



EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME

## FIFTH SECTION

### **CASE OF GENDERDOC-M v. THE REPUBLIC OF MOLDOVA**

*(Application no. 40235/15)*

JUDGMENT

STRASBOURG

15 October 2026

*This judgment is final but it may be subject to editorial revision.*



**In the case of Genderdoc-M v. the Republic of Moldova,**

The European Court of Human Rights (Fifth Section), sitting as a Committee composed of:

Gilberto Felici, *President*,

Mykola Gnatovskyy,

Vahe Grigoryan, *judges*,

and Martina Keller, *Deputy Section Registrar*,

Having regard to:

the application (no. 40235/15) against the Republic of Moldova lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 5 August 2015 by a Moldovan organisation, Public Association Centre for Information Genderdoc-M (*Asociația Obștească Centrul de Informații Genderdoc-M*; “Genderdoc-M”, “the applicant association”), represented by Ms D. Străisteanu, a lawyer practising in Chișinău;

the decision to give notice of the complaints under Articles 11, 13 and 14 of the Convention to the Moldovan Government (“the Government”), represented by their Agent at the time, Mr D. Obadă, and to declare the remainder of the application inadmissible;

the parties’ observations;

Having deliberated in private on 24 September 2026,

Delivers the following judgment, which was adopted on that date:

**SUBJECT MATTER OF THE CASE**

1. The application concerns the allegedly discriminatory treatment of the applicant association by the authorities on the basis of the sexual orientation of members of the association.

2. The applicant association specialises in the promotion and protection of the rights of the LGBT+ community in the Republic of Moldova. On a number of occasions (such as in December 2007, April and May 2008 and March 2010) the applicant association tried to organise peaceful activities in the centre of Chișinău. Each time, the Chișinău mayor’s office opposed such activities, citing information from the local police about counter-demonstrations and the risk of violence. On 25 April 2013 the applicant association informed the Chișinău mayor’s office of its intention to organise a peaceful march (“the 2013 march”) in the centre of Chișinău on 19 May 2013 to promote the rights of the LGBT+ community. On 15 May 2013 two other organisations informed the same authority of their intention to organise counter-marches to protest against the values promoted by the applicant association.

3. On 15 May 2013 the Chișinău mayor’s office brought court proceedings which were aimed at relocating the route of the march planned by the applicant association. On 18 May 2013 the Chișinău Court, Centru

District, accepted that request and ordered that the march be held in another location, farther away from the centre of Chişinău. It referred to threats posed by groups and individuals capable of causing mass public disorder and heightened tension, and characterised the risk to participants in the 2013 march as real with a potential to result in violence and life. It also relied on a note from the General Police Inspectorate, which referred to declarations in which were hidden a subtext of incitement to hate and public violence. The higher courts maintained that decision, noting, *inter alia*, that the applicant association had missed the three-day time-limit for lodging an appeal against the first-instance court's judgment.

4. In the meantime, on 8 May 2013 the Mayor of Chişinău (D.C.) made a public statement in relation to festivities planned in the main square of Chişinău by a Moldovan bank and the Russian Embassy in the Republic of Moldova on 9 May 2013 to commemorate the end of World War II and the related controversy which that event had stirred up in society. The applicant association submitted that D.C. had stated that he could not intervene in the battle of competing symbols, but he had promised that he would find a way to prevent the subsequent march planned in the same square by the applicant association. He had added that homosexuals "should stay at home" and that "Otherwise, heterosexuals will also start marching – where is the logic then? The youth consider that it should be as God created on Earth. We are liberals, but it is better a boy with a girl and a girl with a boy."

5. On 16 July 2013 the applicant association brought court proceedings against D.C. and the Chişinău mayor's office. It complained of being subjected to discrimination by the municipal authorities on a number of occasions, notably by preventing the applicant association, every year, from organising its annual march in the centre of Chişinău. It also referred to the fact that while D.C. could not choose between the rights of the groups commemorating the end of World War II and those commemorating the victims of Soviet repression, he had no difficulty in always siding with the groups threatening violence against the applicant association and its members and to prevent its marches in the centre of Chişinău.

6. On 13 May 2014 the Chişinău Court, Centru District, rejected the complaint as unfounded. It found that the municipal authorities had had to prevent violence from the opponents of the 2013 march in the centre of Chişinău and that it had been reasonable in such circumstances to move the event to another location. It also found that since the courts had already verified in the previous set of proceedings the lawfulness of the authorities' decision, this could not be examined again by virtue of the principle of *res judicata*. The higher courts upheld that decision, essentially for the same reasons.

## THE COURT'S ASSESSMENT

### I. ALLEGED VIOLATION OF ARTICLE 14 TAKEN IN CONJUNCTION WITH ARTICLE 11 OF THE CONVENTION

7. Relying on Article 14 taken in conjunction with Article 11 of the Convention, the applicant association complained that the authorities had systematically discriminated against it on the ground of the sexual orientation of its members.

8. The Government argued that the applicant association did not have victim status. Referring to *Genderdoc-M and M.D. v. the Republic of Moldova* (no. 23914/15, 14 December 2021), they submitted that the applicant association did not seek to represent any particular members of its community, but acted in its own name. However, its own rights had not been affected by the relevant domestic decisions.

