

MOLDOVA 2015 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution protects the right of individuals to practice their religion and states religious groups are autonomous and independent from the state. The law, however, recognizes the “exceptional importance” of Orthodox Christianity, and the government continued to provide preferential treatment to the Moldovan Orthodox Church (MOC). The Constitutional Court ruled unconstitutional the provision in the law on fighting extremist activity, which qualified as extremist the display of Nazi symbols, due to a lack of a clear legal definition. Leaders of two Falun Gong groups believed the ruling, once published, would allow them to reregister and resume full activity after the Supreme Court of Justice had upheld, earlier in the year, the decision of lower courts to dissolve two Falun Gong public associations because of their use of the swastika symbol. The associations stated their use of the symbol was based on ancient Buddhist and Chinese tradition and had nothing to do with Nazism. A change in government policy led to a significant increase in the number of new registrations of religious groups, but instances of reported government discrimination against minority religious groups remained common. Jehovah’s Witnesses reported a poor police response to incidents of physical aggression against their members. Jehovah’s Witnesses and Pentecostals stated they encountered difficulty obtaining buildings in which to worship, despite court orders.

In the separatist Transnistria region, de facto authorities continued restricting the activities of minority religious groups. Minority religious groups there expressed concern about an inability to fulfill a legislative requirement to reregister. Jehovah’s Witnesses said they also could not register new branch offices in the region. Other minority groups, including Muslims, stated they continued to refrain from overt religious activities due to incidents with the security forces such as seizure of religious materials and questioning of community members.

The Human Rights Information Center, a nongovernmental organization (NGO), stated that the MOC exercised a strong influence on the state’s public policies and “abusively interfered with the minority religious groups’ right to the freedom of religion.” Minority religious groups, including Jehovah’s Witnesses, Baptists, and Pentecostals, reported cases of verbal abuse, property destruction, and media discrimination as well as discrimination by MOC priests. The Muslim community reported biased attitudes, resulting in harassment in schools and negative media coverage.

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U.S. embassy representatives met with the prime minister and other senior government officials to discuss various challenges faced by different religious groups, including the Jewish community. They met with representatives of multiple religious groups to discuss their concerns. The Ambassador and Charge d’Affaires advocated for religious tolerance and interfaith dialogue and collaboration at a number of public events. The embassy co-sponsored an event with a Jewish cultural center commemorating the Holocaust and hosted an iftar, which brought together several Muslim groups representing various views and directions in Islam and where participants engaged in discussions focused on dialogue, cooperation, tolerance, and unity.

Section I. Religious Demography

The U.S. government estimates the population at 3.5 million (July 2015 estimate). According to a 2011 global Gallup survey on religion, the most recent available containing information on specific religious affiliation, the predominant religion is Orthodox Christianity, with 96 percent of the population belonging to one of the two Orthodox groups: approximately 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, 5 percent of the population declares itself atheist. A 2012 poll by the NGO 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, evangelical Christians, and Muslims.

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

In the separatist Transnistria region, an estimated 80 percent of the population belongs to the MOC. Other religious groups in the region include 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

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Legal Framework

The constitution stipulates all citizens shall be treated equally before the law regardless of religion and guarantees freedom of conscience, manifested in “a spirit of tolerance mutual respect,” and freedom of religious worship. It states religious groups may organize and operate according to their own statutes, independent from the state. In addition, the constitution prohibits all actions instigating religious hatred and states relations between religious groups must be free of discord. The constitution stipulates the state shall support religious worship, including by facilitating religious assistance in the army, hospitals, penitentiaries, nursing homes, and orphanages.

The law states every person has the right to belong or not belong to a religion, to have or not have individual beliefs, to change religion or beliefs, and to practice religion or beliefs independently or as a group, in public or in private, through teaching, religious practices, or rituals. According to the law, religious freedom can be restricted only if necessary to ensure public order and security, to protect public health and morality, or to protect a person’s rights and freedoms. The law also prohibits discrimination based on religious affiliation.

The law stipulates that the state recognizes the “exceptional importance and fundamental role” of Orthodox Christianity, particularly that of the MOC, in the life, history, and culture of the country.

The law allows religious groups to establish associations and foundations. It 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.

The law provides for a registration process in which a religious group must present to the Ministry of Justice (MOJ) a declaration including its exact name, fundamental principles of belief, organizational structure, scope of activities, financing sources, and rights and obligations of membership. The law also requires a group to show it has at least 100 founding members. A religious group must present proof of having access to premises where it can conduct its religious activities, but the law does not specify that the group must own this property. 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 if the documentation submitted is insufficient. At the request of

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the MOJ, a court may 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 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 only registered religious groups possess status as legal entities allowing them to build churches, own land in cemeteries, own property, publish religious literature, open bank accounts, and hire employees. Registration also exempts them from land taxes, property taxes, and other registration fees. 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.

