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Moldova

International Religious Freedom Report 2005

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The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, the law includes restrictions that at times inhibit the activities of some religious groups.

There was no change in the status of respect for religious freedom during the period covered by this report. The Government continued to uphold its earlier decisions to deny some groups registration. A number of minority religious groups in the separatist region of Transnistria that is not controlled by the Government continued to be denied registration and were subjected to official harassment.

The generally amicable relationship among religions in society contributed to religious freedom; however, disputes among various branches of the Christian Orthodox faith continued, and there were some reports of Baptists and Jehovah's Witnesses experiencing harassment from local town councils, and Orthodox priests and adherents.

The U.S. Government discusses religious freedom issues with the Government as part of its overall policy to promote human rights. The U.S. Embassy specifically raised concerns about some religious groups' persistent registration difficulties to the highest levels of the Government.

Section I. Religious Demography

The country has an area of approximately 13,000 square miles, and its population, according to preliminary figures from the 2004 census, is approximately 3.9 million, including Transnistria. The Migration Department estimates that between 500,000 and 1 million citizens have left the country to work abroad since independence in 1992. The most common destination countries include Russia, Italy, Portugal, Spain, and Greece, and more recently Great Britain and Ireland.

The predominant religion is Christian Orthodox. More than 90 percent of the population nominally belongs to one of two Orthodox denominations. According to the State Service for Religions (SSR), the Moldovan Orthodox Church (MOC) has 1,224 parishes, and the Bessarabian Orthodox Church (BOC) has 199 parishes. The BOC was formed in 1992 when a number of priests broke away from the MOC, and was only officially recognized in 2002, after years of being denied recognition. In addition, followers of the Old Rite Russian Orthodox Church (Old Believers) make up approximately 3.6 percent of the population. The religious traditions of the Orthodox Churches are entwined with the culture and patrimony of the country. Many self-professed atheists routinely celebrate religious holidays, cross themselves, light candles and kiss icons if local tradition and the occasion demand.

Adherents of other faiths include Roman Catholics, Baptists, Pentecostals, Seventh-day Adventists, Muslims, Jehovah's Witnesses, Baha'is, Jews, followers of Reverend Moon, Molokans (a Russian group), Messianic Jews (who believe that Jesus was the Messiah), Lutherans, Presbyterians, Hare Krishnas, and some other charismatic Christian and evangelical Christian groups. The Church of Jesus Christ of Latter-day Saints (Mormons) has two congregations, with a total of approximately 250 members. According to the most recent statistics from the Israeli Cultural Center in Chisinau, the Jewish community has approximately 25,000 members, including approximately 15,000 in Chisinau; 2,500 in Balti and surrounding areas; 1,600 in Tiraspol; 1,000 in Benderi; and 4,000 in small towns.

Foreign missionaries represent many faiths and denominations.

Section II. Status of Religious Freedom

Legal/Policy Framework

The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, the 1992 Law on Religions, which codifies religious freedom, contains restrictions that inhibit the activities of unregistered religious groups. Although the law was amended in 2002, many of the restrictions remain in place. The law provides for freedom of religious practice, including each person's right to profess his or her religion in any form. It also protects the confidentiality of the confessional, allows denominations to establish associations and foundations, and states that the Government may not interfere in the religious activities of denominations. The law specifies that "in order to organize and function," religious organizations must be registered with the Government, and unregistered groups may not own property, engage employees, or obtain space in public cemeteries in their own names.

There is no state religion; however, the MOC receives favored treatment from the Government. The Metropolitan of Chisinau and all Moldova has a diplomatic passport. Other high-ranking MOC officials also reportedly have diplomatic passports issued by the Government.

The procedures for registering a religious organization are the same for all groups. In 2002, Parliament adopted amendments to the Law on Religions. In order to register, a religious organization must present a declaration of creation, by-laws, and an explanation of its basic religious beliefs to the SSR. The SSR enters the religious organization into the Register of Religions within 30 working days. Under the new procedures, at the request of the SSR, a court can annul the recognition of the religious organization if the organization "carries out activities that harm the independence, sovereignty, integrity, and security of the Republic of Moldova, the public order, or are connected with political activities." The amendments also prohibit religious organizations from including in their by-laws any provisions that would violate the Constitution or any other laws.

