

# MOLDOVA

## **Executive Summary**

The constitution and other laws and policies protect many religious freedoms and, in practice, the government generally respected religious freedom; however, some laws and policies restrict religious freedom. The government demonstrated a modest trend toward improvement in respect for and protection of the right to religious freedom. The government adopted amendments to the law governing religion but a number of minority religious groups criticized the amendments, saying they preserved preferential treatment for the majority Moldovan Orthodox Church (MOC). After a decade of attempts by Muslim leaders, in March 2011 the authorities officially registered an Islamic organization for the first time.

There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice, including verbal abuse, property damage, and threats of physical abuse. The affected communities included Jehovah's Witnesses, Muslims, the Jewish community, and the Union of Pentecostal Churches. The leaders of these religious communities said that the authorities did not respond effectively to reports of abuse.

The U.S. government discussed religious freedom and the rights of religious minorities with the government as part of its overall policy to promote human rights. The U. S. embassy invited religious leaders to embassy-organized events. Representatives from the embassy met with religious leaders to discuss the status of religious freedom. Embassy representatives also participated in events such as the official inauguration of the Islamic League and events organized on the International Day of Commemoration in Memory of the Victims of the Holocaust.

## **Section I. Religious Demography**

The predominant religion is Orthodox Christianity. According to a 2011 Gallup poll, 97 percent of the population claims membership in one of the two Orthodox denominations: MOC with 86 percent or Bessarabian (BOC) with 11 percent.

According to the government, there are a number of other smaller denominations in the country, including the Old Rite Russian Orthodox Church (Old Believers) which has 16 parishes. Jehovah's Witnesses reported 245 congregations, including 32 in Transnistria. According to the Baptist World Alliance, the Union of

Evangelical Christian Baptists of Moldova has 481 churches. The Union of Pentecostal Churches reports 223 places of worship.

Adherents of other religious groups, constituting a small portion of the population, include Roman Catholics, Seventh-day Adventists, Muslims, Baha'is, Jews, members of the Unification Church, Molokans (a Russian group), Messianic Jews, Lutherans, Presbyterians, and charismatic and evangelical Christians.

In the separatist Transnistria region, the largest religious organization is the MOC. The Tiraspol-Dubasari diocese is part of the MOC and the Russian Orthodox Church, and an estimated 80 percent of the Transnistrian population belongs to that church. Other groups include Roman Catholics, followers of Old Rite Orthodoxy, Baptists, Seventh-day Adventists, evangelical and charismatic Protestants, Jews, and Lutherans.

## **Section II. Status of Government Respect for Religious Freedom**

### **Legal/Policy Framework**

The central government's constitution and other laws and policies generally protect religious freedom, but some laws and policies restrict religious freedom.

In December Parliament adopted amendments to the 2007 law governing religion to bring it into conformity with European standards. These amendments changed the law's name to the "Law on the freedom of conscience, thought and religion," banned religious entities from engaging in political activity, changed the procedures for registering religious organizations, expanded the scope of conscientious objection to military service, and repealed the state pensions that were previously provided to church clerics. A number of minority religious groups and nongovernmental organizations (NGOs) said that proposals that might have leveled the playing field for all religions, such as requiring greater transparency of religious organizations' finances, were not included in the final draft of the law. Minority religious groups also complained that legislators did not remove a provision that recognizes "the special importance and leading role of the Christian Orthodox religion and Orthodox Church in the history, life and culture of the Moldovan people."

The registration process is the same for all groups. A religious organization must present to the Ministry of Justice (MOJ) a declaration of its exact name, fundamental principles of belief, organizational structure, scope of activities,

sources of finance, and rights and obligations of membership. The law also requires at least 100 citizen founders to register a religious organization. Under the new amendments, religious organizations also need to present proof of having premises for their religious activity. Some religious group members object to providing personal details in the document, citing an article in the law that “any request to indicate religious affiliation in official documents is illegal.” The MOJ is required by law to register the religious organization within 30 days if the registration request is made according to law. The registrant may request that this term be extended. At the request of the MOJ, a court can suspend the registered status of a religious organization if it “carries out activities that harm the constitution or laws” or “affects state security, public order, [or] the life and security of the people.” A new amendment to the law provides for suspension or revocation of a religious organization’s registration in case of violation of international agreements or for involvement in political activity.