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.

The law 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.

According to the law, religion classes in state educational institutions are optional. The religion curriculum offers two types of courses: one is for the Orthodox and Roman Catholic denominations, and the second is for evangelicals and Seventh-day Adventists. The religious curriculum for the Orthodox/Catholic groups derives from instructional 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 these optional courses, which focus on Orthodox Christianity. The second course is based on translated religious manuals and literature from Romania, the United States, and Germany.

The Antidiscrimination Council, established by law, is an independent institution charged with reviewing complaints of discrimination, including discrimination of a religious character or based on religious affiliation. Members are chosen through a competitive process and appointed by parliament to five-year terms.

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According to the law, citizens aged 18 to 27 have the right to choose civilian over military service if the latter is counter to their religious beliefs. The duration of the alternative civilian service is six months for citizens with higher education, and 12 months for citizens with secondary education or vocational studies. Those who choose civilian service may complete it at public institutions or enterprises specializing in such areas as social assistance, healthcare, industrial engineering, urban planning, roads and road construction, environmental protection, agricultural associations or agricultural processing, town management, and fire rescue. There are no blanket exemptions for religious groups for the civilian service alternative, but religious officials, monks, and theology students are exempted from alternative service. Refusal to enroll in civilian service is punishable by a fine ranging between 2,000 lei (\$102) and 10,000 lei (\$510) or 200 hours of community service. A repeated refusal is punishable by a fine ranging between 8,000 lei (\$408) and 20,000 lei (\$1,020) or detention of up to six months.

The law bans religious entities from engaging in political activity and prohibits “abusive proselytism,” which it defines as the action of changing religious beliefs through coercion.

The law mandates immunization of all children and does not provide an opt-out for religious reasons.

The law defines as “extremist” and makes illegal any document or information justifying war crimes or the complete or partial annihilation of a religious or other kind of societal group, as well as any document calling for or supporting activities in pursuit of those goals.

Foreign 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 religious workers with these permits 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 and must present documents confirming the official status of the registered religious group for which they will work, papers confirming their temporary residence, and proof of valid local health insurance. Other foreign missionaries may remain for 90 days on a tourist visa.

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In separatist Transnistria, Transnistrian “law” affirms the special role of the Orthodox Church in the region’s culture and spirituality. The de facto law “recognizes respect” for Christianity, Islam, Buddhism, Judaism, and other religious groups historically present in the region. All religious groups, whether registered or not, officially have freedom to worship, but the law permits 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.” Foreign citizens also have the freedom to worship. The prosecutor’s office oversees implementation of the law on religious freedom.

The “law” provides for the registration of religious groups, but registration is not legally required. The region’s self-professed “Ministry of Justice” registers religious groups and monitors their adherence to the goals and 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 register, a local religious group must present proof of activity in the region for at least 10 years; a list comprising at least 20 members aged 18 years or older with permanent residence in the region and Transnistrian “citizenship;” a list of founders and their personal details; the group’s statutes and minutes of its constituent assembly; basic religious doctrine; contact details of its governing body; and a receipt indicating payment of the registration fee. A local religious group may also register as part of a centralized religious organization, which must consist of at least three local religious groups. The central religious organization must inform the registration authority on a yearly basis about intentions to extend its activities.

The de facto authorities must decide to register a religious group within 30 days of the application. If they decide to conduct a religious assessment, which is a law enforcement investigation of the group’s background and activities, registration may be postponed for up to six months or denied if the investigating authorities determine the group poses a threat to the security or morality of the region, or if foreign religious groups are involved in its activities.

Foreign religious groups may not register, and neither foreign individuals nor groups may undertake religious activities. Foreigners may not be founders or members of religious groups.

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Religious groups disband on their own decision or upon a “court’s” decision. The “prosecutor’s office” or the region’s de facto executive, city, or district authorities can request the courts to disband or suspend a religious group.

The “law” allows the use of private homes and apartments to hold religious services. It does not, however, allow religious groups to use homes and apartments as their officially registered addresses. The “law” also allows religious services and rituals in public places such as hospitals, clinics, orphanages, geriatric homes, and prisons.

The authorities screen and may ban the import and export of religious printed materials, audio and video recordings, and other religious items.