The Government has recognized and registered 21 religious organizations, many of which are umbrella organizations with sub-entities throughout the country. Although the 2002 amendments to the Law on Religions were intended to simplify the registration process and make the process essentially automatic, the SSR continues to deny the registration of the Mormons, the Spiritual Organization of Muslims, the Central Muslim Spiritual Board of Moldova and the True Orthodox Church of Moldova. The Mormons have tried repeatedly to register with the SSR since 2000. Their most recent application, which was submitted on January 28, 2004, remains under review according to the State Service.

In 1999, an amendment to the Law on Religions legalized proselytizing; however, the law explicitly forbids "abusive proselytizing," which is defined as an attempt to influence an individual's religious faith through violence or abuse of authority. During the period covered by this report, the authorities did not take any legal action against any individual for proselytizing.

A new draft of the Law on Religions, introduced in 2002, has since been revised to remove numerous restrictive measures. At the end of the period covered by this report, the draft law was being reviewed by the Council of Europe.

In 2003, Parliament passed a new Law on Combating Extremism, which took effect in soon after. Critics raised concerns that the law could be used to abuse opposition organizations, including religious organizations or individuals who may support or have ties to certain political parties. At the end of the period covered by this report, this law had not been used against any religious groups.

The Criminal Code, in effect since 2003, includes an article which permits punishment for "preaching religious beliefs or fulfillment of religious rituals which cause harm to the health of citizens, or other harm to their persons or rights, or instigate citizens not to participate in public life or in the fulfillment of their obligations as citizens." No organization was prosecuted under this code during the period covered in this report.

Article 200 of the Administrative Offenses Code prohibits any religious activities of registered or unregistered religions that violate current legislation. The article also allows for the expulsion of foreign citizens who engage in religious activities without the consent of authorities. The Spiritual Organization of Muslims reported being fined under this provision of law in the spring of 2004, for holding its religious services in a location registered to a charitable organization. The Government charged that their activities were not in line with the stated activities and purposes of the charitable organization. Foreign volunteers from the Mormon Church have also been charged under this article for working illegally for an unregistered religious organization.

Foreign missionaries are permitted to enter the country for 90 days on a tourist visa. They experience the same bureaucratic difficulties in obtaining residence permits and customs clearances as other foreign workers who wish to stay in the country for longer periods.

According to the Law on Education, "moral and spiritual instruction" is mandatory for primary school students and optional for secondary and university students. Some schools offer a class on religion,

although student enrollment in this course is based on parental request and the availability of funds to cover the cost of the instruction. There are a number of theological institutes, seminaries, and other places of religious education.

Two public schools and a kindergarten are open only to Jewish students, and a kindergarten in Chisinau has a special "Jewish group." These schools receive the same funding as other state schools and are supplemented by financial support from the community. However, Jewish students are not restricted to these schools. Agudath Israel operates a private boys' yeshiva and a girls' yeshiva, both licensed by the Ministry of Education. The total enrollment of both schools is fewer than 100 students. Total enrollment for all Jewish schools is approximately 300. There are no comparable schools for other religious faiths.

The law provides for restitution of property that was confiscated during the successive Nazi and Soviet regimes to politically repressed or exiled persons. This regulation has been extended to all religious communities; however, in practice, the MOC has been favored over other religious groups. The Church had little difficulty in recovering nearly all of its property and, in cases where property was destroyed, the Government offered alternative compensation. The Church has recovered churches, schools, hospitals, orphanages, and administrative properties. Property disputes between the Moldovan and Bessarabian Orthodox churches have not been resolved.

The authorities in Transnistria also impose registration requirements that negatively affect religious groups and have denied registration to some groups. In April 2004, a new draft Law on Religions, which reportedly contained numerous contentious provisions, was brought before the Transnistrian Supreme Soviet. The Orthodox Bishop of Tiraspol and some legislators objected strongly to the draft, and it was sent back for revisions. At the end of the period covered by this report, the draft awaited review in one of the Supreme Soviet's standing committees.