Registration gives religious groups legal status that allows them to own property, open bank accounts, and hire employees. Individual churches or branches of registered religious organizations are not required to register with the MOJ as long as they do not carry out legal transactions and do not receive donations as local legal entities. The parent organization must exercise authority in those domains for unregistered local branches. Unregistered groups may not act as legal entities or obtain space in public cemeteries in their own names.

The law allows religious denominations to establish associations and foundations. The law also permits local religious communities to change their denominational affiliation or dissolve themselves.

All religious groups, whether registered or not, enjoy freedom to worship and report having free access to public places for their activities.

There is no state religion. However, the law on religion describes the “exceptional importance and fundamental role of the Christian Orthodox religion, particularly that of the MOC, in the life, history, and culture of the people of the Republic of Moldova.” The Metropolitan of Chisinau and all Moldova, the highest-ranking cleric in the MOC, reportedly holds a diplomatic passport.

The government allows all religious groups to hold services at state facilities, including orphanages, hospitals, schools, and military and police institutions at the request of individuals in such institutions, provided they obtain the approval of the institution’s administration. In January, the MOJ concluded a cooperation

agreement with the MOC. The protocol provides for religious assistance for penitentiaries for a two-year period. The current protocol offers free access to detention facilities for MOC chaplains without prior approval from the prison administration.

Religious communities noted a slight improvement in the bureaucratic procedures for obtaining permission for foreign citizens to live and conduct religious work in the country. Following the passage of the 2010 Law on Volunteerism, missionaries may now submit work contracts or volunteer agreements in order to apply for a temporary residency permit and therefore may work as unpaid volunteers. Only missionaries working with registered religious organizations may apply for temporary residency permits.

Foreign missionaries may remain in the country for 90 days on a tourist visa. Foreign religious workers must register with, and receive documentation from, the National Agency for the Occupation of the Workforce, the Bureau for Migration and Asylum, and the Ministry of Information Technology and Communications.

According to the law on education, “moral and spiritual instruction” is mandatory for primary school students and optional for secondary school and university students. This subject covers a wide range of issues, including moral, spiritual, artistic, aesthetical, and ethical standards, providing students with a broad understanding of the components that make up human values. Within this course, children learn about truth, goodness, peace, patriotism, faith, wisdom, tolerance, justice, team spirit, and trust in virtues. There are three optional courses: Christian-Orthodox Education, Religion, and the History of Religions, which are taught from manuals developed by the Ministry of Education and the MOC and include teaching guidelines developed with the support of the BOC.

The government observes the following religious holidays as national holidays: Orthodox Christmas, Orthodox Easter, Easter Monday, and Memorial Easter (a commemoration of the dead), which falls eight days after Easter.

In separatist Transnistria, authorities generally enforced legal and policy restrictions on religious freedom. The law provides for legal registration of religious organizations. Registration authority in Transnistria resides with the region’s “Ministry of Justice.”

To obtain legal registration in Transnistria, a local religious organization must have at least 20 members (18 years old and above) with permanent residence in the

region and Transnistrian “citizenship.” A local religious organization may also register as part of a centralized religious organization, which must consist of at least six local religious organizations. The religious organization must inform the registration authority on a yearly basis about its intentions to extend its activity.

In addition, a religious organization must provide the Transnistrian “Ministry of Justice” with a list of founders with all personal details, the statutes of the religious organization, the minutes from the constituent assembly, basic religious doctrine, contact details of the governing body of the religious organization, and an official tax receipt. If the “ministry” decides to conduct a “religious assessment,” the registration can be postponed for up to six months. The former “president” of Transnistria established these assessment procedures.

Religious organizations can disband upon their own decision or upon a Transnistrian court’s decision. The prosecutor’s office oversees the implementation of the legislation on religious freedom. The prosecutor’s office or the region’s executive, city, or district authorities can request disbandment, suspension, or ban of a religious organization in the courts.

Transnistrian law affirms the role of the Orthodox Church in the region’s history. All religions, whether registered or not, officially enjoy freedom to worship, and foreign citizens share in those rights. However, Transnistrian law also provides for restrictions of the right to freedom of conscience and religion, if necessary to protect the constitutional order, morality, health, citizens’ rights and interests, or state defense and security.

Transnistrian law allows the use of homes and apartments to hold religious services. It does not allow the use of homes and apartments, however, as accommodations or residences for religious organizations. The law also allows religious services and rituals in public places such as hospitals, clinics, orphanages, geriatric homes, and prisons.

