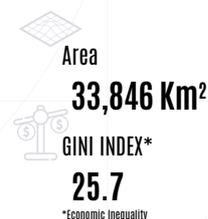
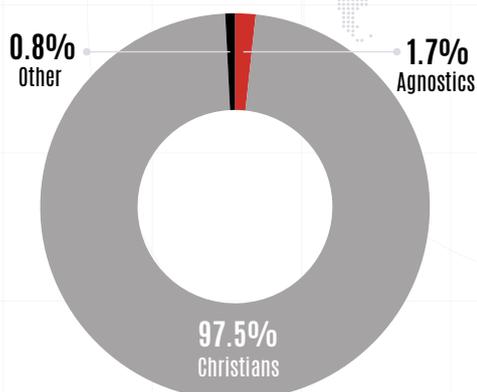


MOLDOVA

RELIGIONS



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 Pursuant to Article 10 (2), “The State shall recognize and guarantee the right of all citizens to the preservation, development and expression of their ethnic, cultural, linguistic and religious identity.”

With respect to equality, Article 16 (2) recognises that “All citizens of the Republic of Moldova shall be equal before the law and public authorities, regardless of the race, nationality, ethnic origin, language, religion, sex, opinion, political affiliation, property or social origin.”

Article 31 (1-4) guarantees freedom of conscience, which includes the right to worship freely. Religious groups can “organize themselves and operate according to their own statutes under the rule of law.” However, they cannot show enmity to each other. Such groups are independent from the state, but can enjoy its “assistance in the army, hospitals, penitentiaries, nursing homes and orphanages.”

According to Article 32 (3), the law bans and will prosecute actions “aimed at denying and slandering [...] the State and people, the instigation to sedition, war of aggression, national, racial or religious hatred”.

In matters of education, Article 35 (8-9) stipulates that the state ensures that education is secular, but also guarantees “freedom of religious education” and parents’ right to choose their children’s education.

Lastly, the Moldovan parliament has the power to pass organic laws related to religious worship (Article 72, 3, 1).

Despite the constitution’s apparent neutrality in religious affairs, Article 15 of the “Law on religious denominations and their component parts” acknowledges the “special importance and leading role of the Orthodox Christian religion, and of the Moldovan Orthodox Church in the life, history and culture of the people of Moldova.”² Article 4 (4) grants a special status to the Moldovan Orthodox Church (MOC) and prohibits “abusive proselytism”.

Registration of religious communities with the Ministry of Justice (MoJ) is not compulsory, but it provides benefits, ranging from tax exemptions and residence permits for missionaries, to granting religious communities a legal status enabling them to own property and land, build churches, publish religious literature, open bank accounts, hire employees and create associations and foundations.³

Despite legal reforms to protect religious freedom introduced in 2007, 2008 and 2009, religious minorities still

face difficulties in registering as their application can be denied “on the grounds that ‘97% of the population of Moldova is Christian’”.⁴ In 2020, two religious entities applied to the MoJ for registration but their requests are still pending.⁵

Amendments introduced in November 2018 to the “Law on freedom of conscience, thought and religion” did not improve the situation of minorities. As a consequence, Ahmed Shaheed, the UN Special Rapporteur for Religious Freedom, urged Moldova to repeal laws infringing on minorities’ rights to worship and hold beliefs, noting its “failure to eliminate discrimination” and “political marginalisation” and prevent “nationalist attacks against other identities.”⁶ According to the Human Freedom Index, over the last 10 years the freedom to establish religious organisations worsened in Moldova as more legal and regulatory restrictions were introduced.⁷

Although Transnistria is internationally recognised as a part of Moldova, it has been de facto independent since 1992. Russian troops are still stationed in the breakaway region and Moldova has no means to force their withdrawal.⁸ This explains the legal and practical situation of religious communities, and the privileged status of the MOC in the disputed territory to the detriment of minority religious groups. According to the UK Home Office, “In order to be formally registered, religious groups are required to have at least ten members and be active for a minimum of ten years, during which they have limited permission to address the public. Moreover, religious groups can lose their property if they are active without registration. The Transnistrian de facto legislation neither complies with international standards, nor guarantees equality for diverse religious groups.”⁹ Certain laws were adopted in 2016, imposing restrictions and penalties related to the unauthorised distribution of religious literature, preaching in public spaces, and organised religious activities in residential buildings.¹⁰

