

# **MOLDOVA 2012 INTERNATIONAL RELIGIOUS FREEDOM REPORT**

## **Executive Summary**

The constitution and other laws and policies protect many aspects of religious freedom, and in practice, the government generally respected religious freedom; however, some laws and policies restrict religious freedom. The trend in the government's respect for religious freedom did not change significantly during the year. Preferential treatment for the Moldovan Orthodox Church (MOC) continued. In separatist Transnistria, the law provides for some religious freedom, but in practice the Transnistrian authorities enforced legal and policy restrictions on religious freedom.

There were reports of societal discrimination based on religious affiliation, belief, or practice, including verbal abuse, property damage, and threats of physical abuse, especially in rural areas. Discrimination affected Jehovah's Witnesses, Muslims, Jews, and members of other minority religious groups. Leaders of these religious groups stated that authorities did not respond effectively to reports of abuse.

The U.S. embassy discussed religious freedom and the rights of members of minority religious groups with the government, and invited religious leaders to embassy-organized events. The ambassador and embassy representatives met with religious leaders to discuss the status of religious freedom, the obligation of government and society to respect religious rights, and other issues of concern to religious groups. The embassy advocated adoption of a new law on equality that includes a prohibition of discrimination on the basis of religion.

## **Section I. Religious Demography**

According to the National Bureau of Statistics, the population is 3.6 million. The predominant religion is Orthodox Christianity. According to a 2011 Gallup poll, 97 percent of the population belongs to one of the two Orthodox groups: the MOC with 86 percent and the Bessarabian Orthodox Church (BOC) with 11 percent. Weekly church attendance in rural communities averages about 5 percent of the total village population. A poll conducted during the year by the Human Rights Information Center estimates active membership in non-Orthodox religious groups at 150,000. The largest non-Orthodox religious groups, accounting for 15,000 to 30,000 adherents each, are Roman Catholics, Pentecostals, Seventh-day Adventists, Jehovah's Witnesses, Baptists, Jews, and evangelical Christians.

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Smaller religious groups include Muslims, Bahais, Molokans, Messianic Jews, Lutherans, Presbyterians, other Christians, members of the Unification Church, and Krishna Consciousness followers.

In the separatist Transnistria region, the largest religious group is the MOC. The Tiraspol-Dubasari diocese is part of both the MOC and the Russian Orthodox Church, and an estimated 80 percent of the Transnistrian population belongs to the MOC. Other religious groups in the region include Roman Catholics, followers of Old Rite Orthodoxy, Baptists, Seventh-day Adventists, evangelical and charismatic Christians, Jews, Lutherans, and Jehovah's Witnesses.

### **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.

The law governing the practice of religion bans religious entities from engaging in political activity, describes the procedures for registering religious groups, provides for conscientious objection to military service, and prohibits "abusive proselytism."

The registration process is the same for all religious groups. A religious group must present to the Ministry of Justice (MOJ) a declaration of its exact name, fundamental principles of belief, organizational structure, scope of activities, financing sources, and rights and obligations of membership. The law also requires at least 100 citizen founders to register a religious group. Religious groups must also present proof of having premises for their religious activity. The MOJ is required by law to register a religious group within 30 days if the registration request is made according to law. The applicant may request that this term be extended. At the request of the MOJ, a court can suspend the registered status of a religious group 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 group's registration in case of violation of international agreements, or for political activity.

The law does not require registration, but registration gives religious groups legal status that allows them to own property, open bank accounts, and hire employees.

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Individual churches or branches of registered religious groups 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 areas 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 groups to establish associations and foundations. The law also permits local religious groups to change their denominational affiliation or dissolve themselves. The law exempts registered religious groups from paying real estate and land taxes.

All religious groups, whether registered or not, have freedom to worship and 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, holds a diplomatic passport and is the only religious leader known to be accorded such treatment.

The government nominally 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.

Missionaries may submit work contracts or volunteer agreements to apply for a temporary residency permit, and can reside and work in a paid status or as unpaid volunteers. Only missionaries working with registered religious groups may apply for temporary residency permits. Foreign missionaries may remain for 90 days on a tourist visa. Foreign religious workers must register with 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. The instruction covers a wide range of topics and issues, including moral, spiritual, artistic, aesthetic, and ethical standards, with the aim of providing students with a broad understanding of human values. Topics covered include truth, goodness, peace, patriotism, faith, wisdom, tolerance, justice, team spirit, and

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trust in virtues. There is no opt-out available. 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.

An equality law passed by the parliament in May prohibits discrimination on several bases, including religious affiliation.

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

In separatist Transnistria, Transnistrian law affirms the role of the Orthodox Church in the region’s history. All religious groups, whether registered or not, officially have freedom to worship. Foreign citizens also have the freedom to worship. However, Transnistrian law also imposes restrictions on 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.” The prosecutor’s office oversees implementation of the law on religious freedom.