With some exceptions, religious organizations in Transnistria may freely produce, publish, import, and export religious printed materials, audio and video recordings, and other religious items.

Transnistrian law also provides for the activity and registration of foreign religious missions. However, it stipulates that foreign religious organizations cannot pursue religious activities and do not enjoy the status of officially registered religious organizations.

In Transnistria, the government does not allow religious organizations to participate in elections, other political party activity, or to support NGOs involved in elections of any kind.

Transnistrian law has no provisions that would permit alternative service for conscientious objection to military duties. According to the Transnistrian criminal code, courts may sentence those who avoid or evade military service to fines from 5,375 to 13,005 Transnistrian rubles (\$527 to \$1,275) or imprisonment for up to two years.

Transnistria observes the following religious holidays as official holidays: Orthodox Christmas, Orthodox Easter, Easter Monday, and Memorial Easter, a commemoration of the dead eight days after Easter.

### **Government Practices**

The central government generally respected freedom of religion, but there were some reports of abuses in Transnistria. The central government generally enforced legal and policy restrictions on religious freedom, mostly by refusing or discouraging attempts by religious groups to register.

A report by the UN Special Rapporteur on Freedom of Religion or Belief, based on his September visit, stated that respect for the freedom of religion improved in recent years. However, the report noted that the remaining obstacles derived mainly from the “overly predominant” position of the MOC, which enjoyed a privileged status at variance with the constitutional provision of a secular state. For example, the report noted that local authorities in rural areas sometimes permitted Orthodox priests to veto public religious activities of other faiths. The report also noted that the predominant place and attitude of the MOC also existed in the Transnistrian region, with negative consequences on the enjoyment of freedom of religion or belief by religious minorities.

On March 14 authorities officially registered the Islamic League, concluding a 10-year effort by the Muslim community. The MOJ received 49 registration requests during the year. There were no reports of the government refusing to register any religious entity. The MOJ, however, extended the examination of the registration request received from the Armenian Apostolic Orthodox Church on grounds that a religious entity with a similar name already existed. The church subsequently withdrew its registration request.

Two Muslim groups that tried to register in the past did not make renewed attempts. A leader of the Spiritual Gathering of Muslims reported that the organization did not try to register during the year because members felt discouraged by previous refusals from the MOJ.

The Public Qigong Association “Falun Gong Moldova” registered at the national level in September.

A number of local village authorities continued to refuse to issue urban planning certificates required for the construction of Jehovah’s Witnesses kingdom halls, reportedly because of pressure from local Orthodox priests. For example, in Mereni village, Jehovah Witnesses bought land in 2007 for the construction of a kingdom hall. After lengthy court proceedings, the group obtained a court order authorizing construction, but the local mayor refused to abide by the court order. The Union of Pentecostal Churches also reported problems with local public administrators in rural areas refusing to enforce court decisions issuing construction permits for Pentecostal churches.

Property disputes between the MOC and BOC remained unresolved. Although the law provided for restitution of property to politically repressed or exiled persons confiscated during the successive fascist and Soviet regimes, the provision did not apply to property confiscated from religious organizations. Local authorities can arrange with local parishes to return church properties, but in practice, these arrangements usually benefitted the MOC.

The government continued to refuse to return archives to the BOC confiscated during the Soviet years (1945-91), and thus the BOC was unable to give an exact count of the churches that it could claim as former properties. The BOC sued for the return of several sites, but it has not won any judgments. In February 2010 the Ministry of Culture and the MOC signed a new collaboration agreement through which the MOC obtained the exclusive right to use an additional 21 churches and monasteries for an unlimited period. In 2010 the Ministry of Culture and BOC signed a reconciliation agreement under which the Ministry of Culture agreed to repeal the collaboration agreement it had with the MOC. Later, however, the Ministry of Culture unilaterally terminated the agreement with the BOC and restitution of its properties remained unresolved.

The Catholic Church initiated legal action in 2010 seeking the return of a cathedral and other properties for which it has proof of ownership from the 1930s and

earlier. According to lawyers representing the Catholic Church, the Supreme Court of Justice returned the case to lower courts, which have repeatedly postponed hearings. Representatives of the Catholic Church have stated that the government is discriminating against them because the government returned MOC properties but, at year's end, still had not returned their properties.

