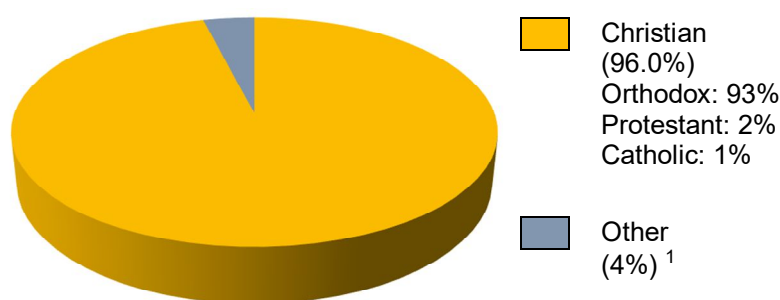


# MOLDOVA



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<b>Area:</b> 33,846 km <sup>2</sup>	<b>Population:</b> 3.5 million	<b>Political system:</b> Democracy	<b>Major Language(s):</b> Moldovan
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## Legal framework on Freedom of Religion

Moldova's religious landscape is made up primarily of Christians (96 percent), of whom approximately 93 percent are Orthodox and belong to either the Moldovan Orthodox Church (MOC) or the Bessarabian Orthodox Church (BOC) – the latter having received autonomy from the Romanian Orthodox in the late 1990s.

In Transnistria – an autonomous state running along the eastern edge of the country – approximately 80 percent of the population belongs to the MOC. Other religious groups include Baptists, Jehovah's Witnesses, Muslims, Catholics, Seventh-day Adventists, Jews, Lutherans, Evangelical and Charismatic Christians, and Old Believers – who separated from the Russian Orthodox in the seventeenth century.<sup>2</sup>

Moldova achieved independence from the Soviet Union in 1991 but has yet to resolve the situation with the breakaway region of Transnistria. Despite claiming independence from the Republic of Moldova, Transnistria is not recognised by the international community and is designated by Moldova as the Transnistria Autonomous Territorial Unit with Special Legal Status. After failed attempts at establishing a constitution for a reintegrated state, there are two constitutions, two parliaments, and two sets of laws that govern the official territory of Moldova.<sup>3</sup>

The 1994 Moldovan constitution guarantees the right to freedom of religion or belief through Article 31 (Freedom of conscience) which, in addition to ensuring the right to worship, stipulates that religious groups are to enjoy independence and autonomy.<sup>4</sup> Under Article 40 (Freedom of assembly) religious groups may meet peacefully, and there is to be equality for all no matter one's religious or belief affiliation under Article 16 (Equality).

However, there is a clear preference for Orthodox Christianity, particularly the MOC, which serves as a de facto state religion. Also, certain legislative provisions open up the possibility of the government discriminating against minority religious groups.

The 1992 Moldovan Law on Religious Denominations no. 979-XII of 24<sup>th</sup> March 1992 is the legislation that, prior to the 2007 revision,<sup>5</sup> implemented the provisions of the constitution regarding religious freedom. It provided the right to be free to choose, change or practice one's own religion or belief, and did not allow for discrimination based on one's religious affiliation.

Religious freedom may be restricted when public order and security is at risk, for public health and morality protection, or where individual rights and freedoms are inhibited. “Abusive proselytism” is forbidden under Article 4 of the law as revised in 2007. The meaning of “abusive” is not defined, although a definition for “improper proselytism” is given.

The law also recognises the “special importance and leading role” of the MOC, and the government grants them special privileges.

In order to be a state recognised religious denomination and operate as a legal entity, religious groups have to register with the government. The registration process is overseen by the Ministry of Justice. There are 51 religious entities officially recognised by the Moldovan government.

Registered denominations enjoy certain benefits; they may establish associations and foundations and are exempt from paying real estate and land taxes; they may also own property and land for cemeteries, build churches, publish religious literature, open bank accounts, and hire employees.

There are no schools for Moldovan Orthodox or other religious groups, with the exception of two Jewish schools, and a kindergarten, which are state funded: both are in Chisinau.<sup>6</sup>

In contrast, unregistered religious groups are unable to legally make transactions or receive donations. Further, only missionaries from registered religious groups may apply for temporary residency permits.

Those religions who do not register, are unable to register, or have their application denied may attempt to establish themselves as a civil organisation.

In the European Court of Human Rights (ECHR) case of Metropolitan Church of Bessarabia and Others v. Moldova (2002),<sup>7</sup> the BOC argued it had been denied registration due to political alignment of the state with the MOC. The court ruled that the BOC had been discriminated against and their right to freedom of religion violated under Article 9 through the denial of the Moldovan government to approve its separate registration.

The Spiritual Gathering of Muslims of Moldova eventually registered as an NGO after they were denied registration several times. They took the case, *Cârnuirea Spirituală a Musulmanilor din Republica Moldova v. Moldova* (2005),<sup>8</sup> to the ECHR, but it was ruled inadmissible as the court did not find their claim of discrimination to be substantiated.

