

MOLDOVA 2013 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution and other laws and policies protect many aspects of religious freedom and, in practice, the government generally respected religious freedom; however, some laws and policies restrict religious freedom, and the government continued to provide preferential treatment to the Moldovan Orthodox Church (MOC). In separatist Transnistria, the law provides for some religious freedom, but in practice, the Transnistrian authorities enforced legal and policy restrictions on religious freedom. There were reports of Transnistrian officials threatening minority religious groups.

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

The U.S. embassy discussed religious freedom and the rights of members of minority religious groups with the government and invited religious leaders to embassy-organized events. Embassy representatives met with religious leaders to discuss the status of religious freedom, the obligation of government and society to respect religious rights, and other issues of concern to religious groups. Embassy representatives also met with municipal authorities to help the Jewish community display a menorah in public during Hanukah. The embassy advocated the enforcement of the Law on Ensuring Equality that includes a prohibition of discrimination on the basis of religion.

Section I. Religious Demography

The U.S. government estimates the population at 3.62 million (July 2013 estimate). The predominant religion is Orthodox Christianity, with 97 percent of the population belonging to one of the two Orthodox groups: 86 percent to the MOC, which is subordinate to the Russian Orthodox Church, and 13 percent to the Bessarabian Orthodox Church (BOC), under the Romanian Orthodox Church. According to a 2012 Gallup poll, 83 percent of the population considers itself religious, while five percent declares itself atheist. A 2012 poll conducted by the

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Human Rights Information Center estimates active membership in non-Orthodox religious groups at 150,000. The largest non-Orthodox religious groups, accounting for 15,000 to 30,000 adherents each, are Roman Catholics, Pentecostals, Seventh-day Adventists, Jehovah's Witnesses, Baptists, Jews, and evangelical Christians.

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

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

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The national constitution and other laws and policies generally protect religious freedom, but some laws and policies restrict religious freedom.

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

The registration process is the same for all religious groups. A religious group must present to the Ministry of Justice (MOJ) a declaration of its exact name, fundamental principles of belief, organizational structure, scope of activities, financing sources, and rights and obligations of membership. The law also requires at least 100 citizen founders to register a religious group. Religious groups must present proof of having premises for their religious activity. The MOJ is required by law to register a religious group within 30 days if the registration request is made according to law. The applicant may request that this term be extended. At the request of the MOJ, a court can suspend the registered status of a religious group if it "carries out activities that harm the constitution or laws" or "affects state security, public order, [or] the life and security of the people." The

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law also provides for suspension or revocation of a religious group's registration in case of violation of international agreements or for political activity.

The law does not require registration, but registration gives religious groups legal status that allows them to own property, open bank accounts, and hire employees. Individual churches or branches of registered religious groups are not required to register with the MOJ as long as they do not carry out legal transactions and do not receive donations as local legal entities. The parent organization must exercise authority in those areas for unregistered local branches. Unregistered groups may not act as legal entities or obtain space in public cemeteries in their own names.

Property disputes between the MOC and BOC were not resolved. Although the law provides for restitution of property confiscated during the successive fascist and Soviet regimes to politically repressed or exiled persons, the provision does not apply to property confiscated from religious groups. Local authorities can arrange with local parishes to return church properties, but in practice, these arrangements usually benefitted the MOC.

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

All religious groups, whether registered or not, have freedom to worship and free access to public places for their activities.

There is no state religion. The law on religion, however, describes the "exceptional importance and fundamental role of the Christian Orthodox religion, particularly that of the MOC, in the life, history, and culture of the people of the Republic of Moldova." The Metropolitan of Chisinau and all Moldova, the highest-ranking cleric in the MOC, holds a diplomatic passport and is the only religious leader known to be accorded such treatment. The MOC also receives preferential treatment from the authorities for the import of religious materials.

The government nominally allows all religious groups to hold services at state facilities, including orphanages, hospitals, schools, and military and police institutions at the request of individuals in such institutions, provided they obtain the approval of the institution's administration. In practice, the MOC has greater access to these institutions.

