.

Şarban group (3456/05+)
Judgment final on 04/01/2006

Status of execution
Enhanced supervision

* Detailed information concerning the Committee of Ministers' supervision of the execution of judgments and decisions of the European Court of Human Rights, notably the distinction between enhanced and standard supervision, are available on [the website of the Department for the Execution of Judgments](#).



MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION*

> Domestic violence

Failure of the authorities to take effective measures to protect the victims and to ensure punishment of the offenders, despite their knowledge of the danger of further domestic violence and of the effects of such violence on two minor children. The Court also found that such attitude of the authorities amounted to discriminatory treatment against women.

T.M. and C.M. (26608/11)
Judgment final on 28/04/2014

Status of execution
Enhanced supervision

> Extra-legal transfer

Extra-legal transfer in September 2018 of five Turkish nationals to their State of origin circumventing domestic and international law. The Court found that the applicants' deprivation of liberty had been neither lawful, nor necessary, nor devoid of arbitrariness, the Moldovan authorities failing to give the applicants a choice of jurisdiction to be expelled to. The Court concluded that the applicants' forcible transfer led to a disruption of their private and family lives.

Ozdir and Others (42305/18)
Judgment final on 11/09/2019

Status of execution
Enhanced supervision



SUPERVISION CLOSED - MAIN REFORMS ADOPTED**

> **Actions of security forces - use of force during demonstrations**

The legislative and regulatory framework for policing public assemblies has been reformed: it provides notably for safeguards regarding the use of force and a control available by prosecutorial and judicial authorities. Training and awareness-raising measures were taken for all the actors concerned.

Taraburca group (18944/02)
Judgment final on 06/03/2012

Final Resolution
CM/ResDH(2018)464

> **Protection of rights in detention**

Amendment of the Code of Criminal Procedure of 2006 preventing the general practice of detention pending trial without legal basis: the public prosecutors are now under an obligation to request the prolongation of detention pending trial after submitting the case to the trial court.

Gorea and Turcan (21984/05, 10809/06)
Judgments final on 17/10/2007 and
27/02/2008

Final Resolution
CM/ResDH(2016)291

A Supreme Court's ruling of 2012 provided **guidance to domestic courts on the amounts to be awarded** for non-pecuniary damage for unlawful detention.

Colibaba and Boicenco (29089/06,
41088/05)
Judgments final on 23/01/2008 and
11/10/2006

Final Resolution
CM/ResDH(2016)146

Ganea and Cristina Boicenco (2474/06,
25688/09)
Judgments final on 17/08/2011 and
27/12/2011

Final Resolution
CM/ResDH(2016)147

> **Lawfulness of detention and related issues**

The requirement of reasonable suspicion was introduced in the domestic legislation in 2006 as a fundamental condition for opening and carrying out criminal proceedings. In 2013, the Supreme Court adopted a mandatory guidance for police officers to be applied in case of arrest. Such mandatory guidance was also adopted by the Ministry of Internal Affairs in 2015.

Muşuc group (42440/06+)
Judgment final on 06/02/2008

Final Resolution
CM/ResDH(2018)227

** This section may also include certain major reforms already implemented in the context of cases still pending.

For a thorough overview of reforms adopted since the entry into force of Protocol No. 11 in 1998 see the [Annual Report 2015](#), Part IV "Main achievements". As regards the period 1959-1998, see the overview provided by the European Court in its special publication "Survey : 40 years of activity", section IV "Effects of judgments and decisions" – both documents, together with a number of additional ones, are available also on the website of the Department for the Execution of Judgments of the European Court of Human Rights.



