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## مجلس حقوق الإنسان

الدورة التاسعة عشرة

البند ٣ من جدول الأعمال

تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية والاجتماعية والثقافية، بما فيها الحق في التنمية

### تقرير المقرر الخاص المعني بحرية الدين أو المعتقد، هاينر بيليفيلدت

إضافة

### البعثة إلى جمهورية مولدوفا\*

موجز

يتضمن هذا التقرير استنتاجات وتوصيات المقرر الخاص المعني بحرية الدين أو المعتقد بشأن بعثته إلى جمهورية مولدوفا في الفترة من ١ إلى ٨ أيلول/سبتمبر ٢٠١١. ويقدم المقرر الخاص في التقرير لمحة عامة عن المعايير الدولية لحقوق الإنسان والإطار القانوني المحلي الناظم لحرية الدين أو المعتقد، وكذا التركيبة الدينية للسكان في جمهورية مولدوفا. ثم يتناول المسائل الشاغلة لولايته والمتعلقة بالحالة العامة لحرية الدين أو المعتقد في البلد، بما في ذلك الامتياز الذي تتمتع به الكنيسة الأرثوذكسية المولدوفية؛ ومظاهر التعصب؛ وحرية الدين أو المعتقد في التعليم في المدارس العامة والاعتراض الضميري على الخدمة العسكرية.

\* يعمم موجز هذا التقرير بجميع اللغات الرسمية أما التقرير نفسه، الوارد في مرفق هذا الموجز، فيعمم باللغة التي قدم بها فقط.

ويعرب المقرر الخاص في استنتاجاته وتوصياته عن تقديره لكون المجتمع المولدوفي يعيش تحولاً سريعاً مستمراً شمل، فيما شمل، تأسيس ثقافة قومية لحقوق الإنسان في البلد. ويحتل تنفيذ معايير حقوق الإنسان مكان الصدارة في البرنامج الحكومي، وقد أُحرز تقدم كبير في هذا الصدد. ويشمل ذلك حرية الدين أو المعتقد، وهي أحد حقوق الإنسان التي تحظى إجمالاً بالاحترام في جمهورية مولدوفا. فأتباع مختلف المذاهب، بما في ذلك الأقليات الصغيرة، يستطيعون إجمالاً ممارسة دينهم أو معتقدتهم بحرية ودون تدخل لا لزوم له من الدولة. وفي الوقت نفسه، لا تزال ثمة تحديات هامة في سبيل الأعمال الكاملة لحرية الدين أو المعتقد للجميع على أساس غير تمييزي قائم على المساواة. وتنبع العراقيل المتبقية أساساً من هيمنة الكنيسة الأرثوذكسية التي تحظى بمركز تفضيلي يتعارض مع أحكام الدستور التي تنص على علمانية الدولة. ومن أجل هئية ظروف أكثر ملاءمة للتمتع، دون تمييز، بحرية الدين أو المعتقد، يبدو أن ما تمس الحاجة أكثر من غيره هو وجود ثقافة عامة قائمة على تقدير التنوع.

ويوصي المقرر الخاص بأن تتحمل الحكومة مسؤولية القيادة، بوسائل منها على سبيل المثال إصدار قانون مُحكم لمكافحة التمييز، وتيسير التواصل بين الأديان وإعداد لوائح تعليمية تلبي على نحو أفضل احتياجات التنوع، والتزام خطاب معارض بوضوح للكراهية الدينية. ويوصي أيضاً بأن تضمن الدولة الطابع الطوعي للتربية الدينية، وتكفل مواعمة إجراءات التسجيل السارية مع معايير حقوق الإنسان الدولية. ويبرز المقرر الخاص ما يقع على عاتق الطوائف الدينية وقياداتها من مسؤوليات في مجالات التشجيع على التسامح الديني ورعاية التنوع وتبديد التوتر.

## Annex

### Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, on his mission to the Republic of Moldova (1 – 8 September 2011)

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## I. Introduction

1. The Special Rapporteur on freedom of religion or belief undertook a visit to the Republic of Moldova, including the Transnistrian region thereof, from 1 to 8 September 2011. The purpose of the visit was to identify good practices and existing or emerging obstacles to the full enjoyment of freedom of religion or belief in the country, pursuant to Human Rights Council resolutions 6/37 and 14/11.
2. The Special Rapporteur would like to express his gratitude to the Government of the Republic of Moldova for having invited him, as part of its standing invitation extended to all thematic special procedures of the Human Rights Council.
3. The Special Rapporteur met with several representatives of the Government, including the Deputy Prime Minister for Reintegration, the Minister for Defence, the Minister for Education, the Minister for Internal Affairs, the Deputy Minister for Foreign Affairs and European Integration, the Deputy Minister for Justice and the Deputy Minister for Labour, Social Protection and Family, as well as with officials from the ministries of Culture, Foreign Affairs and Justice. He also held talks with representatives of Parliament and the judiciary, including the President of the Superior Council of Magistracy, the President of the Constitutional Court and representatives of the General Prosecutor's Office, the Parliamentary Advocates/Centre for Human Rights, the chairperson of the Audiovisual Coordination Council and local authorities in Chisinau.
4. In addition, meetings with civil society included a broad range of non-governmental organizations specialized in human rights, media representatives and members of various religious or belief communities. The Special Rapporteur met with members of the Moldovan Orthodox Church, the Bessarabian Orthodox Church, the Roman Catholic Church, various Protestant denominations (including Lutherans, Methodists, Baptists, Pentecostals and Adventists), several Jewish communities, several Muslim communities, Baha'is, Falun Dafa, Unification Church and others. The discussions were held in Chisinau, Balti, Orhei and Tiraspol, as well as elsewhere in the Transnistrian region of the Republic of Moldova. He also met with the United Nations agencies, funds and programmes present in the country.
5. The Special Rapporteur noted the generally open atmosphere and appreciated the opportunity of having lively exchanges. Listening to the information, expertise and experience provided by the various interlocutors was an enormous learning experience and he is grateful for their precious input. He is also grateful for the excellent professional support provided by the United Nations country team in the Republic of Moldova, in particular its Human Rights Adviser.
6. The delegation also visited the Transnistrian region of the Republic of Moldova and met with the "Minister for Justice" and various representatives of religious or belief communities. In 1991, the Transnistrian region unilaterally declared independence from the Republic of Moldova; this region has not, however, been recognized as an independent State by the United Nations. The Special Rapporteur nonetheless notes that the region is outside the de facto control of the Republic of Moldova. Since the Special Rapporteur spent only 24 hours in the region, his assessment of the situation therefore is less complete. References to the findings concerning the Transnistrian region of the Republic of Moldova have been included in relevant sections of the present report. Nothing in the present report should in any way imply the expression of any opinion concerning the legal status of any territory, city or area, or of its authorities.