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Missionaries may submit work contracts or volunteer agreements to apply for a temporary residency permit, and can reside and work in a paid status or as unpaid volunteers. Only missionaries working with registered religious groups may apply for temporary residency permits. Foreign missionaries may remain for 90 days on a tourist visa. Foreign religious workers must register with the National Agency for the Occupation of the Workforce, the Bureau for Migration and Asylum, and the Ministry of Information Technology and Communications.

According to the law on education, “moral and spiritual instruction” is mandatory for primary school students and optional for secondary school and university students. The instruction covers a wide range of topics and issues, including moral, spiritual, artistic, aesthetic, and ethical standards, with the aim of providing students with a broad understanding of human values. Topics covered include truth, goodness, peace, patriotism, faith, wisdom, tolerance, justice, team spirit, and trust in virtues. There is no opt-out option available. An optional course on religion is available in addition to the mandatory moral and spiritual instruction. It is taught from manuals developed by the Ministry of Education with input from the MOC and includes teaching guidelines developed with the support of the BOC. Teachers and Orthodox priests teach this optional course, which focuses on the Orthodox Christian faith.

An equality law prohibits discrimination on several bases, including religious affiliation.

On January 22, the Constitutional Court ruled on the constitutionality of the mandatory immunization of children challenged, in part, on religious grounds by the Moldovan government’s Parliamentary Ombudsman for Human Rights. The Court declared the law constitutional and the mandatory immunization of children remained in force.

In separatist Transnistria, Transnistrian law affirms the role of the Orthodox Church in the region’s history. All religious groups, whether registered or not, officially have freedom to worship. Foreign citizens also have the freedom to worship. Transnistrian law, however, imposes restrictions on the right to freedom of conscience and religion, “if necessary to protect the constitutional order, morality, health, citizens’ rights and interests, or state defense and security.” The prosecutor’s office oversees implementation of the law on religious freedom.

The law provides for legal registration of religious groups. The region’s “Ministry of Justice” registers religious groups and monitors their adherence to the goals and

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activities set forth in their statutes. Registration provides a number of advantages to religious groups, including the ability to own and build places of worship, open religious schools, and publish literature.

To obtain legal registration in Transnistria, a local religious group must present proof of activity in Transnistria for at least 10 years and must have at least 20 members aged 18 years old and above with permanent residence in the region and Transnistrian “citizenship.” A local religious group may also register as part of a centralized religious organization, which must consist of at least six local religious groups. The religious group must inform the registration authority on a yearly basis about intentions to extend its activities.

A religious group also must provide the Transnistrian “Ministry of Justice” with a list of founders and their personal details, its statutes, the minutes of its constituent assembly, basic religious doctrine, contact details of its governing body, and an official tax receipt. The decision to register a religious group must be taken within 30 days of the application. If the “ministry” decides to conduct a “religious assessment,” the registration can be postponed for up to six months.

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

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

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

In Transnistria foreign religious groups may not undertake religious activities and do not have the status of officially registered religious groups. Foreign citizens cannot be founders or members of religious groups.

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

Transnistrian law has no provisions for alternative service for conscientious objection to military duties. According to the Transnistrian criminal code, courts may sentence those who avoid or evade military service to fines from 5,375 to 13,005 Transnistrian rubles (\$484 to \$1,172) or imprisonment of up to two years.

Government Practices

There were reports that the government's treatment of minority religious groups was discriminatory. For example, the government refused to return any property seized after World War II to religious groups, with the exception of the MOC. The government also failed to prevent and prosecute instances of societal discrimination against members of minority religious groups.

Minority religious groups and NGOs criticized the main law on religious practice for failing to provide equal rights to all religious groups, and for recognizing "the special importance and leading role of the Christian Orthodox religion and Orthodox Church in the history, life, and culture" of the people. Human rights NGOs criticized the Ministry of Education for allowing the optional course on religion to cover only Christian-Orthodox doctrine, to the exclusion of other religious traditions.

