# REPUBLIC OF MOLDOVA



## Department for the Execution of Judgments of the European Court of Human Rights

Directorate General
Human Rights and Rule of law

## Country factsheet

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# I. Main achievements

This chapter presents short summaries of a selection of the main reforms and achievements reported in final resolutions since the Convention system was amended in 1998 by Protocol No. 11, with a clear focus on recent reforms, referring however also to important earlier developments.

In view of the wealth of cases closed, the selection concentrates on those which have led to changes of legislation, government regulations, the adoption of new policies or general guidance from superior courts. As a rule, the overview does not cover information on measures providing individual redress to applicants.

The reforms are in principle presented in the order corresponding to the thematic domains used in the specialised database HUDOC-EXEC of the Department for the Execution of Judgments of the European Court of Human Rights.

Many reforms address issues which appear to be on-going challenges in member states. The effects of reforms adopted at one point in time may thus need to be monitored and possibly revisited as conditions change.[1]

Definitions of the terms used in the context of the supervision of the execution of the European Court's judgments are available in the dedicated Glossary.

[1] The presentation is limited to the information provided at the time of the adoption of the final resolution. It is recalled in this context that the Committee of Ministers has issued Recommendation (2004)5 on the verification of the compatibility of draft laws, existing laws and administrative practice with standards laid down in the European Convention on Human Rights.

## Actions of security forces and effective investigations

To prevent ill-treatment in the context of demonstrations, the legal framework for the policing of public assemblies was reformed by the 2012 Law on the use of physical force, special means and firearms in law enforcement. Measures to be taken in case of serious public disturbances comprise de-escalating steps, notably vis-à-vis the organisers of the event, police warnings to the participants about the possibility of using special means of dispersal following a reasonable warning time to comply. A special guide regarding the implementation of the law, taking into account best practices and UN requirements, was issued in April 2018. In addition, training and awareness-raising measures are organised regularly. A new anti-torture division was created in the General Prosecutor's Office, within which prosecutors examine cases of ill-treatment and related offenses. Also, special prosecutors were appointed on a regional basis, tasked with investigating cases of torture and other forms of ill-treatment.

***Taraburca group*** (18919/10)
**Final Resolution CM/ResDH(2018)464**

## Right to liberty and security

Abuse of power during arrest and pre-trial detention was addressed by a range of measures including, an increase of the disciplinary liability for prosecutors (introduced in 2008), a new ethical code for prosecutors (introduced in 2015), and the strengthening of the prosecutors' independence vis-à-vis the executive and the legislator (introduced in 2016). In addition, as from 2013, new Constitutional Court practice introduced a clear prohibition on all State authorities to interfere with the prosecutors' handling of individual cases. Furthermore, the Code of Criminal Procedure was amended in 2006 to prevent the general practice of detention pending trial without legal basis: public prosecutors are now under an obligation to request the prolongation of detention pending trial after submitting the case to the trial court. The requirement of reasonable suspicion was introduced as a fundamental condition for opening and carrying out criminal proceedings and ordering arrest and detention on remand. In 2013, the Supreme Court adopted a mandatory guidance for police officers to be applied in cases of arrest. In 2014/2015, the Ministry of Justice prepared a set of respective amendments to the Code of Criminal Procedure.

***Cebotari*** (35615/06+)
**Final Resolution CM/ResDH(2016)147**

***Colibaba and Boicenco*** (29089/06+)
**Final Resolution CM/ResDH(2016)146**

***Gorea and Ţurcan*** (21984/05, 10809/06)
**Final Resolution CM/ResDH(2016)291**

***Musuc*** (42440/06+)
**Final Resolution CM/ResDH(2018)227**

## Functioning of justice

The prosecutor general's power to ask for the annulment of final judgments was abolished in 2003. A law on special investigation activities of 2012 provides that such measures shall be authorised only if the purpose of the criminal proceedings cannot be achieved differently or for reasons of state security. Entrapment techniques are prohibited and evidence obtained by them is inadmissible.
Following amendments of the Civil Procedure Code in 2015, domestic courts are now under an obligation to communicate to each party a copy of belated observations of the opposing party.