9. The Court notes that, unlike in *GENDERDOC-M and M.D.* (cited above), in the present case the complaint raises issues concerning the applicant association as the organiser of various marches, including that of May 2013. By being unable to hold their activities in the locations in which they had been planned, the applicant association felt directly the consequences of the authorities' decisions to move those events to alternative locations. Moreover, the threats against the participants in the relevant marches, resulting in, for instance, the change of venue of the 2013 march, affected the applicant association's ability to continue organising such public events (see *Identoba and Others v. Georgia*, no. 73235/12, §§ 47-49, 12 May 2015). Accordingly, the applicant association may claim to be a victim of the violation it alleged in the present case and the Government's objection must be dismissed.

10. The Government further contended that the applicant association had failed to exhaust available domestic remedies by not lodging its appeal within three days of the adoption of the judgment of 18 May 2013. The Court observes that that set of proceedings concerned the relocation of the event planned for 19 May 2013. By contrast, in the subsequent and separate set of proceedings, the applicant association raised a different and more general issue of discrimination in a number of instances, of which the events of May 2013 were but the last example. In that sense, even though in the proceedings concerning the relocation of the march in May 2013 the applicant association also argued that the authorities' decisions had been discriminatory, this was much more limited in scope as compared to the subsequent set of proceedings. Most importantly, in the first set of proceedings the applicant association was not a plaintiff or claimant. It was the mayor's office which had applied to the courts for the relocation of the march of May 2013, whereas the applicant association itself had initiated the

second set of proceedings, which focused exclusively on the issue of discrimination.

11. The Court considers that, with respect to the more general complaint concerning discrimination, the applicant association exhausted the available domestic remedies within the framework of the second set of proceedings. Accordingly, this objection must also be dismissed.

12. The Court further notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

13. The general principles concerning discrimination have been summarised in *Association ACCEPT and Others v. Romania* (no. 19237/16, §§ 138-41, 1 June 2021), and *Molla Sali v. Greece* ([GC] no. 20452/14, §§ 133-37, 19 December 2018, with further references).

14. In the present case the Court finds that by relocating the march organised by the applicant association in May 2013 and on previous occasions to less central locations, the authorities interfered with its right to freedom of assembly. Therefore, the facts at issue fall within the ambit of Article 11 of the Convention, in connection with which the Court is asked to verify whether discriminatory treatment contrary to Article 14 took place.

15. The Court reiterates that in order for an issue to arise under Article 14, there must be a difference in the treatment of persons in analogous or relevantly similar situations (see *Molla Sali*, cited above, § 133). However, not every difference in treatment will amount to a violation of Article 14. Only differences in treatment based on an identifiable characteristic or “status” are capable of amounting to discrimination within the meaning of Article 14 (*ibid.*, § 134). Lastly, for the purposes of Article 14, a difference in treatment is discriminatory if it “has no objective and reasonable justification”, that is, if it does not pursue a “legitimate aim” or if there is not a “reasonable relationship of proportionality” between the means employed and the aim sought to be realised (*ibid.*, § 135).

16. In the present case the applicant association showed that, in at least one other case where one group had planned an event in the centre of Chişinău which had stirred social discontent, the Chişinău mayor’s office, while acknowledging the divisive nature of the events, had been unable to choose between them and had allowed both (see paragraph 4 above). However, as regards protests by various groups against the applicant association’s public events, notably that which occurred in May 2013, the same authority had relocated the applicant association’s events, even though it had been informed in advance of the time and location of each event. That, coupled with D.C.’s statement that homosexuals should stay home (see paragraph 4 above), reveal a difference in treatment of associations in analogous situations on the basis of the sexual orientation of the members of those associations.

17. Moreover, the threats of public disturbance and violence came from other groups and individuals. It has never been shown that members of the

applicant association acted in a violent or otherwise unlawful manner. In such circumstances, repeatedly relocating the events organised by the victim of threats or violence rather than dealing with the aggressors is a means which, while relevant for the aim of protecting public order and the rights of others, bears no “reasonable relationship of proportionality” with that aim.

18. There has, therefore, been a breach of Article 14 taken in conjunction with Article 11 of the Convention in the present case.

## II. OTHER COMPLAINTS

19. The applicant association also complained under Article 13 of the Convention taken in conjunction with Articles 10 and 14. Having regard to the facts of the case, the submissions of the parties and its findings above, the Court considers that it has dealt with the main legal questions raised by the case and that there is no need to examine the remaining complaints (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014).

## APPLICATION OF ARTICLE 41 OF THE CONVENTION

20. The applicant association claimed 12,000 euros (EUR) in respect of non-pecuniary damage.

21. The Government submitted that the sum claimed was unsubstantiated and excessive.

22. The Court awards the applicant association EUR 4,500 in respect of non-pecuniary damage, plus any tax that may be chargeable.

## FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint under Article 14 of the Convention taken in conjunction with Article 11 of the Convention admissible;
2. *Holds* that there has been a violation of Article 14 of the Convention taken in conjunction with Article 11 of the Convention;
3. *Holds* that there is no need to examine the admissibility and merits of the remaining complaints;
4. *Holds*
  - (a) that the respondent State is to pay the applicant association, within three months, EUR 4,500 (four thousand five hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
  - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a

rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

5. *Dismisses* the remainder of the applicant association's claim for just satisfaction.

Done in English, and notified in writing on 15 October 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Martina Keller  
Deputy Registrar

Gilberto Felici  
President