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Moldova

International Religious Freedom Report Released by the Bureau of Democracy, Human Rights, and Labor October 2001



The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, the law includes restrictions that at times inhibited 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, and government policy continued to contribute to the generally free practice of religion. However, the Government continued to uphold its earlier decisions to deny two groups registration during the period covered by this report, and in the separatist region of Transnistria, a number of minority religious groups have been denied registration.

In general there are amicable relations among the various religious communities; however, some incidents of harassment occurred.

The U.S. Government discusses religious freedom issues with the Government in the context of its overall dialog and policy of promoting human rights.

Section I. Religious Demography

The country has a total land area of approximately 13,000 square miles and its population is approximately 4 1/2 million. The Moldovan Orthodox Church is the predominant religion. Over 90 percent of the population nominally belong to the Orthodox Church (with the Moldovan Church claiming over 1,000 parishes and the Bessarabian Church claiming close to 100). The religious traditions of the Orthodox Church are entwined with the culture and patrimony of the country. Many self-professed atheists routinely celebrate religious holidays, cross themselves, and even light candles and kiss icons if the occasion demands. Followers of the Old Russian Orthodox Church (Old Believers) make up approximately 3.6 percent of the population. Other registered groups include: Roman Catholics, Baptists, Pentecostals, Seventh-Day Adventists, Jehovah's Witnesses, Bahais, Jews, followers of Reverend Moon, Molokans (a Russian sect), Messianic Jews (Jews who believe that Jesus was the Messiah), Lutherans, Presbyterians, and Hare Krishnas. Some other charismatic Christian groups and evangelical Christian groups also are registered. Although it has faced bureaucratic obstacles to registration, the Church of Jesus Christ of Latter-Day Saints (Mormons) has 3 congregations with some 140 members. The Jewish community has approximately 31,200 members, with about 20,000 living in Chisinau, 3,000 in Balti, 2,200 in Tiraspol, 2,000 in Bender, and 4,000 in small towns. Since the 1970's, Jews have been emigrating out of Moldova. At first they emigrated almost exclusively to Israel, but as restrictions eased, they also emigrated to the U.S., Canada, New Zealand, and Australia. Since the fall of the former Soviet Union, Moldovan Jews have emigrated to other European countries, notably Germany. There are 9 synagogues in Chisinau, Balti, Tiraspol, Rylitsai, and Bender; about 5,000 persons celebrate Rosh Hashanah.

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, a 1992 law on religion that codifies religious freedoms contains restrictions that has inhibited the activities of some religious groups. The law provides for freedom of religious practice, including each person's right to profess his 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. However, the law prohibits "abusive proselytizing" and requires that religious groups register with the Government. There is no state religion; however, the Moldovan Orthodox Church receives some special treatment from the Government. The Metropolitan of Chisinau and All Moldova has a diplomatic passport. Other high-ranking Orthodox Church officials also reportedly have diplomatic passports issued by the Government.

The procedures for registering a religious organization are the same for all groups. Under the Law on

Religions, an organization wishing to register must submit a request to the Cabinet. The Department of Religions examines the required statutes and organization chart of the religious body, determines if Moldovan citizens are the officers of the central authority of the Moldovan branch of the religion (as required by law), and examines if its beliefs go against the Constitution or any other laws of the country. The final recognition or rejection is by Government decree, signed by the Prime Minister and printed in the Official Gazette. The Government has recognized 20 religious organizations. Three religious organizations either began or continued the registration process in 2000. The Government registered the Evangelist Lutheran Church in July 1999; however, the Government upheld its previous decisions to deny registration to the Church of the True Orthodox-Moldova (a branch of the Russian Overseas Orthodox Church) and the Mitropolia Basarabiei (Bessarabian Orthodox Church). Two additional religious organizations have faced obstacles to the acceptance of their pending applications for registration: the Mormons and the Spiritual Organization of Muslims in Moldova (Islam).

Foreign missionaries are allowed to enter the country; however, they experience the same difficulties in getting residence permits and customs clearances as other foreign workers.

In February 2000, Parliament passed a decree making "moral and spiritual" instruction mandatory for primary school students and optional for secondary and university students. The Ministry of Education had planned for the instruction to begin in September 2000. However, difficulties arose in establishing the nature of this religious instruction. These difficulties, combined with the chronic financial problems of the country's schools, delayed indefinitely the implementation of the decree. There are two public schools and a kindergarten open only to Jewish students. These schools receive the same funding as the state schools, and are supplemented by financial support from the community. Jewish students are not restricted to these schools. There are no comparable schools for Moldovan Orthodox believers and no reports of such schools for other religious faiths. Agudath Israel has operated a private boys' yeshiva, licensed by the Ministry of Education, since 1991, and opened a girls' yeshiva in November 1999. There are a number of theological institutes, seminaries, and other places of religious education throughout the country.

