



Religion

Population

Area

- Christians : **97.0%**
- Agnostics : **2.0%**
- Others : **1.0%**

4,063,000

33,846 Km²

Legal framework on freedom of religion and actual application

The right to freedom of religion or belief in Moldova is enshrined in its 1994 constitution,^[1] which gives people the right to worship independently and autonomously from the state (Article 31 on freedom of conscience), the right to peacefully gather (Article 40 on freedom of assembly), and the right to equality regardless of religion or belief (Article 16 on equality).

Although these freedoms are guaranteed by the constitution and there is no official state religion, the Moldovan Orthodox Church (MOC) acts as the unofficial state religion.

The Law on Religious Denominations and their Component Parts No. 125 of 11th May 2007 (which revises the 1992 Law on Religious Denominations) regulates the relations between the state and religious associations. The law highlights the role of the MOC. Article 15 paragraph 5 states, "The state recognises the special importance and leading role of the Orthodox Christian religion and, respectively, the Moldovan Orthodox Church in the life, history and culture of the people of Moldova."^[2] Under Article 4 paragraph 4, the law prohibits "abusive proselytism."^[3]

The Ministry of Justice (MOJ) oversees the registration process for religious groups. There is no requirement to register but there are benefits in doing so. Registered religions may establish associations and foundations, be exempt from paying real estate and land taxes, own property and land in cemeteries, apply for temporary residency permits for missionaries, build churches, publish religious literature, open bank accounts, and hire employees^[4]

If a group is denied or declines registration as a religious entity, it may try to register as a civil organisation.

There are 52 religious entities officially recognised by the Moldovan government.^[5] Some minority religious groups have had problems with registration. Two cases were taken to the European Court of Human Rights (ECtHR) by the applicants: the case of Metropolitan Church of Bessarabia and Others v. Moldova (2002)^[6] and the case of Cârnuirea

Spiritual? a Musulmanilor din Republica Moldova v. Moldova (2005)^[7]

The situation in the separatist region of Transnistria has remained unchanged since a ceasefire agreement in 1992. It is a de facto state that is not recognised by the international community. Moldova designates it as the Transnistria Autonomous Territorial Unit with Special Legal Status. As a result of the failure to establish a common constitution for both Moldova and Transnistria, two constitutions, two parliaments, and two sets of laws govern the official territory of Moldova and its separatist region.^[8]

In Transnistria, about 80 percent of the population belongs to the Moldovan Orthodox Church (MOC). Other religious groups include Baptists, Jehovah's Witnesses, Muslims, Catholics, Seventh-day Adventists, Jews, Lutherans, Evangelical and charismatic Christians, and Old Rite Orthodoxy followers.^[9]

The Transnistrian constitution requires that religious organisations be registered in order to enjoy certain benefits, although registration is not required. Preference is given by law to the MOC and in practice the requirements for registration make it difficult for many religious minority groups to function properly in the region. Oversight of the law on religious freedom is given to the Prosecutor's Office.^[10]

Incidents

In the case of *Mozer v. The Republic of Moldova and Russia*,^[11] "the applicant submitted, in particular, that he had been arrested and detained unlawfully" on the territory of the self-proclaimed Moldavian Republic of Transnistria (MRT). He also complained that he had been denied access to a pastor for spiritual assistance although "such a refusal was incompatible with the 'MRT constitution and laws'."^[12]

As Transnistria is not a member of the Council of Europe, the complaint was filed against the Republic of Moldova, which has lost control of the breakaway territory, but also against Russia as the power co-ruling it with the separatists. The application was declared admissible by the European Court. In its judgement,^[13] the court ruled by sixteen votes to one that, among other things, the Russian Federation had violated Article 13 of the Convention for the Protection of Human Rights and Fundamental Freedoms in conjunction with Articles 3, 8 and 9 (Freedom of thought, conscience and religion).

The Supreme Court of Justice in Moldova denied the appeal of two Moldova-based Falun Gong organisations, which were ordered dissolved by lower courts due to their use of a spiritual symbol that contains the swastika, something that is classified as extremist under the law.^[14] However, in Asia, where the group originated, the symbol has no connection with Nazism.