According to the “law,” citizens have the right to choose alternative civilian service over military service if the latter contradicts an individual’s religion and beliefs. Alternative civilian service may be performed only at organizations under the Transnistrian authority or “other military forces,” and at institutions subordinate to the “executive bodies of the state or local administration.”

The de facto authorities do not allow religious groups to participate in elections or other political party activities or to support NGOs involved in elections.

Government Practices

In October the government arrested two men on human trafficking charges, alleging they recruited, transported, and harbored persons for labor exploitation and that the Unification Church was founded in 2008 as an organized criminal group. Human rights groups said that the two were not guilty, the charges stemmed from a dispute among Church members, and that the prosecution was politically motivated. Prosecutors stated they were correctly applying the law. The two individuals remained imprisoned at year’s end.

According to Jehovah’s Witnesses leaders, in many cases of verbal abuse or physical assault against their members, the police either found no basis to charge the perpetrator or downgraded the offenses and only issued administrative fines. For example, Jehovah’s Witnesses reported that in June in Balanesti village, Nisporeni Raion, the local Orthodox priest gathered a group of approximately 25 men to surround Jehovah’s Witnesses and physically prevent them from holding religious activities. The Jehovah’s Witnesses community sent a complaint to the

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Nisporeni police office, which found that the priest's actions did not contain the elements of an offense. Jehovah's Witnesses also reported that in July the local Orthodox priest in Cahul obstructed a public religious event of the group, used derogatory language, threatened them, and knocked down and kicked a stand holding religious literature. Jehovah's Witnesses filed a complaint against the priest. In a written response, the police qualified the actions as minor hooliganism and said they had not identified the perpetrator.

The MOJ registered 60 religious entities, including three new Orthodox denominations, one new evangelical denomination, one religious institution, and 55 religious groups as component parts of existing religious denominations, including the Baptist Church, the Old Rite Church, the MOC, the BOC, and the Union of Pentecostal Churches. It did not reject any registration applications.

On February 11, the Supreme Court of Justice upheld a court of appeals ruling ordering the dissolution of the country's two Falun Gong organizations, Falun Gong Moldova and Falun Dafa, on the grounds they promoted extremist activities. Both organizations, which had registered as public associations after unsuccessful attempts to register as religious groups, were removed from the state register of public associations at that time. Falun leader Tatiana Chiriac stated both earlier court decisions were unfounded and beyond any legal norms. A former judge who ruled on the case stated he had been pressured by his superior to rule for the dissolution of the two Falun Gong organizations.

On January 28, the Supreme Court of Justice had upheld a lower court decision declaring the Falun symbol, which incorporates five swastikas based on Buddhist and Chinese tradition, extremist. On February 24, the Ministry of Justice issued a decree to include all the materials bearing the Falun symbol into the government's Register of Materials with Extremist Character. The introduction of the Falun symbol into the register banned the publication and distribution of various materials of Falun Dafa, which the Falun leaders stated was an infringement upon their freedom of thought, speech, and belief. The Falun associations filed a complaint with the European Court of Human Rights. The case was pending at year's end.

On November 23, the Constitutional Court ruled unconstitutional the provision in the law on fighting extremist activity which qualified as extremist the display of Nazi-like symbols due to a lack of a clear legal definition. Falun Dafa leaders indicated they expected that this decision, once published in the Official Gazette,

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should result in the removal of the Falun Dafa symbol from the Register of Symbols with Extremist Character and allow the two Falun Gong associations to resume their activities and reapply to register as public associations or religious groups. The Falun Dafa officials also stated that in the meantime the two associations, while not dissolved, lacked legal standing.

Jehovah's Witnesses stated that in many instances local mayors or councilors were pressured by Orthodox priests to discriminate against Jehovah's Witnesses, and local public officials and priests serving as local councilors refused to execute court orders allowing use of facilities by Jehovah's Witnesses for worship. They further reported that in some cases local priests paid the court fines levied on the towns, and in many cases Orthodox priests served as local councilors and took decisions against religious minority groups. For example, in Mereni village, according to Jehovah's Witnesses, the mayor refused to issue a permit allowing the Jehovah's Witness community to use its completed kingdom hall following a final court ruling allowing the group to do so. In June the mayor informed the Jehovah's Witnesses he would not issue the required documents because he feared upsetting the local residents as well as the priest. Jehovah's Witnesses stated the local Orthodox priest paid the mayor's legal bills and continued hateful speech and calls for violence against them. In another case in Singera town, despite a final court ruling in their favor in 2010, Jehovah's Witnesses said the local administration continued to refuse to allow a building to be used as a kingdom hall.