Restrictions on Religious Freedom

The Government cited Article 15 of the Law on Cults to justify its decision not to recognize component parts or schismatic movements of a religion. However, this law seems to be applied only to the country's main religion, as both the Seventh-Day Adventist Church and the Reform Movement Seventh Day Adventist Church are recognized as separate religions. The Government continued to uphold its denial of registration to the Church of the True Orthodox-Moldova (a branch of the Russian Overseas Orthodox Church) and the Mitropolia Basarabiei (Bessarabian Orthodox Church). The groups were denied on the grounds that they are schismatic movements within the Orthodox Church. Both are appealing the decisions through the legal structures. In early 2001, the True Orthodox-Moldova tried again to register, starting the process anew with updated documents and new hearings scheduled in the Court of Appeals. However, in May 2001, the Court of Appeals postponed its hearing of the case. It again reiterated that the Government cannot legally register a component or a schismatic part of an already registered religion. The True Orthodox-Moldova Church representatives now face counter-charges and petitions against them (see Section III).

The Government has denied recognition to the Bessarabian Orthodox Church in 1992, twice in 1996, and in 1997. During the period covered by this report, the Government continued to uphold its denial ruling. The Bessarabian Orthodox Church was formed in 1992 when a number of priests broke away from the Moldovan Orthodox Church, which is subordinate to the Moscow Patriarchate. The Bessarabian Orthodox Church, which sees itself as the legal and canonical successor to the pre-World War II Romanian Orthodox Church in Bessarabia (the part of Moldova between the Nistru and Prut Rivers), subordinated itself to the Bucharest Patriarchate of the Romanian Orthodox Church. Since 1992 the Government consistently has refused to register the Bessarabian Church, citing unresolved property claims and stating that the Bessarabian Church is a "schismatic movement." The issue has political as well as religious overtones, as it raises the question as to whether the Orthodox Church should be united and oriented toward Moscow, or divided with a branch oriented toward Bucharest. (Leaders of the Moldovan Orthodox Church appear more interested in independence than in links to Moscow.) In 1997 the Supreme Court overturned an appellate court decision affirming the right of the Bessarabian Church to register with the Government. However, the Supreme Court's decision was based on a procedural issue rather than on the merits of the case. The Bessarabian Church appealed the case to the European Court of Human Rights in June 1998. The Government submitted its response in February 2000, which argued that registering the Bessarabian Church would interfere with an internal matter of the Moldovan Orthodox Church. In May 2001, the European Court of Human Rights agreed to hear the case. In its decision, the Court stated that the Moldovan Government has already recognized other seemingly schismatic or component movements as religions. The Court cited as examples the Union of recognition of the Seventh-Day Adventist Church, the Federation of Jewish Communities and the Union of Messianic Jewish Communities, and the Orthodox Church of Moldova and the Russian Old Rite Orthodox Church.

Unregistered religions cannot buy land or obtain construction permits for churches or seminaries. Members of unregistered religions hold services in homes, nongovernmental organization (NGO) offices, and other locations.

The Mormons faced bureaucratic obstacles to their registration at the end of the reporting period and continue to try to work within the Government's State Service for Religions.

In November 2000, the Spiritual Organization of Muslims in Moldova (Muslims) were refused registration by the Government. They took their case to the Supreme Court of Appeals in February 2001; in May 2001, the Supreme Court sent the Spiritual Organization of Muslims in Moldova's registration case back to the Court of Appeals. The Supreme Court advised both the Muslims' representatives and the Government's

representatives to follow the strict procedures of the law, since not all of these had been followed during the registration process.

The law on religion as amended to legalize proselytizing—in principle bringing the legislation in line with the European Convention on Human Rights—went into effect in June 1999. However, the law explicitly forbids “abusive proselytizing,” which is defined as “an attempt to influence someone’s religious faith through violence or abuse of authority.” Thus far authorities have not taken legal action against individuals for proselytizing.

The law provides for restitution to politically repressed or exiled persons whose property was confiscated during the successive Nazi and Soviet regimes. This regulation has been extended in effect to religious communities; however, the Moldovan Orthodox Church has been favored over other religious groups in this area. 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 Churches have not been resolved. The Jewish community has had mixed results in recovering its property. The Baptist Church has only one remaining property restitution claim. In May 2001, the Molocans appealed to the Parliament to hear their property restitution case, but the Parliament denied their request, voting that the case was not within their jurisdiction. There has been no other movement on this case during the period covered by this report.

The law in Transnistria (a separatist region not under the control of the Government) prohibits renting houses, premises of enterprises, or “cultural houses” for prayer meetings. Evangelical religious groups meeting in private homes have been told that they do not have the correct permits to use their residences as churches.

In January 1998, the authorities in Transnistria canceled the registration of Jehovah’s Witnesses. Repeated attempts by members of Jehovah’s Witnesses to reregister have been denied or delayed. Transnistrian officials regularly confiscate religious tracts from members of Jehovah’s Witnesses, most recently in January 2000, because the group is not registered property, but no new incidents were reported during the period covered by this report. According to local leaders of Jehovah’s Witnesses, two preachers were arrested and detained for several days in April 1998. The Methodist Church was denied registration in late 2000. The Church of the Living God has been denied registration in five towns in Transnistria. The Baptist community is growing and has reported no problems in Transnistria during the period covered by this report. The Baptist community in Bender has approximately 250 members and has a church, the Church of Evangelist Christian Baptists. The Baptist community in Tiraspol has approximately 180 members. Both communities failed to reregister under new legislation, but have not reported any problems with the local authorities over their lack of local registration. In the past, non-Orthodox groups complained that they generally were not allowed to rent property and often were harassed during religious services.