The MOJ registered 52 religious entities during the year, including one new Christian denomination, one religious institution, and 50 religious groups as component parts of existing religious denominations, including the Baptist Church, the MOC, the BOC, and the Union of Pentecostal Churches. The MOJ reported a decrease in registration requests from the BOC during the year.

The Public Qigong Association "Falun Gong Moldova" and the Spiritual Gathering of Muslims of Moldova, which registered as NGOs after unsuccessful attempts to register as religious groups, did not attempt to register with the MOJ again.

Minority religious groups continued to report discriminatory treatment by officials of state institutions, who often stated a preference for MOC clergy to provide services to their respective facilities. Under a cooperation agreement between the MOJ and the MOC, MOC chaplains had free access to detention facilities for

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religious assistance without prior approval of the prison administration. The authorities did not grant other religious groups similar privileges.

In March the MOC extended the cooperation agreement signed with the Ministry of Defense in 1997, under which MOC priests preach to National Army units, bless military personnel prior to their enrollment in peacekeeping missions, and distribute religious literature to libraries within the army. During the ceremony extending the agreement, the minister of defense was awarded the “Church Order” for promoting Christian-Orthodox values among the young generation.

In April the Ministry of Labor, Social Protection, and Family and the MOC signed a memorandum of understanding which provides for cooperation in supporting the institution of the family, parenthood, children's rights, and assistance to children left without parental care. The agreement also includes provisions for cooperation in promoting a healthy and moral Christian lifestyle among minors, strengthening ethical norms, protecting single mothers, developing a network of Christian social assistance, and the opening of day care centers and temporary shelters within churches and monasteries.

The Union of Pentecostal Churches reported problems with local public administrators in rural areas who refused to enforce court decisions issuing construction permits for Pentecostal churches.

Courts or local councils overturned most of the decisions taken by at least six localities in 2012 to declare themselves areas of “special support for the Moldovan Orthodox Church.”

Local authorities continued their reluctance to allot land to minority religious groups in local cemeteries, which were usually under the administration of local Orthodox churches. They were also often reluctant to allocate land for the construction of houses of worship.

In 2012, the Supreme Court of Justice irrevocably upheld the dismissal of legal action initiated by the Catholic Church in 2010, seeking the return of a cathedral and other properties for which it had proof of ownership from the 1930s and earlier. The dismissal foreclosed all legal remedies in the country and the Catholic Church submitted a complaint to the European Court of Human Rights (ECHR) in December 2012. Catholic Church representatives stated the government discriminated against the Church because the government returned MOC

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properties but failed to return Catholic Church properties. The case was pending at the ECHR at year's end.

The Lutheran Church's repeated requests for property restitution also remained unresolved.

The Ministry of Education took no steps to expand the "moral and spiritual instruction" curriculum in public schools to include any confession aside from Orthodoxy. The MOC had priority in access to schools and the development of educational materials.

Seventh-day Adventists Reform Movement reported problems enrolling children in kindergartens as a result of their refusal to have children immunized.

The Jewish community reported tacit discrimination by the government. The director of a public theater initially did not allow the Jewish community to display a Hanukkah menorah at a public location in Chisinau, which was a former synagogue. The Mayor of Chisinau overruled the director on November 22 and allowed the public menorah display to take place on November 27.

In July the Prosecutor General's Office (PGO) initiated an investigation of the desecration of graves at the Chisinau Jewish cemetery by a young couple. The couple took pictures and videos while desecrating the tombs and making Nazi gestures, and later placed the images on social media websites. Investigators seized a laptop with pictures and videos that reportedly showed evidence of the perpetrators' hatred towards the Jewish community and adherence to the Nazi ideology. The case was still pending at year's end.

In October the government delivered to the U.S. Holocaust Memorial Museum a new batch of archives, including records of investigations and trials of individuals accused of war crimes against Jews and other victims during World War II.