***Rosca (6267/02)***
**Final Resolution CM/ResDH(2007)56**
***Asito (40663/98)***
**Final Resolution CM/ResDH(2014)49**
***Sandu (16463/08)***
**Final Resolution CM/ResDH(2018)12**

## Protection of private life

- Data protection

In 2011, the law on the protection of personal data set up the National Centre for the Protection of Personal Data, an authority to control personal data processing with the duty to monitor the respect for the legislation on protection of information, in

***Savotchko*** (33074/04)
**Final Resolution CM/ResDH(2018)130**

particular, the right to information, data access and interference. Registration of the 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 sixteenth birthday was introduced in 2012 by amendment of the Law on civil status.

***Ciubotaru*** (27138/04)
**Final Resolution CM/resDH(2016)84**

- Access to one's children

In 2018, the Code of Contraventions was amended to provide that the obstruction of a guardianship authority's decision on contact rights with a child shall be punishable by a fine or community work. Following these amendments, the guardianship authority's decision became mandatory for execution by the family members concerned. In case of disagreement, it can be challenged in court.

***Bittoun*** (51051/15)
**Final Resolution CM/ResDH(2020)110**

## Freedom of religion

Freedom of religion was improved following the adoption in 2007 of a new law on religious denominations elaborated in cooperation with independent Council of Europe experts, with further amendments in 2009. Clear and objective criteria for the registration, suspension and liquidation of religious denominations were laid down and a system of proportionate reactions to breaches of the law was established. Religious freedom for non-registered religious groups was secured and expulsion, as a sanction, of foreigners disrespecting the law abolished.

***Metropolitan Church of Bessarabia*** (45701/99)
**Final Resolution CM/ResDH(2010)8**

## Freedom of expression

- Whistle-blowing

A 2011 amendment of the Code of Conduct for Civil Servants granted confidentiality for those reporting acts of corruption or similar illegal activities and introduced a presumption of good faith to prevent disciplinary sanctions for disclosures. In 2018, a Law on whistler-blowers determined rules for disclosures of illegal activities and practices in public and private organisations, the whistle-blowers' rights and safeguards as well as the employers' and competent authorities' ensuing obligations.

***Guja*** (14277/04)
**Final Resolution CM/ResDH(2020)34**

- Justification of restrictions

In April 2010, specific legislation introduced the notion of proportionality and fair balance between the protected interests of honour, dignity, professional reputation and private life, on the one hand, and the right to free expression, on the other hand. The Supreme Court's relevant explanatory judgment of December 2012 provided clarification on its application in practice and indicated that the closure of mass-media providers can only be ordered as an extreme measure, which must be justified by thorough reasons.

***Kommersant Moldovy*** (41827/02)
**Final Resolution CM/ResDH(2022)115**

- Censorship and political control of public broadcaster

The Code of Audiovisual Media Services was amended in 2025. In particular, the Audiovisual Council composition now includes three members from civil society and balanced representation of the parliamentary majority and opposition. In addition, the Parliament can no longer dismiss the Audiovisual Council's members. Teleradio-Moldova's Supervisory Board is elected by the Audiovisual Council through a public competition based on professional criteria. The Supervisory Board appoints the Director General for a single seven-year term through a similar procedure. Finally, non-political affiliation requirement was introduced for the members of Audiovisual

***Manole and Others*** (13936/02)
**Final Resolution CM/ResDH(2025)390**

Council, Supervisory Board of the Teleradio-Moldova and Director General of Teleradio-Moldova.

## Freedom of assembly

Simplified notification procedures were introduced in 2008, yielding positive results as evidenced by statistics between 2008 and 2015. For public events involving more than 50 participants, the local authorities have to be notified five days in advance. No notification is required for spontaneous public gatherings. An assembly can only be prohibited (or its time, place or form changed) by a court decision made within three days following a reasoned request submitted by a local administration.

***Christian Democratic People's Party*** (28793/02+)
**Final Resolution CM/ResDH(2017)410**

With regard to the freedom of assembly of LGBTI persons, the legislative framework regarding the holding of public assemblies and protection against discrimination was reformed and the relevant administrative practice was changed accordingly. The efficiency of the measures adopted was shown by the fact that the applicant NGO was able to organise demonstrations (pride marches) without undue restrictions between 2016 and 2019 and with adequate police protection. The Anti-discrimination Council was established in 2016 and legislative proposals to outlaw "propaganda of homosexuality" targeting minors were rejected by Parliament.

