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July-December, 2010 International Religious Freedom Report - Moldova

Bureau of Democracy, Human Rights, and Labor
September 13, 2011

[Covers six-month period from 1 July 2010 to 31 December 2010 (USDOS is shifting to a calendar year reporting period)]

The constitution and other laws and policies protect religious freedom, but some laws and policies restrict religious freedom. In practice the government generally enforced these restrictions.

There was no change in the status of respect for religious freedom by the government during the reporting period. It continued to deny registration to certain groups attempting to gain legal status. In Transnistria, a separatist region not controlled by the government, authorities generally enforced legal and policy restrictions on religious freedom. All references in this report, unless otherwise stated, are to areas controlled by the internationally recognized government.

There were some reports of societal abuses and discrimination based on religious affiliation, belief, or practice during the reporting period. The affected communities included Jehovah's Witnesses.

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights.

Section I. Religious Demography

The country has an area of 13,000 square miles and a population of 3.56 million living in the part of the country controlled by the recognized government and 522,500 in the secessionist-controlled region of Transnistria.

The predominant religion is Orthodox Christianity. According to a Gallup poll during the year, 96 percent of the population claims membership in either of two Orthodox denominations, Moldovan (88 percent) or Bessarabian (8 percent).

According to the government, the Moldovan Orthodox Church (MOC), which is subordinate to the Russian Orthodox Church, has 1,281 parishes, monasteries,

seminaries, and other entities; the Bessarabian Orthodox Church (BOC), subordinate to the Romanian Orthodox Church, has 312 such entities; and the Old Rite Russian Orthodox Church (Old Believers) has 16 parishes. Jehovah's Witnesses reported they have 239 congregations, including 31 in the separatist region of Transnistria. According to the Baptist World Alliance, the Union of Evangelical Christian Baptists of Moldova has 315 churches and 20,391 members. In 2008 the European Baptist Federation stated that hundreds of indigenous missionaries were involved in establishing 40 new Baptist churches in the country.

The government also listed 2,327 religious groups registered as of mid-year 2008. The list does not distinguish between local parishes and denominations or connect individual parishes to a parent denomination.

Adherents of other religious groups, constituting less than 10 percent of the population, include Roman Catholics, Baptists, Pentecostals, Seventh-day Adventists, Muslims, Jehovah's Witnesses, Bahais, Jews, members of the Unification Church, Molokans (a Russian group), Messianic Jews, Lutherans, Presbyterians, and charismatic and evangelical Christian groups.

In Transnistria 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

Please refer to Appendix C in the *Country Reports on Human Rights Practices* for the status of the government's acceptance of international legal standards
<http://www.state.gov/g/drl/rls/hrrpt/2010/appendices/index.htm>.

The constitution and other laws and policies protect religious freedom, but some laws and policies restrict religious freedom. In practice the government generally enforced these restrictions. Some minority religious groups continued to experience registration difficulties. The law on religion affirms the role of the Orthodox Church in the country's history.

The registration process was 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. Some religious group members object to providing their 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 15 days, if the registration request is made according to law. At the request of the MOJ, a court can suspend the registered status of a religious organization for 12 months 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."

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 were not required to register with the MOJ as long as they did not carry out legal transactions and did 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 denominations to establish associations and foundations. The law also permits local religious communities to change their denominational affiliation or dissolve themselves.

All groups, whether registered or not, enjoy freedom to worship and reported 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 Moldovan Orthodox Church, in the life, history, and culture of the people of the Republic of Moldova." The MOC received favored treatment from the former Party of Communists (PCRM) government. Reputedly, the Metropolitan of Chisinau and all Moldova, the highest-ranking cleric in the MOC, holds a diplomatic passport.

All religious groups are allowed 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.

The law permits missionaries to sign work contracts with registered religious organizations, which in theory should ease the process to obtain residency permits. The law did not require such work contracts. However, the Bureau for Migration and Asylum (a part of the Ministry of Interior (MOI)), in charge of temporary residency permits, required religious groups to issue work contracts to missionary employees that indicated their salaries. This requirement was imposed even when missionaries donated their services or were sponsored and paid by overseas churches. By requiring work permits, the Bureau for Migration and Asylum and the National Agency for the Occupation of the Workforce, which granted the work permits, in effect did not allow foreigners to work as unpaid volunteers. Under the law, a work contract must include information about minimum salary and provision of paid holidays.