Members of the Lutheran Church repeatedly sent property restitution requests to the government throughout the year, but authorities denied those claims.

During his visit in October, authorities awarded Russian Patriarch Kiril the Order of the Republic (the highest state award).

On June 7 the Chisnau economic court ruled in favor of the Falun Gong regarding the government's cancellation of a concert it organized in 2010 at the Opera and Ballet Theatre. The Falun Gong alleged the cancellation was due to pressure from the Chinese government. The court directed the administration of the Opera and Ballet Theatre to pay damages related to the cancellation. Falun Gong representatives maintained the government, the Ministry of Foreign Affairs and European Integration, and the Ministry of Culture contributed to the cancellation of the concert and should be held liable along with the administration of the theatre, but those entities were excluded from liability in the court's judgment. Following the cancellation, a number of cultural organizations under the direction of the Ministry of Culture also refused to host an art exhibit organized by the Falun Gong.

In December the Jewish community requested a permit from the Chisnau mayoralty and the Ministry of Culture to place a menorah in a public place in celebration of Hanukkah. Authorities denied the permit and the Jewish community celebrated the event in a private setting. Members of the Jewish community also reported isolated occurrences of anti-Semitism occurring in schools, government agencies, and state companies throughout the year.

In Transnistria, Jehovah's Witnesses successfully registered local religious communities in Tiraspol and Rybnita. Transnistrian authorities, however, challenged the 1994 registration for Jehovah's Witnesses in Tiraspol and refused to accredit the leaders of the Tiraspol and Rybnita communities. Transnistrian authorities also refused to register new charters for Jehovah's Witnesses in Tiraspol, Rybnita, Grigoriopol, and Tighina and sought to cancel the financial registration of the Jehovah's Witnesses.

The MOC has places of worship in Transnistria, while non-Orthodox groups, because of registration difficulties, are generally restricted to meeting in private houses and apartments.

Transnistrian authorities generally restricted proselytism.

Transnistrian authorities continued to prosecute members of Jehovah's Witnesses for their conscientious objection to military service. Jehovah's Witnesses reported 16 cases of conscientious objection to military service under investigation in Transnistrian courts during the year. Out of nine persons tried, the court sentenced one person to one year in prison for objection to military duties. Jehovah's Witnesses filed a complaint with the European Court of Human Rights regarding this case.

### **Section III. Status of Societal Respect for Religious Freedom**

There were some reports of societal abuses and discrimination based on religious affiliation, belief, or practice.

Jehovah's Witnesses reported 33 abuse cases, including verbal abuse, property damage, and threats of physical violence. They alleged that in many cases priests in rural areas instigated hatred and aggression against their adherents. Jehovah's Witnesses also complained about the lack of action from law enforcement in cases when they did report abuses. Authorities punished offenders in only in seven of the 33 reported abuse cases, and the punishments generally were fines in the range of 100-200 lei (\$8.50-\$17).

Following the registration of the Islamic League, the MOC condemned the registration and voiced concern over the danger of "imminent troubles in society in the name of Allah." On May 18 the Moldovan Alliance of Orthodox Organizations organized the first of several anti-Islamic protests. Hundreds assembled in front of the government building, carrying crosses, icons, and bells. Groups held similar protests in Balti, Cahul, Ungheni, and other towns. A leader of the Islamic League said Orthodox groups led by the Pro-Ortodoxia Association incited followers to hatred and violence against Muslims. Following the protests, the Islamic League noted the presence of more negative attitudes in society, signified by the derogatory messages at the protests and in subsequent mass media messages that identified Muslims with pedophilia, homosexuality, and terrorism. The Islamic League did not, however, report any problems with the police.

Representatives of the Jewish community reported inadequate responses of law enforcement agencies with respect to alleged incidents of anti-Semitism. According to the Jewish Congress, the investigation of the murder of a Jewish family in August 2010 dragged on for over a year without results.

#### **Section IV. U.S. Government Policy**

The U.S. government through its embassy promoted respect for and enforcement of religious freedom as part of its overall policy to promote human rights. The ambassador and other embassy employees met with leaders of various religious groups, discussed respect for religious freedom, and encouraged interfaith dialogue and tolerance among religious groups. The embassy closely followed religious issues including the adoption of amendments to the law governing religious organizations and the protests against the registration of the Islamic League.