***Genderdoc-M (9106/06)***
**Final Resolution CM/ResDH(2019)239**

With regard to remedies at the disposal of demonstrators in case of police failure to protect them against violent attacks, the 2012 Law on Police provided for the right to challenge police officers' actions, including failures to protect peaceful demonstrators, before administrative or judicial authorities. Decisions taken by the supervisory authorities may be appealed against before administrative court. In addition, the National Public Order and Security Strategy for 2017-2020 set up a modern and integrated public order and security system, including the "carabineers" as a law-enforcement structure with military status.

***Promo Lex and Others (42757/09)***
**Final Resolution CM/ResDH(2021)263**

## Electoral rights

Legislative measures adopted in 2009 lifted the banning of all categories of public servants from holding dual citizenship and of elected MPs with multiple nationalities from taking seats in Parliament.

***Tanase*** (7/08)
**Final Resolution CM/ResDH(2012)40**



# II. Main issues pending before the Committee of Ministers

This chapter presents the main issues pending in cases/groups of cases currently under the Committee of Ministers' supervision. The relevant supervision procedure is indicated for each case/group of cases.

Detailed information on the status of execution of these cases as well as on the Committee of Ministers' supervision process is available on the specialised database HUDOC-EXEC of the website of the Department for the Execution of Judgments of the European Court of Human Rights.

Definitions of the terms used in the context of the supervision of the execution of the European Court's judgments are available in the dedicated Glossary.

## Actions of security forces and effective 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
Enhanced supervision
**Status of execution**

## Prohibition of torture

**Forced abortions** and **birth control** imposed to three applicants with **intellectual disabilities** who were victims of rape by a doctor in a psychiatric asylum where they were residents in the period from 1998 to 2007.

***G.M and Others*** (44394/15)
Judgment final on 22/02/2023
Enhanced supervision
**Status of execution**

## Prohibition of slavery and forced labour

**Labour exploitation** and **sexual abuse** of the applicant, **an intellectually disabled woman,** in a family with which she was placed following her **deinstitutionalisation** from a State asylum in 2014**.**

***I.C.*** (36436/22)
Judgment final on 27/05/2025
Enhanced supervision
**Status of execution**

## Right to liberty and security

Extra-legal transfer 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.**

***Ozdil and Others*** (42305/18)
Judgment final on 11/09/2019
Enhanced supervision
**Status of execution**

**Involuntary placement** in a psychiatric hospital and **unnecessary psychiatric treatment** of an **orphan of 15 years** of age with a **mild intellectual disability** in 2014 and his further transfer to the adults' section and subjection to **chemical restraint without proven medical necessity**, as well as **ineffective investigation into the applicant's complaint** into these facts and **failure to investigate his allegations of sexual abuse** at the hands of other patients.

***V.I.*** (38963/18)
Judgment final on 26/06/2024
Enhanced supervision
**Status of execution**

**Inhuman material conditions** of treatment in psychiatric hospitals.

***Clipea and Grosu*** (39468/17)
Judgment final on 19/02/2025
Enhanced supervision
**Status of execution**

## Conditions of detention and related issues

- 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
Enhanced supervision
**Status of execution**

- Lack of medical treatment in detention

| | |
|---|---|
| **Inadequate medical treatment in prisons and lack of domestic remedy** in this respect**.** | ***Cosovan* group**<br>(13472/18)<br>Judgment final on 22/06/2022<br><br>Enhanced supervision<br>**Status of execution** |
| ➢ Lawfulness of detention | |
| Various breaches to the right to liberty and security in the context of unlawful detention: detention not based on reasonable suspicion; lack of relevant and sufficient reasons for ordering or extending the detention; unjustified refusal by the domestic courts to hear evidence from witnesses when deciding on detention; lack of remedy to obtain compensation. | ***Şarban* group**<br>(3456/05+)<br>Judgment final on 04/01/2006<br><br>Enhanced supervision<br>**Status of execution** |
| **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.* group**<br>(26608/11)<br>Judgment final on 28/04/2014<br><br>Enhanced supervision<br>**Status of execution** |



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