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. Foreign missionaries reported that, while registration procedures were complex and onerous, registrants who followed all the steps received their permits, and did not face the capricious refusals that occurred under the previous government.

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 the general human values. According to the national curriculum, the goal of moral-spiritual education is to form the moral-spiritual conscience. Within this course, children learn about truth, goodness, peace, patriotism, faith, wisdom, tolerance, justice, team spirit, and trust in virtues.

Some schools offered religion courses as well, but enrollment depended on parental request and the availability of funds. At the beginning of the 2010-11 school year, elementary and secondary schools introduced an optional course on religion. It is being taught from manuals developed in 2005 by the Ministry of Education and the MOC, and includes teaching guidelines developed recently with the support of the BOC.

Two public schools and a kindergarten were theoretically open only to Jewish students; in practice children of mixed parentage and those adhering to other religions also attend. In Chisinau one kindergarten has a special "Jewish group." Jewish students are not restricted to these schools.

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 receive legal registration in Transnistria, a local religious organization must have at least 10 members (18 years old and above) with permanent residence in the region, and be able to confirm its existence for at least 10 years in the region. A local religious organization also can be registered as part of a centralized religious organization, which must consist of at least three 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 a list of founders with all personal details, the statutes of the religious organization, the minutes from the constituent assembly, proof of activity for 10 years or more, basic religious doctrine, contact details of the governing body of the religious organization, and an official tax receipt to the Transnistrian "Ministry" of Justice. If the "ministry" decides to conduct a "religious assessment," the registration can be postponed for up to six months. The "president" of Transnistria established these assessment procedures.

Religious organizations can be disbanded 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 enjoyed freedom to worship, and foreign citizens shared in those rights. However, Transnistrian law also provides for restrictions of the right to freedom of conscience and religion, if it is necessary to protect the constitutional order, morality, health, citizens' rights and interests, or state defense and security.

Transnistrian law allowed the use of homes and apartments to hold religious services. It did not allow the use of homes and apartments, however, as accommodation (residence) for religious organizations. Religious services and rituals also were allowed in public places such as hospitals, clinics, orphanages, geriatric homes, and prisons. The law imposes criminal, administrative, and other liabilities on those who violated the religious freedom legislation, but does not give details. The Lutheran Church, an independent body registered in right-bank Moldova, claims four properties on the basis of 19th-century deeds, but notes that these claims have been ignored by authorities. The church unsuccessfully has attempted to buy land in Tiraspol for a church building, but has been refused repeatedly. Authorities offered a plot of land that turned out to be an old Lutheran cemetery, and therefore unacceptable to the congregation.

In contrast to previous reports, religious organizations in Transnistria freely may 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 stipulated that a foreign religious organization cannot pursue religious activity and does not enjoy the status of a religious organization, unless officially registered. The registration authority oversaw the group's statutes, aims, and activity.

Transnistria observes the following religious holidays as official holidays: Orthodox Christmas (January 7), Orthodox Easter, Easter Monday, and Memorial Easter, a commemoration of the dead eight days after Easter.

In Transnistria religious organizations are not allowed to participate in elections, other political party activity, or to support nongovernmental organizations (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, those who avoid or evade military service may be sentenced to fines from 5,375 to 13,005 Transnistrian rubles (\$527 to \$1,275) or imprisonment for up to two years.

Restrictions on Religious Freedom

There was no change in the status of respect for religious freedom by the government during the reporting period. The government generally enforced legal and policy restrictions on religious freedom, mostly by refusing or dismissing attempts by religious groups to register.

The government continued to deny registration to some groups. Pentecostal churches complained the MOJ hindered registration requests for new congregations by insisting that all local church founders sign the request, although the founders already had signed the incorporation papers and designated a single representative to sign the registration request.