Leaders of Moldova's Jehovah's Witnesses claim that police ignored reported instances of physical assault, threats, and verbal abuse against their members.^[15]

Two types of optional religious courses are available in state-run schools: a specific curriculum for Orthodox and Roman Catholics and another curriculum for Evangelical Christians and Seventh-day Adventists.^[16]

The Seventh-day Adventists' Reform Movement experienced problems enrolling their children in schools because they refuse to have them vaccinated.^[17]

The Jewish Community of Moldova reported an increase in anti-Semitic acts. In addition, they claim that the police did nothing about vandalism and hate speech towards the community.^[18]

In Transnistria, Jehovah's Witnesses continued to report harassment, assaults, verbal abuse, discrimination and restriction on their activities by local authorities.^[19]

Prospects for freedom of religion

The main issue for religious freedom in Moldova is the tiered system of religions in which the MOC occupies a privileged position, registered religious associations enjoy certain rights, but unregistered groups, being unduly refused the status of registered religious associations, are denied their religious identity by the state.

Furthermore, the legal black hole that results from the situation in Transnistria continues to be a barrier for religious minorities to find any real legal redress to their complaints.

Endnotes / Sources

[1] Moldova (Republic of)'s Constitution of 1994 with Amendments through 2016, [constituteproject.org](https://www.constituteproject.org/constitution/Moldova_2016.pdf?lang=en), https://www.constituteproject.org/constitution/Moldova_2016.pdf?lang=en, (accessed 15th March 2018).

[2] Parliament of the Republic of Moldova, Law on religious denominations and their component parts, Legislation Online, 2007, <http://www.legislationline.org/documents/action/popup/id/15972>, (accessed 15th March 2018).

[3] Ibid.

[4] Ibid.

[5] Bureau of Democracy, Human Rights and Labor, "Moldova", International Religious Freedom Report for 2016, US State Department, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>, (accessed 15th March 2018).

[6] The court ruled that the BOC had been discriminated and their right to freedom of religion violated under Article 9 because of the failure of the Moldovan government to approve its registration separately from the Moldovan Orthodox Church. See European Court of Human Rights, "Metropolitan Church of Bessarabia and Others v. Moldova", Strasbourg Consortium, 13th December 2001, <http://www.strasbourgconsortium.org/portal.case.php?pageId=10#caseId=175>, (accessed 5th April 2018).

[7] The Spiritual Gathering of Muslims of Moldova was denied registration multiple times. The ECtHR ruled the application was inadmissible. It noted that the proceedings brought by the applicant against the Government were unsuccessful due to its failure to observe the registration procedure as provided for by the Religious Denominations Act. See European Court of Human Rights, "Cârmuirea Spirituală a Musulmanilor din Republica Moldova v. Moldova", Strasbourg Consortium, <http://www.strasbourgconsortium.org/common/document.view.php?docId=4174>, (accessed 9th May 2018).

[8] Paul Marshall, Rowman & Littlefield Publishers Inc. (eds.), *Religious Freedom in the World*, Center for Religious Freedom at the Hudson Institute, 2008. 8

[9] Bureau of Democracy, Human Rights and Labor, *op. cit.*

[10] Ibid.

[11] European Court of Human Rights, "Mozer v. The Republic of Moldova and Russia, app. 11138/10", Strasbourg Consortium, 23rd February 2016, <https://www.strasbourgconsortium.org/common/document.view.php?docId=7328>, (accessed 5th April 2018).

[12] Ibid.

[13] Ibid.

[14] Bureau of Democracy, Human Rights and Labor, *op. cit.*; Parliament of the Republic of Moldova, Law on combating extremist activity, Legislation Online, <http://www.legislationline.org/documents/action/popup/id/4824>, (accessed 5th April 2018); Article 24 in Parliament of the Republic of Moldova, Law on religious denominations and their component parts No. 125 of 11th May 2007, *op. cit.*

[15] Bureau of Democracy, Human Rights and Labor, *op. cit.*;

[16] *Ibid.*

[17] *Ibid.*

[18] *Ibid.*

[19] *Ibid.*