Restrictions on Religious Freedom

The Law on Religions contains restrictions that have inhibited the activities of unregistered religious groups, and the Government continued to deny registration to some religious groups.

Unregistered religious organizations are not permitted to buy land or obtain construction permits for churches or seminaries. In some cases, members of unregistered religious groups held services in homes, nongovernmental organization (NGO) offices, and other locations. In other cases, the groups obtained property and permits in the names of individual members. Individual churches or branches of officially registered religious organizations are not required to register with local authorities; however, a branch must register locally in order to make legal transactions, including the right to receive donations in its name.

In February 2004, the Supreme Court overturned the Government's 2001 decision that made the MOC the successor to the pre-World War II Romanian Orthodox Church for purposes of all property ownership. In April 2004, in response to an appeal submitted by the Government, the Supreme Court rescinded its February ruling, making the MOC once again the legal successor to the pre-World War II Romanian Orthodox Church. The Bessarabian Orthodox Church, which regards itself as the legal and canonical successor to the pre-World War II Romanian Orthodox Church, has contested this decision and, in May 2004, it submitted the case to the European Court of Human Rights (ECHR), where it awaits examination. The registration issue has political as well as religious overtones, since it raises the question of whether the Orthodox Church should be oriented toward the Moscow Patriarchate (in the case of the MOC) or the Bucharest Patriarchate (in the case of the BOC).

In 2002, after a long series of registration denials and legal appeals, the Supreme Court of Justice ruled that the Government must register the Church of the True Orthodox-Moldova, a branch of the Russian Orthodox Church Abroad (ROCA), which is based in the United States. The State Service for Religions failed to implement the decision in the stipulated 30 days and subsequently asked the Court for a 2-week extension to register the church. Three weeks later, instead of registering the church, the Service filed an appeal, which was denied by the Court of Appeals. In early 2004, the Prime Minister filed another appeal, which was subsequently rejected by the Supreme Court. At the end of the period covered by this report, the Church remained unregistered. According to the State Service, the Church cannot be registered because the wording of the Court's decision obliges the Government rather than the State Service to register the Church. The Church applied for registration in 1997, 1998, and 2000; the Government rejected these applications on various grounds.

The Mormons continued to face bureaucratic obstacles to their requests for registration, including their third and most recent application in January 2004. In March 2004, the SSR requested further documentation, which the Mormons provided. In August 2004, two American citizens volunteering for a charitable organization registered by the Mormons were charged and convicted of working illegally for an unregistered religious organization. In September 2004, the Court of Appeals overturned the lower court's decision in this case and dropped all charges. Despite this ruling, the church received a letter in September 2004 from the SSR, indicating that action on its request for registration was being suspended due to a breach of the

Law on Religions by members of its organization. Since that time, there has been no further action on their registration request and the SSR has given no further explanation for the delay.

The SSR has refused registration on numerous occasions to both the Spiritual Organization of Muslims and the Central Muslim Spiritual Board of Moldova (the latter associated with the Central Muslim Spiritual Board of Russia and CIS states). The Spiritual Organization of Muslims' most recent application for registration was filed on June 28, 2005. The Spiritual Organization of Muslims has filed a case with the ECHR against the Government for denying it registration, and the case is awaiting review. The Central Muslim Spiritual Board of Moldova filed a complaint locally against the SSR in 2002. The case was heard by the Court of Appeals, which decided in favor of the Muslim group in September 2003 and ordered the Government to register the organization. The Government subsequently appealed the decision to the Supreme Court, which returned the case to the Court of Appeals for reexamination. In March 2004, the Court of Appeals began reexamining the case. At the end of the period covered by this report, the case was still ongoing.

The Baptists reported interference from government authorities in constructing places of worship. In May 2004, authorities stopped construction of a Baptist church in the village of Capriana, which is home to the oldest orthodox monastery in Moldova, and opened an investigation into the legality of the project. The Baptists and the local mayor claim that all the necessary permits and documents, which were issued in 2001, had been obtained legally. The Baptists have addressed both district and central authorities, including the State Service for Religions, in attempts to resolve the problem.