The MOJ did not report the number of registration requests received during the reporting period. There were credible reports from two Muslim groups and from Falun Gong, however, that the MOJ refused requests to register the groups. The MOJ stated the Muslim groups' applications were submitted improperly. The MOJ also has stated it objects to the swastika used as a religious symbol by the Falun Gong, which is registered as a NGO by the Chisinau city government.

Talgat Masaev, leader of the Spiritual Gathering of Muslims, reported the organization again tried to register during the reporting period but was unsuccessful. He claimed the government denied registration without legal grounds. In October 2009 the Court of Appeals ruled in his favor and ordered registration. However, in February the MOJ appealed to the Supreme Court of Justice, which ruled in favor of the MOJ. The MOJ argued the documents submitted by the Spiritual Gathering of Muslims were "confusing" and presented signatures "in a distorted manner." As of December, its status has not changed. Masaev declared further attempts at registration would be made once a new government is in place and the political situation stabilizes.

Local village authorities continued to refuse to issue proof of existence and activity certificates, which are required for registration, for the Jehovah's Witnesses community in the region.

In December 2009 Jehovah's Witnesses began construction of a kingdom hall on land granted by the Chisinau mayor's office in 2000; nine years elapsed before they obtained the necessary permits. After local protestors demonstrated at the site, the vice mayor annulled the construction permits. The group filed a suit in the Chisinau Court of Appeals on March 5, requesting the court annul the vice mayor's stop construction order; their request was granted on June 15. The court also ordered the mayor's office to reimburse the community 1,000 lei (\$82) and ordered the neighbors to reimburse the community 4,000 lei (\$329). On August 2, the neighbors sent an appeal to the Supreme Court of Justice. The hearing took place on December 2. The Supreme Court of Justice ruled in favor of the Jehovah's Witnesses community and endorsed the decision of the Court of Appeals.

Some property disputes between the MOC and BOC remained unresolved. Although the law provided for restitution of property confiscated during successive fascist and Soviet regimes to politically repressed or exiled persons, the provision did not apply to property confiscated from religious organizations or their constituent parts during successive Nazi and Soviet regimes. Local authorities can arrange with local parishes to return church properties; in practice these arrangements usually benefitted the MOC. The Jewish community has been able to buy back some of the properties it owned prior to World War II.

Because the government continued to refuse to return archives to the BOC that were confiscated during the Soviet years (1945-91), the BOC was unable to give an exact count of the churches that it could claim as former BOC properties. Since a 2003 ruling by the government granting the MOC a monopoly on some 800 historical church sites, the BOC has sued for the return of several sites, but it has not won any enforced judgments in its favor. An additional contract signed between the Ministry of Culture and MOC in 2008 granted the MOC the exclusive right to use another 21 monasteries. In February the Ministry of Culture and the MOC signed a new collaboration agreement. As a result, the MOC obtained the right to use the churches and monasteries for an unlimited period. The BOC challenged the legitimacy of the contract in court. On November 8, the Ministry of Culture and BOC signed a reconciliation agreement, under which the Ministry of Culture agreed to repeal the collaboration agreement signed with the MOC in February, to inform the State Survey Office about the amendments, and to terminate the agreement signed with the MOC in 2008. The Ministry of Culture had not enforced its decision at the end of the reporting period.

The Lutheran Church claimed properties, most of which were destroyed in World War II. For example, a 400-seat Lutheran church, on the site now occupied by the presidency in Chisinau, was razed by the Soviets in the early 1960s. Government authorities denied the claim, stating there were not enough congregants to support their use.

The BOC has noted an improvement in its public image, as members of the Alliance for European Integration (AIE) government, which took office in September 2009, have attended commemorative services in BOC churches. During the year the acting president regularly invited BOC priests to officiate at public events and, on October 15, awarded the Order of the Republic (the highest state award) to the Patriarch of the Romanian Orthodox Church and the Order of Honor to the BOC Metropolitan.