INCIDENTS AND DEVELOPMENTS

Moldova struggles with deficiencies in applying the rule of law and suffers from pervasive corruption, which have led to large-scale emigration. A third of Moldova’s potential labour force, equivalent to approximately 25 percent of the population, lives or works abroad, contributing through remittances to nearly 26 percent of the national GDP.¹¹

Internally, Orthodox Christians demographically dominate

the country and the Orthodox Church wields great influence over the social life of Moldovan citizens (whether Russians, Ukrainians, ethnic Moldovans, or others). But many Moldovans opt for Romanian passports to easily access the Schengen Area.¹²

The Orthodox Church is divided between competing communities with varying degrees of influence over various ethnic and national groups. The largest Church, the Moldovan Orthodox Church (MOC), also known as the Metropolis of Chişinău and All Moldova, is a self-governing Metropolitanate subordinate to the Russian Orthodox Church (Moscow Patriarchate), and includes an estimated 91.4 percent of all Moldovan Christians (2019 census). The smaller (3.7 percent as of 2019) Bessarabian Orthodox Church (BOC), also known as the Metropolis of Bessarabia, is subordinate to the Romanian Orthodox Church.¹³ Territorially, the MOC has been very influential since 2002 when the Moldovan government refused to recognise the Romanian Orthodox Church, due to the opposition of the Moscow Patriarchate, but also because it feared that the newly independent country might fall under the influence of neighbouring Romania.¹⁴ Influence from neighbour states remains a potential threat to Moldova’s integrity, especially in view of externally fuelled separatist tendencies in the Transnistria and Gagauzia regions.

Religious freedom in Moldova concerns not only its legal recognition, but also the wider societal perception of religion, especially in the political arena. Although Churches and religious associations do not play an official role in the country’s political system or law-making process, the Orthodox Churches in Moldova publicly comment on political issues and openly support certain politicians. In return, political parties maintain close ties with the Orthodox clergy and financially support Church actions. Furthermore, the MOC has strong ties with Russia and, for decades, has promoted Russia’s political agenda intervening in the electoral process in favour of more conservative, pro-Russian parties and candidates.¹⁵ Nevertheless, it is also true that the MOC has never denied the legitimacy of democratically elected authorities.¹⁶

The 2019 parliamentary and 2020 presidential elections exemplified the Church’s political influence. In 2018 Russian Orthodox Patriarch Kirill visited Moldova,¹⁷ during which President Igor Dodon was awarded with a Russian religious order, tacitly demonstrating Moscow’s political support for his party in the 2019 parliamentary elections.¹⁸ After his Socialist Party’s success, President Dodon de-

scribed Orthodoxy as “one of the pillars on which the statehood of the Republic of Moldova is based, the treasure left as an inheritance by our ancestors”.¹⁹ The president frequently highlighted his visits to churches, bishops, monasteries, and in a TV interview declared that during a meeting, Patriarch Kirill told him that his mandate was willed by God.²⁰

In the 2020 presidential election, although forbidden by law, the MOC gave a particularly strong electoral endorsement to Igor Dodon, the pro-Russian incumbent,²¹ against other candidates, including Maia Sandu, a more independent and pro-EU contender. Although the president was visibly supported by the MOC and used religious events for campaigning,²² Maia Sandu won decisively in the second round becoming the first female president of the country.

After the Ukrainian Orthodox Church proclaimed its independence from the Moscow Patriarchate in 2018, the Patriarch Kirill visited Moldova to cement the ties with the MOC. On this occasion, President Dodon openly stated that Moldova “will remain the canonical territory of the Moscow Patriarchate.”²³ The MOC did not speak at the time of the split between the Moscow and Constantinople Patriarchates over Ukraine’s autocephaly.²⁴ While there are no autocephalous tendencies in Moldova, there is certainly a competition for state support. The recent transfer of some parishes, for moral and financial reasons, to the BOC from the jurisdiction of the MOC, has provoked conflicts.²⁵ Only in April 2019, approximately six months after the Orthodox rift, did the Synod of the Orthodox Church of Moldova publish a statement on the situation regarding the Ukrainian Orthodox Church.²⁶

According to a 2017 report by the UK government, the MOC exercised strong influence on government policies and “abusively interfered with the minority religious groups’ right to the freedom of religion”, most notably in Transnistria.²⁷ The Human Rights Information Centre reported “that 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.”²⁸

Following terrorist attacks in Europe, Muslim immigrants began to be perceived as a security threat, a fear exploited in the 2016 presidential election and the 2018 local election in Chişinău. In the 2020 presidential election, fake re-

ports claimed that 30,000 Syrian immigrants might arrive if opposition candidate Maia Sandu was elected president.²⁹

Moldova’s small Muslim community is currently represented by the Islamic League, an organisation which was granted official status in 2012, following a decade of unsuccessful attempts and protests by the Orthodox Church. In the period under review, Muslims were targeted on several occasions by negative media coverage and attacked by certain public figures.³⁰ There were, however, no incidents reported to the ODIHR.