The Jehovah's Witnesses have also reported several instances of interference in construction or renovation of houses of worship. In November 2004, the Comrat Mayor's Office refused to issue a construction permit to Jehovah's Witnesses to build a house of worship in Comrat. In September 2004, the village council of Saratenii Vechi voted to annul an earlier issued urban-planning certificate and construction permit, in order to stop the renovation of a house of worship there.

Authorities in Transnistria used registration requirements and other legal mechanisms to restrict the religious freedom of some religious groups. Evangelical religious groups meeting in private homes reportedly were told that they do not have the correct permits to use their residences as venues for religious services. In the past, they and other non-Orthodox groups generally were not allowed to rent property and often were harassed during religious services.

The Transnistrian authorities developed a textbook that is used at all school levels, which reportedly contains negative and defamatory information regarding the Jehovah's Witnesses.

In 2002, the Tiraspol City Prosecutor filed a case to annul the registration of the Jehovah's Witnesses in Transnistria and to prohibit all of the group's activities there, despite their being legally registered three times since 1991. In response, the Transnistrian "President's" Commissioner for Religions and Cults instructed various government departments to consider the Jehovah's Witnesses illegal until the case brought against them had been finalized. At the same time, the Jehovah's Witnesses filed a suit against the Commissioner for Religions and Cults for repeatedly refusing to issue accreditation to their religious leaders. In July 2004, the Tiraspol City Court ruled to limit the activities of the Jehovah's Witnesses to the city of Tiraspol and to annul its 1997 registration. However, the court also rejected the Tiraspol public prosecutor's 2002 request to prohibit the group's activities altogether, and ruled that the Commissioner for Religions and Cults must reexamine the Jehovah's Witnesses' application for accreditation of its leaders.

Since the court's decision, the Jehovah's Witnesses community has been operating on the basis of its 1994 founding documents. In December 2004, the Tiraspol City Prosecutor notified the Jehovah's Witnesses that the church would need to reregister and obtain accreditation for its leaders, in order to continue its activities; however, the Commissioner continued to refuse to issue accreditation. The Jehovah's Witnesses filed an appeal with the Supreme Court of Transnistria in early 2005; however the Supreme Court refused to examine the case, referring the Jehovah's Witnesses back to the Tiraspol City Prosecutor. The Jehovah's Witnesses plan to address the case to the ECHR.

The Baptist community in Transnistria submitted an application for registration in 2004, which remained under review at the end of the reporting period.

There were no reports of religious prisoners or detainees.

Abuses of Religious Freedom

The Spiritual Organization of Muslims reported continued harassment by the police and new problems with the Ministry of Justice during the period covered by the report. Since the spring of 2004, police have often shown up at the group's Friday prayers, which are held at the offices of the local Islamic organization Calauza, to check participants' documents and take pictures. In March 2004, the police raided their meeting place after Friday prayers, detaining several members and subsequently deporting three Syrian citizens for not having proper legal residence documents. The authorities claimed the religious services

were illegal because the organization is not registered and the place they were meeting was registered to a charity and was not being used for its stated purpose. In March 2005, Calauza received a letter from the Ministry of Justice demanding that it stop the propagation of an unregistered cult.

In July 2004, the Mormons reported that police showed up at one of their religious services, which are held at the offices of their humanitarian assistance organization. The police took video and pictures of the service and questioned several participants about their activities.

Jehovah's Witnesses and Baptists have reported numerous instances of being charged administrative fines. In one instance, local police in Gordinestii Noi fined a member of the Jehovah's Witnesses for failing to provide proper security for the Jehovah's Witnesses' meeting place, including barring the doors and windows and setting up a 24-hour watch. The Baptists have reported similar fines, despite the fact that no such requirements exist in current law. In each case the charges have been dropped upon appeal to the courts.