Foreign missionaries were active in the country and reported greater ease in obtaining residence permits. Religious communities, especially Protestants, noted the cumbersome bureaucratic procedures to obtain permission for foreign citizens to live and conduct religious work in the country. In contrast to previous years, they reported that such registration was proceeding more smoothly, with fewer delays. Applicants must have 16 documents, including a medical certificate, a certificate confirming they have not committed crimes in their home country, a blood test stating that they are free of AIDS, and evidence of insurance. They then must apply to the National Agency for the Occupation of the Workforce for a work permit. That permit, if approved, is presented to the MOI's Bureau of Migration and Asylum to receive the immigration certificate. If the application is approved, the applicant must present the work permit and the migration certificate to the Ministry of Information Technology and Communications, which issues the residence permit, with a validity not exceeding one year. Only registered religious organizations may apply for such permission. When extending the residency permit validity, the same procedure must be followed, but with the additional requirement of presenting a criminal record certificate confirming the applicant has not committed crimes in the country previously.

Jehovah's Witnesses reported numerous cases of religious restriction of their activity, including eight cases of prosecution for objection to military service in Transnistria. In Transnistria only two of 31 Jehovah's Witnesses' congregations – those in Tiraspol and Rybnita – had legal status at the end of the reporting period.

As reported by the Jehovah's Witnesses' lawyer, law enforcement bodies rarely respond to the complaints received from members of this religious group. Oftentimes, legal actions are delayed or obstructed. In the majority of cases, investigators refuse to open penal cases, limiting punishments to administrative fines.

In Transnistria Jehovah's Witnesses successfully have registered local religious communities in Tiraspol and Rybnita. Transnistrian authorities, however, have challenged the still current 1994 registration for Jehovah's Witnesses in Tiraspol and have 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. Transnistrian authorities are attacking the legal status of Jehovah's Witnesses on several fronts by: attempting to disband the Tiraspol and Rybnita communities; refusing to register new charters (the latest refusal was made to the community in Parcani, near Slobozia); refusing to accredit their leaders; causing difficulties with the use of kingdom halls (houses of worship); and prosecuting conscientious objectors. Authorities also prolong court cases. Court victories won by Jehovah's Witnesses are regularly overturned and new trials ordered.

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

Transnistrian authorities generally restrict proselytism. The Chisinau-based human rights NGO Promo-Lex reported a number of complaints from Jehovah's Witnesses, the Lutheran Church, and the Baptist Church regarding their freedom to conduct outreach.

Transnistrian authorities continued to use a textbook at all school levels containing defamatory allegations regarding Jehovah's Witnesses.

The NGO Promo-LEX reported as many as 290 criminal cases initiated by the Transnistrian authorities against individuals refusing military service for various reasons, including conscientious objection, in 2009. Transnistrian authorities continued to prosecute members of Jehovah's Witnesses for their conscientious objection to military service. Transnistria has no law providing alternative civilian service. Consequently, between 1995 and this year, more than 30 Jehovah's Witnesses have been prosecuted because of their conscientious objection to military service. Some have been sentenced to a one-year prison term to be served on probation and others have been fined 4,590 Transnistrian rubles (\$450).

There were no reports of abuses, including religious prisoners or detainees, in the country.

Section III. Status of Societal Actions Affecting Enjoyment of Religious Freedom

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

In smaller towns and villages, Jehovah's Witnesses reported they were frequently treated aggressively and occasionally physically attacked. They filed reports with the police, but those responsible have not been punished.

On September 11, vandals defaced the Chabad Lubavitch Synagogue in Chisinau, painting swastikas and SS symbols on the front of the building. Acting President Mihai Ghimpu stated the vandalism "in no way reflects the attitude and spiritual condition of Moldovan citizens." The investigation continued at the end of the reporting period.

On November 10, several hundred Orthodox Christians marched in Chisinau to warn city hall against allowing the Jewish community to place a menorah in a central park close to the statue of a medieval king. A leader of the Orthodox Youth Association told the media that placing the menorah near the statue of the Christian king would be an offense and a form of oppression of the Christians by non-Christians. Mayor Dorin Chirtoaca told the Jewish community to place the menorah in downtown Chisinau and said that he would personally talk to their opponents. On December 1, the menorah was dedicated in the courtyard of the Jewish Cultural Center in Chisinau. No incidents were reported.

Section IV. U.S. Government Policy

The U.S. government discusses religious freedom with the government as part of its

overall policy to promote human rights.