Before the Second World War, Chişinău had 77 synagogues and Jews represented up to 40 percent of the city’s population.³¹ The Holocaust perpetrated by Nazi Germany, however, and migration to Israel following the dissolution of the Soviet Union, reduced the size of the Jewish community. In 1920, Jews in Moldova numbered 267,000. In 1979, some 80,000 still lived in the small country. In 2018, an estimated 2,000 are left, concentrated in the capital,³² still victims of personal harassment and physical attacks, as reported to ODIHR.³³

In December 2019, an information stand at a memorial to the victims of the 1903 Chişinău pogrom was destroyed. That same month, a Jewish man was beaten, subjected to anti-Semitic insults and had his life threatened.³⁴ In November 2020, headstones at the Jewish cemetery in Chişinău were smashed and painted with hostile symbols. The same cemetery had been targeted by vandals for over three years.³⁵ A handful of anti-Semitic hate crimes were recorded by the government as well. On a positive note, in recent years, about 25 memorials have been erected at the sites of mass killings of Jews during WWII. Additionally, Holocaust Remembrance Day on 27th January became a permanent national day of remembrance.³⁶ Finally, Moldova was praised by Jewish communities for adopting a common definition of anti-Semitism in 2019.³⁷

As most of the people of Transnistria are Christian Orthodox, local authorities have tried to limit the activity of other religious groups. Several smaller faith groups, including Jehovah’s Witnesses, have had their application to register turned out despite repeated attempts to maintain their status under a 2009 law on religion.³⁸ Jehovah’s Witnesses have been consistently refused the right to conscientious objection for military service. Muslims reported a reluctance to practise their faith openly due to past intimidation by the authorities.³⁹ A follow-up UN Report on Human Rights in the Transnistrian Region confirmed the alleged obstacles to (re)registration of religious groups and

the fact that religious groups were singled out for closer scrutiny by security agents.⁴⁰

According to media reports, Moldovan authorities introduced COVID-19 restrictions with an impact on various civil society groups, including religious groups (temporary suspension of religious services, social distancing, travel restrictions on pilgrimages, etc.).⁴¹

MOC leaders did not agree with some provisions established by the National Extraordinary Public Health Commission and so openly defied the rules, encouraging local churches around the country to continue their activities. The Church pressured the authorities to ease restrictions, claiming that the content of official public messages that mentioned “nucleus of infection”, “unhealthy spaces”, and “medieval practices” were part of a denigration campaign against the Church. During the state of emergency imposed from 17th March to 15th April, the police issued 206 fines to clerics for non-compliance with COVID-19 restrictions.⁴²

Speaking about such restrictions, Metropolitan Teofan of Moldavia and Bukovina said: “Believers have endured severe restrictions on their freedom to manifest religious beliefs in the name of fighting the plague. Everything has a limit though, and if this limit is passed no one profits.”

The prelate went on to “ask everyone to turn this pain into a time of repentance, prayer and good deeds” and fast for several days.⁴³

moments of widespread socio-economic insecurity. Such a situation will continue to represent a challenge for religious freedom.

Although prospects for religious freedom remain comparatively positive, debates over religion will continue to be influenced by geopolitical factors, traditional identities, a relatively weak state, and the oversized socio-political role of Orthodox institutions.

PROSPECTS FOR FREEDOM OF RELIGION

Moldova generally protects fundamental human rights and freedoms of assembly, speech, and religion. However, given its socio-political importance, the Orthodox Church in Moldovan society has a complex impact on religious freedom.

The Moldovan model of state-religion relations can be best described as preferential, favouring the majority religion, a situation found in other post-socialist countries, with a close relationship between national identity and the dominant religious group.⁴⁴ This often translates into political advantages for the favoured faith group, like broad exemptions that override the rights of other religious communities. The most recent presidential election (2020) highlights the Orthodox Church’s privileges as well as its usefulness as an ally to those in power, particularly in

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