The Constitution of the disputed region of Transnistria requires religious organisations to be registered in order to enjoy certain benefits. The MOC is the dominant religion in the region, and the requirements for registration make it virtually impossible for many religious minority groups to function properly in the area. The prosecutor oversees the implementation of the law on religious freedom.

As this region is not internationally recognised, there is little enforcement of the laws and policies and there are restrictions placed on religious freedom for minority religions. Minority religious groups are hesitant to report problems.<sup>9</sup>

## **Incidents**

### *Members of the Unification Church arrested and held under false charges of human trafficking*

In October 2015, two members of the Unification Church were arrested and kept in pre-trial detention until the end of January 2016, before being put under house arrest. They were charged with alleged trafficking in human beings (Article 165 of the criminal code), a charge punishable by jail terms of six to 12 years.

The Prosecutor alleged that they established the Unification Church in Moldova in 2008 as an “organised criminal group.” While the allegations claimed that the defendants are guilty of organising a criminal group (the Unification Church), Oleg Savenkov, a Ukrainian citizen, was not

in Moldova when the Church was founded, and Mihail Calestru has never been part of the Church's leadership.

They were set free at the end of March but the charges were not dropped. It is thought that authorities misused anti-trafficking legislation to deal a serious blow to a minority religion of foreign origin.

### *Two Falun Gong associations ordered to dissolve*

The Supreme Court of Moldova confirmed the order for the dissolution of two Falun Gong Moldova public associations due to their use of a spiritual symbol being classified as extremist material under the law.<sup>10</sup>

In February 2015, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, and the Special Rapporteur on freedom of religion or belief issued a joint statement expressing their concern on this ruling and that it was in violation of "the rights to freedom of association, freedom of expression, and freedom of religion and belief, as enshrined in articles 18, 19 and 21 of the ICCPR."<sup>11</sup>

### *Hostility against Jehovah's Witnesses*

Jehovah's Witnesses, who have become increasingly active in Moldova during the period covered by this report, have faced hostility from Orthodox priests. There have been several incidents over the last years in the villages of Cristesti, Marinci, Hrusova, Cateleni, and Balanesti.

In Transnistria, re-registration was denied to Jehovah's Witnesses in Tiraspol and Rybnitsa, and it is impossible for them to register any new legal entities elsewhere in the country.

## **Prospects for Freedom of Religion**

The preference shown by the state towards the Moldovan Orthodox Church is one of the main issues for religious freedom in Moldova.

Denial of registration can be a problem for some minority religious groups. The use of other laws such as trafficking laws to try to prosecute the members of the Unification Church further raise concerns that while in the past the problem was essentially one of passive discrimination, the Ministry of Justice now appears bolder in its attempts to suppress minority religious movements.

Furthermore, in order for the situation in Transnistria to improve for religious minorities, the relationship between Moldova and this breakaway region needs to be rectified, as it is currently a legally nebulous area.

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<sup>1</sup> Other faiths include Jewish (0.8%), Muslim (0.5%), Atheist (0.5%), and minority groups (0.02%), comprising Baha'is, Molokans, Messianic Jews, Lutherans, Presbyterians, members of the Unification Church, other Christians, and followers of the International Society for Krishna Consciousness.

<sup>2</sup> <http://www.state.gov/documents/organization/171710.pdf>

<sup>3</sup> *Religious Freedom in the World*, Edited by Paul Marshall, Rowman & Littlefield Publishers Inc., Published in cooperation with Center for Religious Freedom at the Hudson Institute, 2008

<sup>4</sup> <http://legislationline.org/documents/action/popup/id/16261/preview>

<sup>5</sup> Law on Religious Denominations and their Component Parts no. 125 of 11 May 2007, <http://www.legislationline.org/documents/action/popup/id/15972>

<sup>6</sup> <http://www.state.gov/j/drl/rls/irf/2001/5635.htm>

<sup>7</sup> <http://www.strasbourgconsortium.org/portal.case.php?pagelD=10#caselD=175>

<sup>8</sup> <http://www.strasbourgconsortium.org/common/document.view.php?docId=4174>

<sup>9</sup> <http://www.state.gov/documents/organization/171710.pdf>

<sup>10</sup> Law on combating extremist activity <http://www.legislationline.org/documents/action/popup/id/4824> and Article 24 Law on Religious Denominations and their counterparts <http://www.legislationline.org/documents/action/popup/id/15972>

<sup>11</sup> [https://spdb.ohchr.org/hrdb/29th/public\\_-\\_UA\\_Moldova\\_10.02.15\\_\(1.2015\).pdf](https://spdb.ohchr.org/hrdb/29th/public_-_UA_Moldova_10.02.15_(1.2015).pdf)