In April 2001, Russian Patriarch Alexei II named Tiraspol Bishop Justinian to the post of Rector of the Theological Seminary at the Noui Neamt Monastery in Chitcani. The monastery is on the western bank of the Nestru River and traditionally has come under the religious authority of Chisinau Bishop Vladimir, although the area is under the de facto control of the separatist regime in Transnistria. The monks resisted the appointment, and Bishop Justinian used the Transnistrian military to force his entry into the monastery. Further confrontation took place when Bishop Justinian stopped the Mass due to the refusal of the monks to accept him. The monastery Abbot appealed to Moldovan Bishop Vladimir who, they believe, has jurisdiction in the case, but he refused to support them. Moldovan President Voronin tried to visit the monastery, claiming that he wanted to go there “as a simple Christian,” but was not allowed to cross the border into the separatist region. This seemingly jurisdictional conflict is reviving ethnic and church tensions within the country.

There were no reports of religious prisoners or detainees.

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 Government’s refusal to allow such citizens to be returned to the United States.

Section III. Societal Attitudes

In general there are amicable relations between the various religious communities. The dispute between the Moldovan and Bessarabian Orthodox Churches is ongoing (see Section II), but the members generally worship freely. However, in several towns where there is a True Orthodox congregation, opponents have taken signed petitions to local governments and courts, stating that citizens oppose the existence of a True Orthodox-Moldova Church in their town and claim it would violate their human rights. When legal representatives for the Church examined these petitions, they reportedly found many names of incarcerated persons and the deceased among the supposed signatories. The priest of the first True Orthodox-Moldova Church reportedly has been harassed and threatened. Local church member volunteers reportedly sleep in his house to protect him.

Disputes surrounding the Bessarabian Church and the Noui Neamt Monastery reflect a fundamental social issue in the country: whether it should be Westward-looking, Romanian-speaking, and aligned with Romania; or Eastward-looking, Russian-speaking, and aligned with Russia. This issue complicates some conflicts that otherwise would appear to be internal religious problems. For example, the Noui Neamt Monastery was

founded by monks from Romania and has remained an outpost of the Romanian language and Romanian customs. Upon the appointment of Transnistrian Bishop Justinian as Rector, monks claimed that the "Russification" of the Moldovan Church had begun.

Some desecration of Jewish cemeteries in Transnistria has occurred. Transnistrian authorities sent workers to remove the graffiti.

In May 1999, a group of about 500 Orthodox Christians and between 4 and 6 priests attacked a small group of Baptists in the village of Mingir, injured 3 persons, and partially destroyed a Baptist church that was under construction. The Ministry of Internal Affairs investigated the case, but no charges ever were filed. The village mayor who was implicated in the incident lost his bid for reelection. The Baptist Church was allowed to register locally, and the church building now is completed. The church holds regularly scheduled services and activities. There have been no further reports of problems for the Baptists in this community.

In 2000 the Helsinki Committee for Human Rights in Moldova hosted several roundtable discussions on freedom of religion. The Helsinki Committee remains active in the field of religious rights, and provided legal assistance for the Muslims' case in the Supreme Court of Justice and legal advice for the True Orthodox-Moldova Church's case in the Court of Appeals.

The independent press occasionally writes very negative articles about religions other than the Orthodox Church. One example was the April 10, 2001 article in the National Journal entitled, "Sects in Moldova. Recruit Followers by Promising Them Everything. After Which they Separate Them from God Forever." Several representatives of religious groups complained that this article was biased, especially in the way that it focused on the less mainstream groups. They also complained that the article linked their religions with other, more extreme groups. A June 8, 2001 article in Dialog, a weekly newspaper, was entitled "Snares of the Sects." It alleged that foreign religions disguise themselves by registering as humanitarian or cultural organizations in order to hide their church activities. This article specifically cited the Muslims and the followers of Reverend Moon.

Section IV. U.S. Government Policy

The U.S. Embassy discusses religious freedom issues with the Government in the context of its overall dialog and policy of promoting human rights. Embassy officers have met with Baptist leaders and government officials to discuss the restitution of Baptist property in Chisinau. Embassy officers have met with Mormon, Muslim, Jewish, True Orthodox, and Bossnian Orthodox leaders, and their legal representatives, to discuss registration, restitution, and any other problems their religious organizations have had with the Moldovan authorities. An Embassy officer attended the Supreme Court hearing on the Muslim organization's case.

The U.S. Ambassador met with leaders of the major religious organizations at various times during the period covered by this report. Embassy employees maintain official or social contact with most of the resident American missionaries. The Embassy has supported religious (and secular) groups that provide humanitarian assistance to the country.

The Embassy's human rights officer maintains regular contact with religious leaders throughout the country, including in the separatist Transnistria region.

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