SUPERVISION CLOSED - MAIN REFORMS ADOPTED**

> Protection against abuse of power

A substantial reform of the prosecution service improved its independence vis-à-vis legislature and executive and established the disciplinary accountability of prosecutors:

- a Constitutional Court's decision of 2013 prohibited State authorities from interfering in the handling of specific criminal cases;
- a new Code of Ethics of Prosecutors was adopted by the Superior Council of Prosecutors in 2015;
- after a comprehensive reform process a new Law on the Prosecution Service was adopted in 2016;
- the new law provides for disciplinary sanctions in case of improper performance by prosecutors of their duties and the violation of the Code of Ethics. Disciplinary proceedings can be initiated by any person concerned or prosecutorial self-administration bodies.

Cebotari (35615/06)
Judgment final on 13/02/2008

Final Resolution
CM/ResDH(2016)147

> Functioning of justice

Abolition of the Prosecutor General's right to request the annulment of final judgments in the New Code of Civil Procedure 2003.

Roșca (6267/02)
Judgment final on 22/06/2005

Final Resolution
CM/ResDH(2007)56

> Fairness of judicial proceedings - criminal charges

A new law on investigations activities (2012) prohibits entrapment techniques: evidence obtained by them is inadmissible and pleas of incitement to crime commission are thoroughly assessed by domestic courts in reasoned judgments.

Sandu (16463/08)
Judgment final on 14/05/2014

Final Resolution
CM/ResDH(2018)12

> Protection of private life

The registration of ethnicity of a child's parents in the child's birth certificate at their request and on the basis of their own declarations and a possibility for a child to change his ethnicity according to his/her own declarations when he/she reaches his/her sixteen's birthday was introduced in 2012 by amendment of the Law on civil status.

Ciubotaru (27138/04)
Judgment final on 27/07/2010

Final Resolution
CM/ResDH(2016)84

> Freedom of assembly and association - Peaceful assemblies



SUPERVISION CLOSED - MAIN REFORMS ADOPTED**

The legislative framework for the holding of public assemblies and protection against discrimination has been reformed together with adequate police protection. The Anti-discrimination Council was established in 2016 and the legislative proposals to outlaw “propaganda of homosexuality” among minors have been turned down in Parliament.

Genderdoc-M (9106/06)
Judgment final on 12/09/2012

Final Resolution
CM/ResDH(2019)239

> Freedom of religion

Clear and objective criteria for registration, suspension and liquidation of religious denominations were laid down and a system of proportionate reactions to breaches of the law defined in a new Law on religious denominations of 2007. Religious freedom for non-registered religious groups was secured and expulsion as a sanction for foreigners disrespecting the law abolished.

Metropolitan Church of Bessarabia
(45701/99)
Judgment final on 27/03/2002

Final Resolution
CM/ResDH(2010)8

> Electoral rights

Lifting of the ban imposed on public servants to hold dual citizenship and of elected MPs with multiple nationalities from taking seats in Parliament in 2009.

