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27/4/04

Moldova

International Religious Freedom Report 2003

Released by the Bureau of Democracy, Human Rights and Labor

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, and government policy continued to contribute to the generally free practice of religion. After 10 years of refusals, the Government registered the Metropolitan Church of Bessarabia (the Bessarabian Orthodox Church), but the Government continued to uphold its earlier decisions to deny some groups registration. There is no state religion; however, the Moldovan Orthodox Church receives some special treatment from the Government. A number of minority religious groups in the separatist region of Transnistria continued to be denied registration and are 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 was one reported instance of the desecration of a Jewish cemetery. There were no major cases of harassment reported.

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 an area of approximately 13,000 square miles, and its official population, according to a census from the Soviet era, is approximately 4.5 million (unofficial estimates of the number of citizens working abroad range from 500,000 to 1 million). The predominant religion is Christian Orthodox. More than 90 percent of the population nominally belong to one of two Orthodox denominations. The Moldovan Orthodox Church, according to the State Service on Religious Issues, has 1,080 parishes; the Bessarabian Orthodox Church has 84 parishes. 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 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 local tradition and the occasion demand. Other faiths include Roman Catholics, Baptists, Pentecostals, Seventh-day Adventists, Muslims, Jehovah's Witnesses, Baha'is, Jews, followers of Reverend Moon, Molocans (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 2 congregations, with approximately 220 members.

According to the most recently available numbers, the Jewish community has approximately 31,300 members, including approximately 20,000 living in Chisinau; 3,100 in Balti and surrounding areas; 2,200 in Tiraspol; 2,000 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 freedoms, contains restrictions that have inhibited the activities of unregistered religious groups. Although the law was amended in July 2002, many of the restrictions are still in place. 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. 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 Moldovan Orthodox Church receives some favored 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. On July 12, 2002, Parliament, intending to simplify the registration process, adopted amendments to the Law on Religions. For an organization to register, it must present to the State Service on Religious Issues a declaration of creation, by-laws, and an explanation of its basic religious beliefs. The State Service on Religious Issues enters—within 30 working days—the religious organization into the Register of Religions. Under the new procedures, at the request of the State Service on Religious Issues, 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 provide that religious organizations are prohibited from including in their by-laws any provisions that would violate the Constitution or any other laws.

Although the amendments to the Law on Religions were intended to simplify the registration process and make the process essentially automatic, the State Service on Religious Issues continues to deny the registration of some groups, such as the Spiritual Organization of Muslims. The Muslims' application was denied because the State Service claimed their documents were not in order.

The Government has recognized 21 religious organizations; however, a number of organizations have been denied registration or encountered difficulties in connection with their registration applications. In 1999, amendments to the Law on Religions legalizing proselytizing went into effect. 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.

In December 2002, a new draft Law on Religions, which contained numerous contentious provisions, was circulated. The draft law has since been revised, and it appears that many of the restrictive articles have been deleted. Parliament has taken no action on the draft law.

On February 21, a new Law on Combating Extremism was passed by Parliament and went into effect on March 28. Critics of the law raised concerns that the law could be used to abuse opposition organizations—including religious organizations—and individuals. By the end of the period covered by this report, this law had not been used against religious organizations.

A new Criminal Code, adopted by Parliament on April 18, 2002 and in effect since June 12, includes an article on religion. The article provides 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 of the fulfillment of their obligations as citizens." Drafters allegedly copied the passage almost word-for-word from the previous code, which was passed in 1961 when the country was part of the Soviet Union. No organization was prosecuted under this new code during the period covered in this report.

Foreign missionaries are permitted to enter the country. They experience the same difficulties in obtaining residence permits and customs clearances as other foreign workers.

In 2000 Parliament amended the Law on Education to make "moral and spiritual" instruction mandatory for primary school students and optional for secondary and university students. According to the Ministry of Education, "moral and spiritual" education was initiated 3 years ago, but only on an experimental basis. The program was introduced gradually, beginning in 2001, for first graders, and then in 2002 and 2003 for second and third graders, respectively. In some schools, there is a class specifically on religion, although this subject is conditioned on a request and approval by the parents, and whether the school has enough funds to cover the cost of the course.