The law provides for legal registration of religious groups. The region’s “Ministry of Justice” registers religious groups and monitors their adherence to the goals and activities set forth in their statutes. Registration provides a number of advantages to religious groups, including the ability to own and build places of worship, open religious schools, and publish literature.

To obtain legal registration in Transnistria, a local religious group must present proof of activity in Transnistria for at least 10 years and must have at least 10 members aged 18 years old and above with permanent residence in the region and Transnistrian “citizenship.” A local religious group may also register as part of a centralized religious organization, which must consist of at least three local religious groups. The religious group must inform the registration authority on a yearly basis about intentions to extend its activities.

A religious group also must provide the Transnistrian “Ministry of Justice” with a list of founders and their personal details, its statutes, the minutes of its constituent assembly, basic religious doctrine, contact details of its governing body, and an official tax receipt. If the “ministry” decides to conduct a “religious assessment,” the registration can be postponed for up to six months.

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Religious groups can disband upon their own decision or upon a Transnistrian court's decision. The prosecutor's office or the region's executive, city, or district authorities can request disbandment or suspension of a religious group in the courts.

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

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

In Transnistria, foreign religious groups may not undertake religious activities and do not have the status of officially registered religious groups.

In Transnistria, the authorities do not allow religious groups to participate in elections, other political party activity, or to support nongovernmental organizations (NGOs) involved in elections.

Transnistrian law has no provisions for 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 of 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 held eight days after Easter.

### **Government Practices**

There were no reports of abuses of religious freedom; however, the government imposed restrictions that affected members of minority religious groups and failed to prevent and prosecute instances of societal discrimination against members of minority religious groups.

A report issued during the year by the UN Special Rapporteur on Freedom of Religion or Belief, based on his September 2011 visit, stated that the government's

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respect for the freedom of religion improved in recent years. However, the report noted the “overly predominant” position of the MOC, which had a privileged status at variance with the constitutional provisions 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 religious groups. The report also recommended that the government develop a robust anti-discrimination law, facilitate interreligious communication, improve diversity needs in education, and speak out clearly against incitement to religious hatred. The report noted that the predominance and attitude of the MOC also existed in the Transnistria region, with negative consequences for minority religious groups.

A number of minority religious groups and NGOs criticized the main law on religious practice for failing to provide equal rights to all religious groups, and for recognizing “the special importance and leading role of the Christian Orthodox religion and Orthodox Church in the history, life, and culture” of the people.

The MOJ registered three new Christian denominations. The MOJ registered another 46 religious groups as component parts of existing religious denominations, including the Baptist Church, the MOC, the BOC, the Union of Pentecostal Churches, the Roman Catholic Church, and Krishna Consciousness. The MOJ reported an increase in registration requests during the year due to the MOC’s and BOC’s desire to harmonize their internal structure and documents with the most recent amendments to the law governing religious groups. Some religious group members objected to providing personal details in the registration application, citing an article in the law that “any request to indicate religious affiliation in official documents is illegal.”

Minority religious groups reported discriminatory treatment by officials of state institutions, who often stated a preference for MOC clergy to provide services to their respective facilities. Under a cooperation agreement between the MOJ and the MOC, MOC chaplains had free access to detention facilities for religious assistance without prior approval of the prison administration. The authorities did not grant other religious groups similar privileges.

Two Muslim groups criticized the MOJ for attempting to force them to register as branches of the officially registered Islamic League of the Republic of Moldova, although they represented distinct Islamic groups. The groups did not renew their registration efforts.

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The Public Qigong Association “Falun Gong Moldova” and the Spiritual Gathering of Muslims of Moldova registered as NGOs after unsuccessful attempts to register as religious groups.

Jehovah’s Witnesses continued to report a pattern of discrimination by local officials, often under pressure from local Orthodox priests, including obstruction of their efforts to register as legal entities or difficulties in obtaining, building, renovating, or using buildings for religious purposes. Local officials obstructed efforts to construct religious buildings in the villages of Mereni and Tipala. The Union of Pentecostal Churches also reported that local public administrators in rural areas refused to enforce court decisions issuing construction permits for Pentecostal churches.

On February 23, the city of Balti declared itself “an area of special support for the Moldovan Orthodox Church,” a move copied by at least five other localities.

Local authorities were often reluctant to allot land to minority religious groups in local cemeteries, which were usually under the administration of local Orthodox churches. In cases where the groups managed to obtain plots of land in cemeteries, the plots were usually in marginal areas that were difficult to access.

Property disputes between the MOC and BOC continued. Although the law provides for restitution of property confiscated during the successive fascist and Soviet regimes to politically repressed or exiled persons, the provision does not apply to property confiscated from religious groups. Under the law, 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). Thus the BOC was unable to give an exact count of the churches it could claim as former properties. The BOC sued for the return of several sites, but at year’s end had not won any judgments.

In August the Supreme Court of Justice irrevocably upheld the dismissal of legal action initiated by the Catholic Church in 2010 seeking the return of a cathedral and other properties for which it had proof of ownership from the 1930s and earlier. The dismissal foreclosed all legal remedies in the country and set the stage for a complaint to the European Court of Human Rights. Catholic Church representatives stated that the government discriminated against the Church,

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because the government returned MOC properties but failed to return Catholic Church properties.