According to human rights NGOs monitoring religious freedom in Transnistria, religious groups were reluctant to report problems and preferred solving them on their own. The Lutheran Church was unable to reclaim property seized during the Soviet era. The BOC did not make renewed attempts to open churches in the Transnistria region. Transnistrian "authorities" refused to accredit the leaders of the Tiraspol and Rybnita Jehovah's Witnesses or to register new charters for Jehovah's Witnesses in Tiraspol, Rybnita, Grigoriopol, and Tighina.

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In contrast to previous years, Jehovah's Witnesses were not prosecuted by Transnistrian "authorities" for conscientious objection to military service.

Section III. Status of Societal Respect for Religious Freedom

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

Jehovah's Witnesses reported 30 cases of verbal harassment, property damage, and threats of physical violence in rural areas during the year. Jehovah's Witnesses continued to report a pattern of discrimination and abuse by local officials, often under pressure from local Orthodox priests. In several cases Orthodox priests and followers publically demanded that Jehovah's Witnesses leave their villages. While Jehovah's Witnesses were able to obtain construction permits without difficulty, in practice the construction was often obstructed. For example, local residents in Tipala destroyed fences on the Jehovah's Witnesses property and illegally installed an Orthodox crucifix. Despite an improvement in punishing abuses by priests and villagers, police applied only fines.

Intimidation and harassment of Baptist church members in rural areas continued during the year. For example, Baptist church members in Congaz village in the autonomous territorial unit of Gagauzia were subject to threats and intimidation. In June the local Orthodox priest summoned a crowd and pressured the mayor to revoke a permit for the Baptists to hold a summer camp for children on the central square. As a result, the Baptists were forced to move their ongoing camp. The Orthodox group then sent a letter to the mayor calling on the local administration to restrict the initiatives and activities of the Baptist church.

The Moldovan Alliance of Orthodox Organizations made anti-Islamic statements throughout the year.

MOC priests, especially in rural areas, continued to oppose the influence of "imported confessions."

The Jewish community in Transnistria reported that grave sites in the Jewish cemetery in Grigoriopol were desecrated. Prosecutors initiated a criminal investigation, but the perpetrators were not identified.

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In January the Union of Moldovan Authors nominated writer Paul Goma, some of whose writings appear to justify or deny the Holocaust, for the Nobel Prize in Literature.

According to the Islamic League, in contrast with previous years, religious freedom and human rights for Muslims improved. Only isolated cases of verbal abuse or discrimination were reported. There were, however, abuses in the Transnistrian region. Human rights NGOs reported a case in Transnistria where the Islamic community was subject to a provocation. In March unidentified individuals distributed flyers in the name of the Islamic community, calling on Muslims to seize the country and punish the Christians. The flyers also included the address of the Islamic community in Parcani village, which made it vulnerable to attacks following the flyers' distribution. The case was investigated by Transnistrian prosecutors, but the perpetrators were not identified, and the case was closed. The Islamic community in Transnistria runs a cultural and an educational center, but is not registered as a religious community under Transnistrian law.

Section IV. U.S. Government Policy

The embassy continued its advocacy for religious freedom and for the rights of religious minorities during the year. Embassy officials met with religious leaders and members of minority religious groups, and invited them to embassy-sponsored events. The Ambassador took part in a number of events organized by the Jewish community, including a Holocaust memorial event and a ceremony marking the transfer of files to the Washington Holocaust Memorial Museum. During the week of April 8, the Ambassador participated in a series of events commemorating the murder of at least 50 Jews in Chisinau. On April 11, the Ambassador spoke of the United States' commitment to combatting anti-Semitism at a public commemoration that the Moldovan prime minister and members of the Jewish community attended. The Ambassador met with municipal authorities to support the right of the Jewish community to publically display a menorah during Hanukah. As a result of the meeting, the Jewish community was granted permission to display the menorah in front of a former synagogue for the first time in three years. The embassy funded two grants related to religious freedom – one promoting inter-religious dialogue and one studying how religion is taught in schools.