The Jehovah's Witnesses in Transnistria have also reported being charged administrative fines, as well as unjust arrests of their members. In all reported cases, the charges have been dropped in appeals to the Supreme Court. On October 4, 2004, at the Lipcani border crossing, a border guard seized 800 pieces of literature from two Jehovah's Witnesses, citing illegal importation as the grounds for confiscation. In November 2004, the literature was returned to the Jehovah's Witnesses after they filed a complaint with the head of the border guard unit in Tiraspol.

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

Abuses by Terrorist Organizations

There were no reported abuses targeted at specific religions by terrorist organizations during the period covered by this report.

Section III. Societal Attitudes

The generally amicable relations among religions in society contributed to religious freedom. The dispute between the Moldovan and Bessarabian Orthodox Churches is ongoing; however, members of the respective churches do not interfere with others' freedom to worship.

Baptists and Jehovah's Witnesses from various regions of the country have complained that their ability to practice their religion freely has been impeded by local town councils and Orthodox priests and adherents. They have also reported physical and verbal abuse by local townspeople, instigated by local Orthodox priests.

In the village of Rosietici, the Baptists have attempted to register and build a church for several years, but have been repeatedly refused registration by the local mayor and town council. In the village of Hijdieni, the Baptists were refused permission to renovate a building they purchased for the purposes of a church. Local villagers broke the fence to the property and tried to vandalize the building.

In the summer of 2004, the Jehovah's Witnesses in the village of Saratenii Vechi began renovating a house for a place of worship. On August 29, 2004, as Jehovah's Witness worked on the building, 80 local townspeople along with the village priest and mayor marched to the construction site, threatening and insulting the workers. On September 1, 2004, approximately 50 people led by the village mayor reportedly forcibly entered the building and verbally and physically abused the Jehovah's Witnesses present.

There were a few reports of negative press articles about non-Orthodox religions. The Jehovah's Witnesses have been the target of articles criticizing their beliefs and legitimacy, and the Baptists in Transnistria claim press reports about their religion have been negative.

On May 3, 2005, six tombstones were destroyed in the Jewish cemetery in Chisinau. Three young men, two from Chisinau and one from Tiraspol, were arrested in connection with the vandalism. The motives for the vandalism were not clear, and the Jewish community stated that it did not believe that the incident was an act of anti-Semitism.

There has been no progress in the investigation into several anti-Semitic acts, which took place in Tiraspol in March and May of 2004. Between March 14 and March 30, 2004, more than 70 tombstones were

desecrated in the Jewish cemetery in Tiraspol. Swastikas and other Nazi symbols were painted on monuments, and many tombstones were damaged beyond repair. On May 4, 2004, unknown persons attempted to set the Tiraspol synagogue on fire by throwing a Molotov cocktail onto the premises near a local gas supply. The attack failed when passers-by extinguished the fire. Transnistrian authorities believe the attacks were perpetrated by the same people.

In 2003, unknown persons destroyed eight tombstones in a Jewish cemetery in Balti. However, according to a leading rabbi in Chisinau, it was not clear whether anti-Semitism motivated the event.

Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom issues with the Government as part of its overall policy to promote human rights. U.S. Embassy officers have met with leaders and legal representatives of many religious organizations to discuss registration, restitution, and other problems organizations have had with the authorities. The Embassy has raised concerns about some religious groups' persistent registration difficulties to the highest levels of the Government. The Embassy sent two diplomatic notes to the Government, expressed concern about continued delays in registering some groups as well as some religious groups being impeded from constructing houses of worship. During the period covered by this report, an Embassy Officer met several times with the head of the SSR to discuss the continued difficulties of some organizations in obtaining official registration. An Embassy representative maintains regular contact with religious leaders throughout the country.

The U.S. Ambassador met with leaders of the major religious organizations, including the MOC, BOC, Roman Catholic Church, and the Jewish community. Embassy employees maintain official or social contact with most of the resident American missionaries. The Embassy has supported the activities of religious and secular groups, and has funded several NGO projects to promote tolerance and understanding in society. In 2004, the Embassy also funded a project on freedom of religion in post-Soviet societies through the Contemporary Issues Fellowship. In 2003, the Embassy forwarded copies of Holocaust-related documents provided by the Government to the Holocaust Memorial Museum in Washington, D.C.

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