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 the other state schools and are supplemented by financial support from the community. However, Jewish students are not restricted to these schools. There are no comparable schools for other religious faiths and no reports of such schools for other religious faiths. 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 related schools, including those operated by Agudath Israel and public schools, is approximately 300. There are a number of theological institutes, seminaries, and other places of religious education throughout the country.

The authorities in Transnistria (a separatist region not under the control of the Government) also impose registration requirements that negatively affect religious groups and have denied registration to some groups.

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. Before Article 15, which prohibited registration of "schismatic movements" of a particular religion, was deleted in July 2002, the Government used the article as the basis for its decision not to recognize two Orthodox Christian 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 hold services in homes, nongovernmental organization (NGO) offices, and other locations. In other cases, the groups obtain property and permits in the names of individual members. Individual churches or branches of officially registered religious organizations are not obliged to register with local authorities; however, the local branch must register locally if it wants to make legal transactions as a legal body, including the ability to receive donations in its name.

Following a strong recommendation by the Council of Europe, on July 30, 2002, the Government recognized the Bessarabian Orthodox Church in accordance with the new procedures provided by the Law on Religions, after years of denying it recognition.

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 regards itself as the legal and canonical successor to the pre-World War II Romanian Orthodox Church in Bessarabia (the territory bounded by the Nistru, Prut, and Danube Rivers and the Black Sea, of which most of present-day Moldova is a part), subordinated itself to the Bucharest Patriarchate of the Romanian Orthodox Church. Recognition of the Bessarabian Church could have implications for the church's ongoing property disputes with the Moldovan Orthodox Church, and the Government consistently has cited these issues, as well as its designation of the Bessarabian Church as a "schismatic movement," in its denial of registration. In September 2001, the Government declared the Moldovan Orthodox Church the successor to the pre-World War II Romanian Orthodox Church for purposes of all property ownership, although no attempt has been made to seize those properties already in Bessarabian Church hands. 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, or oriented toward the Bucharest Patriarchate.

On May 29, 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, based in the United States. Nevertheless, despite the stipulation that final court decisions should be implemented within 30 days, the State Service on Religious Issues failed to act and did not register the church. In November 2002, the True Orthodox Church filed a case with the European Court for Human Rights against the Government for failure to implement the court decision. The court executor, on behalf of the church, has asked the court to fine the State Service on Religious Issues. The Service asked the court for a 2-week extension to register the church, but after 3 weeks, instead of registering it, the Service filed an extraordinary appeal with the Court of Appeals. The Court reviewed the appeal and said that the Service was not allowed to file the appeal, since the case was made against the Government, not the Service. Within a couple of weeks another appeal from the Prime Minister was filed. Due to the restructuring of the court system, there has been a long delay in hearing the appeal. The appeal is expected to be sent to the Supreme Court by 2004. The Church had submitted applications for registration in 1997, 1998, and 2000; the Government rejected the applications on various grounds.

The Mormons have continuously faced bureaucratic obstacles and have not been successful in obtaining registration; they have indicated their intention to attempt to register now that the registration has been simplified. Since the registration process was simplified, the Mormons stated that they intend to apply for registration in the near future. During the period covered by this report, the Mormons did not report any resistance or pressure from state authorities.

On July 27, 2002, individuals from the Ministry of Interior detained and questioned for 3 hours the leader of the Spiritual Organization of Muslims in Moldova. The Muslim leader was told that he was detained on charges related to terrorism, although the Ministry of Interior never provided additional information or clarification on these initial charges. Before being released, he was interrogated regarding his connection with the NGO "Calauza," a local Islamic organization that sponsors adult summer camps to study the Koran. On July 28, 2002, individuals from the Ministry of Interior detained and allegedly beat two members of Calauza. The members of Calauza were interrogated in a similar manner as the leader of the Muslims, and questioned about whether their organization or summer camps had ties to terrorist organizations. The Government had not registered the Church by the end of the period covered by this report.