Representatives of the Lutheran Church repeatedly sent property restitution requests to the government throughout the year, but authorities denied the claims. In its most recent reply to property claims, the government advised the Lutheran Church to purchase land through a governmental auction procedure.

Minority religious groups stated that the “moral and spiritual instruction” curriculum in public schools focused on teaching Orthodoxy rather than presenting a general overview of religious beliefs. The MOC had priority in access to schools and the development of educational materials.

Seventh-day Adventists (Reformist movement) reported problems enrolling children in kindergarten because of their refusal to have children immunized.

Jehovah’s Witnesses reported difficulties receiving treatment in medical institutions because of their refusal to undergo blood transfusions.

The Islamic League reported several cases of harassment of Muslims by law enforcement representatives, especially in rural areas. On March 12, a law enforcement official contacted a Muslim at her place of work in Floritoaia Veche village, asking about her religious beliefs and whether she was registered with the Islamic League. The village mayor received a call on the same subject from a person who identified himself as a Security and Information Service employee, asking questions about the religious affiliation of two citizens. Similar cases of harassment by law enforcement representatives were reported in other villages. In August employees of the Migration Department came to the Islamic League’s Friday prayers in Chisinau and checked the identification of those present. The Migration Department reportedly maintained a list of people who regularly attended prayers at the mosque and the license plate numbers of their cars. Other Islamic groups reported cases of discrimination and harassment in public institutions and public transportation.

In December Chisinau municipal authorities did not allow the Jewish community to display a Hanukkah menorah at the location they requested, alleging it was private property. As a result, the Jewish community placed the menorah on the sidewalk in front of the Jewish Cultural Center.

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In April the government delivered to the U.S. Holocaust Memorial Museum an archive of documents including records of investigations and trials of individuals accused of war crimes against Jews during World War II.

According to human rights NGOs monitoring religious freedom in Transnistria, religious groups were reluctant to report problems and preferred solving them on their own. The Jehovah's Witnesses reported three cases of harassment by Transnistrian "border guards." The Lutheran Church was unable to reclaim property seized during the Soviet era. The BOC did not attempt to open churches or undertake any new activities in the Transnistria region. Transnistrian authorities 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.

Transnistrian authorities prosecuted Jehovah's Witnesses during the year for their conscientious objection to military service.

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

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

Jehovah's Witnesses reported instances of verbal harassment, property damage, and threats of physical violence during the year. They alleged that in many cases Orthodox 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 where they reported discrimination.

Several times during the year, the MOC condemned the 2011 registration of the Islamic League and voiced concern over the danger of "imminent troubles in society in the name of Allah." At the beginning of the year, a former minister of interior tried unsuccessfully to annul the Islamic League's registration through the courts. The Moldovan Alliance of Orthodox Organizations continued to spread anti-Islamic messages at protests throughout the year.

Representatives of Islamic groups reported several cases of harassment, especially of Muslim women. They stated that some individuals equated Muslims with terrorists, and that Orthodox groups encouraged prejudice towards the Islamic community. For example, two men followed a Muslim woman on a street in Chisinau and then attacked her from behind. Her hijab was torn and the men

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called her names, including “terrorist.” A mosque constructed during the year by the Islamic League avoided using the traditional architecture of an Islamic place of worship out of fear of persecution and abuse from members of other religious groups, according to Muslim leaders.

Representatives of the Jewish community stated that law enforcement authorities responded inadequately to reported incidents of anti-Semitism. According to the Jewish Congress, the investigation of the August 2010 murder of a Jewish family went on for over two years without results.

The MOC strongly attacked the report by the UN Special Rapporteur on Freedom of Religion or Belief that criticized the MOC’s predominant role in society. The Metropolitan stated that the MOC did not want to be put on an equal footing with “imported confessions.”

Minority religious groups reported instances in which Orthodox priests obstructed their funeral ceremonies in rural areas outside of Chisinau.

Leaders of several Jewish communities in Transnistria reported an increase in acts of anti-Semitic vandalism, including the desecration of a number of Jewish monuments. The Jewish community also expressed concerns about a neo-Nazi group spreading anti-Semitic material on the Internet. The group posted on a social media Web site a picture of a monument to Holocaust victims desecrated with Nazi swastikas and the text “Congratulations on the Holocaust.” At year’s end, Transnistrian authorities were investigating the case.

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

In public statements and in meetings with government officials, the U.S. embassy advocated for adopting a law on equality that included a prohibition of discrimination on the basis of religion. After the law’s adoption in May, the embassy strongly urged the government to implement it effectively. The ambassador and other embassy employees met regularly with leaders of various religious groups to discuss the status of religious freedom, the respect of religious rights by the government and society, and other issues of concern. The embassy funded a study by the Human Rights Information Center that provided a snapshot of religious rights.