The Union of Pentecostal Churches reported continuing problems with local public administrations in rural localities. For example, in Pirlita village, Falesti Raion, the mayor refused to change the building permit to allow for a church, despite an earlier final court ruling ordering him to do so. The mayor instead paid a fine of 12,000 lei (\$612) for not executing the court order. According to the Pentecostal Church, on multiple occasions, local mayors set obstacles to prevent Church-organized public events from taking place.

According to representatives of the Jehovah's Witnesses, Pentecostal Church, and Baptist Church, local authorities continued their reluctance to allot land to minority religious groups in local cemeteries, which were usually under the administration of Orthodox churches. Minority religious groups, including Baptists, Pentecostals, Jehovah's Witnesses, and Muslims, also reported that local authorities were often reluctant to allocate land for the construction of houses of worship.

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The Jewish community reported problems with property restitution as well as an ongoing case in which the authorities reclaimed the ruins of the Rabbi Tsrilson Synagogue and Magen David Yeshiva, which the Jewish community had purchased in 2010. On December 30, the Buiucani district court rejected as unfounded the Agency of Public Property's claim on the synagogue and yeshiva. The ruling could be appealed within 30 days.

Human rights NGOs criticized the Ministry of Education for allowing the optional course on religion to cover only Orthodox Christian doctrine, to the exclusion of other religious teachings. The MOC continued to have priority access to schools and the development of educational materials.

Jehovah's Witnesses reported new difficulties in obtaining permits to hold religious activities in detention facilities. According to community leaders, the Department of Penitentiary Institutions imposed bureaucratic impediments which hindered the group's access to prison inmates, while the MOC had unhindered access to those institutions.

The government continued to grant privileges to MOC clergy it did not grant to other religious groups. NGOs and minority religious groups criticized the law on religious practice for failing to provide equal rights to all religious groups, and for granting a leading role to the Orthodox Church.

Under a cooperation agreement between the MOJ and the MOC, MOC chaplains had free access to detention facilities for religious assistance without prior approval of the prison administration. A separate cooperation agreement between the MOC and the Ministry of Defense allowed MOC priests to preach to army units, bless military personnel prior to their deployment in peacekeeping missions, and distribute religious literature to libraries within the army. Through an agreement with the Ministry of Labor, Social Protection, and Family, the MOC continued to develop a network of social assistance, including by opening day care centers and temporary shelters within churches and monasteries. The authorities also granted greater freedom to the MOC to import religious materials and privileges pertaining to the restitution of church property compared to other religious groups.

In July the Roman Catholic Diocese of Chisinau signed a cooperation agreement with the Department of Penitentiary Institutions, which granted detainees the right to receive, upon their request, spiritual and religious support from the Catholic Church.

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

Leaders of the Islamic League, the only recognized Muslim religious organization in the country, reported fewer problems in the organization's relations with state authorities, including the police. For example, the leaders indicated that, unlike in previous years, the police did not check the identification of those attending Friday prayers.

On November 26, parliament passed a law instituting January 27 as the Day of Commemorating the Victims of the Holocaust. When introducing the draft bill to parliament, the vice minister of labor, social protection, and family characterized it as beginning "with national policies based on the principles of tolerance and eliminating all forms of discrimination and anti-Semitism."

Abuses by Foreign Forces and Non-State Actors

Human rights experts, including NGO representatives, stated that minority religious groups in Transnistria not favored by the Russian Orthodox Church, including Muslims, Jehovah's Witnesses, Baptists, and Pentecostals, were treated unequally as compared to the "mainstream religions." They stated the local authorities declined to register these groups and impeded their function by not allowing them to display or distribute religious literature and continuously monitoring them.

The authorities continued to refuse to register new charters for Jehovah's Witnesses in Tiraspol, Rybnita, Grigoriopol, and Tighina. A letter of refusal of registration from the "Ministry of Justice" stated the Jehovah's Witnesses might incite religious hatred towards the Christian faith and pose a security threat to the region. In Tiraspol and Rybnita, Jehovah's Witnesses were banned from distributing materials in public. "Law enforcement" described distribution of religious materials as assemblies, for which Jehovah's Witnesses were required to obtain permits.

The Islamic community ran a cultural and an educational center but was not allowed to register as a religious community. The Islamic community said it avoided undertaking any overt religious activity because of previous attempts by the region's authorities to intimidate it.

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The authorities rejected the Lutheran Church's previous claims for property seized during the Soviet era.

