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Meeting: 1492nd meeting (March 2024) (DH)

Item reference: Action Plan (20/12/2023)

Communication from the Republic of Moldova concerning the case of MANOLE AND OTHERS v. the Republic of Moldova (Application No. 13936/02)

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Réunion : 1492^e réunion (mars 2024) (DH)

Référence du point : Plan d'action (20/12/2023)

Communication de la République de Moldova concernant l'affaire MANOLE ET AUTRES c. République de Moldova (requête n° 13936/02) (**anglais uniquement**)



DGI

20 DEC. 2023

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

MINISTRY OF JUSTICE OF THE REPUBLIC OF MOLDOVA

GOVERNMENT AGENT

No. 06/11242

Chisinau, 20 December 2023

UPDATED ACTION PLAN

on the execution of the European Court of Human Rights judgment
Manole and others v. the Republic of Moldova (application no. 1393/02)
judgement of 17 September 2009 (merits), final as of 17 December 2009,
judgement of 13 July 2010 (just satisfaction), final as of 13 October 2010

I. CASE DESCRIPTION

1. In the present case, the European Court of Human Rights (hereinafter “the Court”) found that there had been a violation of Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter “the Convention”) due to the national authorities’ failure to comply with their positive obligation to ensure the observance of the principle of pluralism. That failure was attributed to an inadequate legislative framework that lacked sufficient safeguards against interference from the governing political parties. Essentially, the violation of the applicants’ right to freedom of expression was due to censorship and political control by the State authorities at the State Television Company “Teleradio-Moldova” (TRM), where the applicants held different positions between February 2001 and November 2004.

II. INDIVIDUAL MEASURES

2. In their previous [Action Plan](#) submitted in January 2023, the Government reported that four out of the nine applicants concerned in the present case were still employed at “Teleradio-Moldova”. In the [decision](#) adopted at its meeting from March 2023, the Committee of Ministers noted that the individual measures were closely linked to the general ones and should, therefore, remain under supervision until the general measures were fully implemented. Therefore, the Government observe that, as it results from the latest decision of the Committee of Ministers, no further individual measures are necessary to be implemented in the present case.

III. GENERAL MEASURES

Legislative amendments

3. In its latest decision, the Committee of Ministers welcomed the authorities' readiness to improve the current legislative framework and their close cooperation with the Council of Europe to this end. At the same time, the Committee encouraged the authorities to rapidly draft the necessary amendments, taking due consideration of the Council of Europe and the European Union standards, so as to ensure clear guarantees for a genuine independence of the Audiovisual Council and to prevent future political control of "Teleradio-Moldova" as an independent public service broadcaster. The Committee of Ministers further invited the authorities to keep it informed on all the relevant developments.

4. In this context, on 31 July 2023 the Moldovan Parliament examined and adopted Draft Law no. 218 of 4 July 2023 amending the Code of Audiovisual Media Services of the Republic of Moldova no. 174/2018 (Articles 1,4,15 etc.).¹ The project was developed by the Parliamentary Committee responsible for mass-media issues, with the aim of adjusting certain provisions in order to enhance the application of rules addressing disinformation, safeguarding minors, ensuring the effective functioning of the Audiovisual Council, and limiting audience quotas in relation to dominant positions in shaping the public opinion. These amendments are anticipated to contribute to an efficient activity of the regulatory authority in the audiovisual field.

5. Currently, in collaboration with the Advisory Group of experts in the field of mass-media, composed of members of civil society organizations with relevant experience in mass-media, the Draft Law on the Subsidy Fund in the field of mass-media is being developed and debated. The purposes of the draft law are as follows:

- the development of media pluralism;
- supporting cultural, educational and media literacy projects;
- encouraging the approach of subjects and problems in the fields of general social interest;
- supporting journalistic investigations about issues of public interest;
- strengthening editorial and economic independence.

6. Regarding the review of the relevant provisions of the Code of Audiovisual Media Services so as to secure the independence of the members of the Supervisory and Development Board of "Teleradio-Moldova", the Parliamentary Committee dealing with mass-media issues is committed to promote any amendments that comply with the standards of the Council of Europe and the European Union, as well as to take into due consideration the recommendations of the Council of Europe experts.

IV. CONCLUSIONS

7. The Government reiterate their commitment to promote the necessary amendments to the legal framework, which would ensure clear guarantees for the independence of the members of the Audiovisual Council and the members of the Supervisory and Development Board of "Teleradio-Moldova", so as to align the national

¹<https://www.parlament.md/ProcesulLegislativ/Proiectedeactenormative/tabid/61/LegislativId/6541/language/en-US/Default.aspx>

audiovisual legislation with the standards of the Council of Europe and the European Union Directive in this field. At the same time, the Government undertake to submit in due time to the Committee of Ministers further information on the legislative changes operated in the framework of the present case.



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