The law provides for restitution to politically repressed or exiled persons of property that was confiscated during the successive Nazi and Soviet regimes. This regulation, in effect, has been extended to religious communities; however, the Moldovan Orthodox Church 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 among the Moldovan and Bessarabian Churches have not been resolved. The Jewish community has experienced mixed results in its effort to recover its property; however, during the period covered by this report, there were no pending restitution cases. The Baptist Church only has one remaining property-restitution claim, still pending at the end of the period covered in this report. In May 2001, the Molocans appealed to Parliament to hear their property restitution case, but the Parliament denied their request on the grounds that it was not within its jurisdiction. There was no movement on the Molocans' case during the period covered by this report.

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 have been 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.

In 1997 the authorities in Transnistria announced that they would annul the registration of Jehovah's Witnesses. The Jehovah's Witnesses in Transnistria were originally registered in 1991, and the church was reregistered by the Ministry of Justice in 1994 and 1997. However, in 1997 the President's Commissioner for Religions and Cults sent official letters to public authorities claiming that the activity of the Jehovah's Witnesses was banned and that their registration was annulled. These allegations were false. Using the President's Commissioner's false letter, authorities have repeatedly harassed the Jehovah's Witnesses, including halting the distribution of religious literature and refusing to approve a property request to build a house of worship. In November 2001, the Jehovah's Witnesses lodged an official complaint with the

"President" of Transnistria, and in January 2002, lodged a complaint with the Magistrate in Tiraspol against the illegal actions of the President's Commissioner for Religions and Cults. The President's Commissioner eventually admitted his guilt in writing the false letters, and in June 2002, the Transnistrian Supreme Court ruled in favor of the Jehovah's Witnesses. Nevertheless, on June 20, 2002, the public prosecutor in Tiraspol lodged a case against the Jehovah's Witnesses, seeking to ban the religious activities of the Jehovah's Witnesses and to annul its registration. The liquidation trial began on July 11, 2002, and has since been postponed several times. The next hearing of this liquidation case is scheduled before the Supreme Court on September 9, 2003. On July 18, 2002, the President's Commissioner for Religions and Cults sent a letter to various government departments with instructions to consider the Jehovah's Witnesses as illegal until the case brought against them had been finalized. The Jehovah's Witnesses have lodged an official complaint and a counter lawsuit against the President's Commissioner for Religions and Cults. Following several hearings, the Court has decided to suspend the trial until the liquidation case has been finalized.

There have been no reported instances since January 2000 in which Transnistrian officials confiscated religious tracts from members of Jehovah's Witnesses. The Methodist Church was denied registration in late 2000 and has made no progress in its efforts to have its case reviewed. The Church of the Living God has been denied registration in five towns in Transnistria. The Church has not been in contact with international organizations since 2000, and some international observers believe it has ceased to exist. In March 2002, a member of the Jehovah's Witnesses was fined (approximately \$27) for door-to-door preaching, despite a general understanding that door-to-door preaching—unless it is viewed as abusive proselytizing—is not a violation of the law.

The Baptist community in Transnistria remains unregistered. In previous years, the Baptists in Transnistria complained of increased harassment from the authorities; however, during the period covered by this report the Baptists reported no direct harassment. In addition, authorities did not threaten to destroy the church, and the group continued to meet in the same building. In the February 2001 Moldovan parliamentary elections, a reported 80 percent of those persons from Transnistria who crossed the Dniester River to vote (voting was not allowed in Transnistria itself), voted for the independent candidate and Baptist minister, Valeriu Ghiletschi.

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 refusal to allow such citizens to be returned to the United States.

Section III. Societal Attitudes

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

In February 2003, eight tombstones were destroyed in a Jewish cemetery in Balti. However, according to a leading Rabbi in Chisinau, it is not clear whether this event was caused by anti-Jewish sentiment.

On December 16, 2002, the Transnistrian authorities found two individuals guilty of vandalism and sentenced them to 6 years in prison and to 3 years of a suspended sentence, respectively. The Transnistrian authorities have developed a new textbook that is to be used at all school levels, which reportedly contains negative and defamatory information regarding the Jehovah's Witnesses.

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

Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom issues with the Government in the context of its overall dialog and policy of promoting human rights. U.S. Embassy officers have met with leaders and legal representatives of many religious organizations to discuss registration, restitution, and other problems the organizations have had with the authorities.

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 the activities of religious and secular groups.

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

Released on December 18, 2003

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