Tănase (7/08)
Judgment final on 27/04/2010

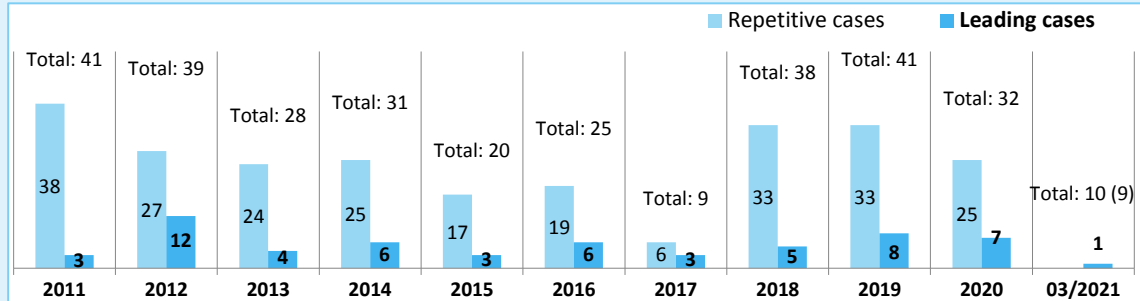
Final Resolution
CM/ResDH(2012)40



STATISTICS***

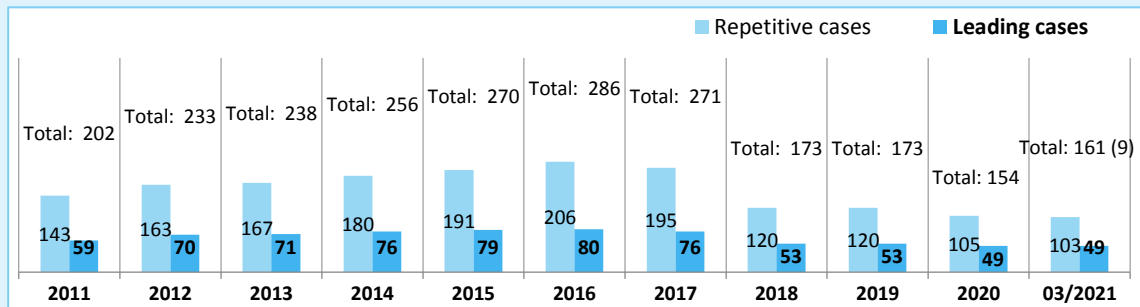
New cases

(judgments transmitted for supervision of their execution during the year)



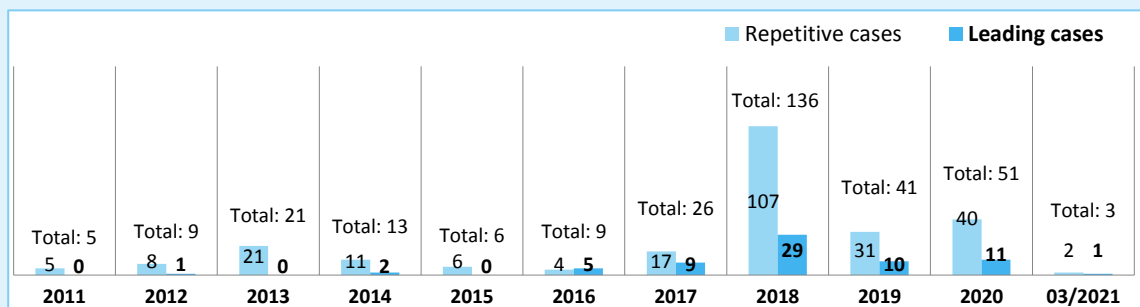
Figures bracketed correspond to the number of cases not yet classified as leading or repetitive, but they are taken into account in the total number of new cases

Pending cases

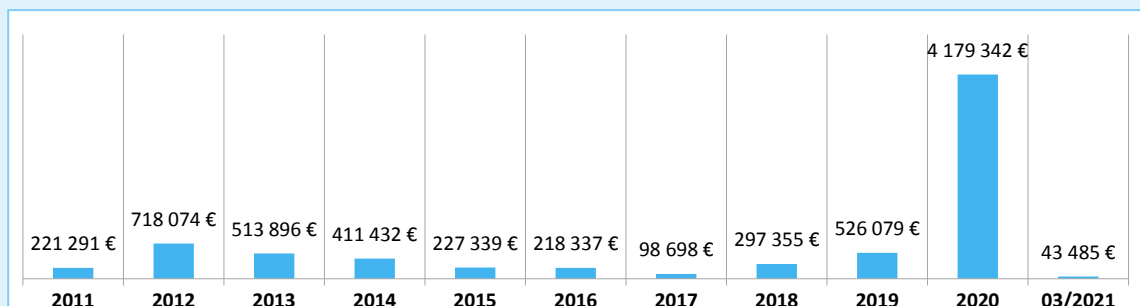


Figures bracketed correspond to the number of cases not yet classified as leading or repetitive, but they are taken into account in the total number of pending cases.

Cases closed by final resolution



Just satisfaction awarded by the European Court



*** Detailed statistics are available in the [annual reports](#) of the Committee of Ministers. Figures are reported as they appear in the annual report for each year.