Section III. Status of Societal Respect for Religious Freedom

Jehovah's Witnesses reported at least 13 cases of societal abuse during the year. In most cases, Jehovah's Witnesses were either threatened with physical assault or verbally intimidated. For example, in August in Cociulia village, a group of individuals reportedly prevented Jehovah's Witnesses from holding religious services, broke into their homes, threatened and insulted them, and called on them to leave the village. In another case in March unidentified individuals reportedly threw stones at the kingdom hall in Orhei and broke the windows.

The Human Rights Information Center (CIDO), a local NGO, stated, "The government took no steps in addressing certain Orthodox leaders' intolerance and hatred against minority religious groups." CIDO stated the MOC exercised a strong influence on the state's public policies and "abusively interfered" with minority religious groups' right to the freedom of religion. According to press reports, MOC Bishop of Balti Falesti Marchel and, on a separate occasion, Ghenadie Valuta of the NGO Pro Ortodoxia made statements against the spread of Islam and the danger posed by the Muslim community.

The Islamic League reported a reduced number of incidents regarding discrimination against Muslims. It said the cases of discrimination occurred in schools and other public institutions and included acts such as verbal abuse and harassment by students against Muslims and a reluctance by teachers to interfere in these cases.

According to Islamic League representatives, the media was negative and biased against Islam, portraying the religion in a negative light in news articles and broadcasts. For example, league officials said that, after reporting news about terrorist attacks or threats, media organizations cited the Islamic League as the only registered Muslim organization in the country, implicitly linking it to violence or threats.

Representatives of the Union of Pentecostal Churches said media outlets were reluctant to report on charity events and activities organized by its churches, and in

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the cases when the media did cover those events, they did not report the name of the church.

Leaders of the Jewish community reported one act of vandalism during the year. On the night of October 26, unknown individuals drew swastikas and wrote offensive messages on the walls of a Jewish school in Chisinau. Investigators opened a criminal case, but the perpetrators were not identified.

Section IV. U.S. Government Policy

The U.S. embassy met with the prime minister and mayor of Chisinau to discuss equitable treatment of religious groups, specifically raising the issue of the disputed Rabbi Tsirilson Synagogue and Magen David Yeshiva. In both cases the officials said that, within the limits of their power, they would ensure a fair resolution to the case. Additionally, embassy officials met with the Ministry of Foreign Affairs and the Antidiscrimination Council to discuss combatting religious intolerance. The ministry and council expressed a willingness to collaborate with the embassy on the issue.

Embassy officials met with leaders and representatives of the MOC, BOC, Jehovah's Witnesses, Muslim groups, Baptist Church, Pentecostal Church, and Jewish community and discussed religious freedom, societal attitudes, and government actions or inaction with regard to religious groups. These encounters helped identify issues for the embassy to raise with the government and facilitated a dialogue among the groups when they met together with embassy representatives. The embassy designed and funded a program to promote interfaith dialogue for five representatives from the MOC, BOC, Baptist Church, Jewish religious community, and Islamic League. The representatives spent three weeks in the United States learning about laws and customs governing freedom of religion, best practices in promoting interfaith dialogue, and interfaith cooperative efforts in addressing social issues and serving the needy. At an embassy-sponsored gathering and in individual discussions after the visit, all participants expressed a desire to continue working together to promote understanding among different faith groups.

The Ambassador and embassy representatives regularly took part in events organized by the Jewish community, such as exhibits at the Jewish Cultural Center, a ceremony for Holocaust Remembrance Day, a Fourth of July Independence Day event, and a menorah lighting ceremony. The Ambassador advocated for religious

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tolerance in public speeches at the latter two events. On January 29, the Charge d'Affaires gave remarks highlighting the importance of religious tolerance at a Holocaust memorial event hosted by the American Jewish Joint Distribution Center in Moldova and the KEDEM Jewish Cultural Center. The event was cosponsored by the embassy and commemorated the 70th anniversary of the liberation of Auschwitz-Birkenau camp. The Ambassador regularly visited the KEDEM Jewish Cultural Center to discuss the situation of the Jewish community in Moldova and respect for their rights, and to underscore the embassy's support to the Jewish community.

In July the Charge d'Affaires hosted representatives of all the Muslim religious groups in Chisinau at an iftar. The event included remarks by the Charge on religious tolerance, unity, and the ability to freely practice one's faith as a universal human right, and discussions focused on dialogue and cooperation among groups representing various views and directions in Islam, tolerance, and unity. Embassy officials encouraged cooperation among Muslim communities, as well as with other religious groups in the country.