7. A preliminary version of the present report was shared with the Government of the Republic of Moldova on 9 December 2011. The Government provided comments on 12 January 2011 (see A/HRC/19/60/Add.3).

## II. International human rights standards

8. The right to freedom of religion or belief is enshrined in various international human rights instruments.<sup>1</sup> These include the International Covenant on Civil and Political Rights (arts. 2, 18 – 20, and 26 and 27); the International Covenant on Economic, Social and Cultural Rights (art. 13); the Convention on the Elimination of All Forms of Discrimination against Women (art. 2); the International Convention on the Elimination of All Forms of Racial Discrimination (art. 5); the Convention on the Rights of the Child (arts. 2, 14 and 30); and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (art. 12). With the exception of the latter, the Republic of Moldova has ratified all the above-mentioned instruments.

9. Furthermore, the Special Rapporteur is guided in his mandate by other relevant declarations, resolutions and guidelines of various United Nations bodies, including those issued by the Human Rights Committee, the General Assembly, the Commission on Human Rights and the Human Rights Council. Of these instruments, of particular relevance are articles 2, 18 and 26 of the Universal Declaration of Human Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. The Special Rapporteur also takes into account human rights instruments adopted at the regional level containing provisions relating to freedom of religion or belief, such as the European Convention on the Protection of Human Rights and Fundamental Freedoms, in particular article 9 thereto.

10. The situation of human rights has been examined by United Nations treaty bodies in recent years, in particular by the Human Rights Committee<sup>2</sup> and the Committee on the Rights of the Child,<sup>3</sup> in 2009, and the Committee on the Elimination of all Forms of Racial Discrimination,<sup>4</sup> in 2011.

11. The Republic of Moldova has been a member of the Human Rights Council since 2010. In its voluntary pledges, the Republic of Moldova has committed to prevent human rights abuses, to reinforce national efforts and uphold the highest standards in the promotion and protection of human rights, to ensure the effective protection of the persons belonging to national minorities and to protect against and prevent discrimination in all its forms, both in law and in practice.

12. The Republic of Moldova was reviewed in the context of the universal periodic review in October 2011. Although the outcome of the review will only be adopted by the Human Rights Council at its nineteenth session, the Republic of Moldova has already accepted several recommendations relating to freedom of religion or belief and anti-discrimination, including the recommendations that it adopt further measures to foster inter-religious communication and a public culture of promoting socio-cultural and religious diversity; redouble efforts to protect the rights of members of minority religious groups;

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<sup>1</sup> For an overview of the legal framework of the mandate, see E/CN.4/2005/61, paras. 15-20, and E/CN.4/2006/5, annex. See also the Special Rapporteur's digest on freedom of religion or belief, available from [www.ohchr.org/EN/Issues/FreedomReligion/Pages/Standards.aspx](http://www.ohchr.org/EN/Issues/FreedomReligion/Pages/Standards.aspx).

<sup>2</sup> CCPR/C/MDA/CO/2.

<sup>3</sup> CRC/C/MDA/CO/3.

<sup>4</sup> CERD/C/MDA/CO/8-9.

provide for religious community property restitution; and ensure that public events planned by religious and other rights groups are permitted and adequately policed, according to the obligations of the Republic of Moldova under international human rights law. The Republic of Moldova also supported the recommendations that it adopt the anti-discrimination law as soon as possible and strengthen measures further to prevent and combat discrimination and investigate allegations of hate crimes, indicating that it was in the process of implementation. Regarding the recommendation that it consider solving the problem of ownership of land belonging to the Catholic Church and the Orthodox Church, the Republic of Moldova has indicated that it would examine the recommendation and provide responses in due time, but no later than the nineteenth session of the Council.

### III. Domestic legal framework on freedom of religion or belief

13. In general terms, the national legal framework of the Republic of Moldova provides for a broad protection of freedom of religion or belief. The Constitution of 1994 guarantees freedom of religion or belief (art. 31) as well as other human rights, such as equality before the law. In the same article, the Republic of Moldova is defined as a secular State in which religious communities and State institutions are separated. The Constitution also provides that the law should forbid and prosecute incitement to religious hatred and discrimination. Respect for human rights is further corroborated by the State's ratification of international and regional human rights instruments. In situations of conflict or in cases of inconsistency between national and international provisions of human rights, the Constitution explicitly gives priority to international law.

14. The Law on Religious Denominations and their Constituent Parts of 2007 reiterates the State's commitment to freedom of religion or belief and details legal requirements in certain areas. In this context, the Law clarifies that freedom of religion or belief includes, inter alia, the right to change one's religion or belief and to profess and manifest one's religious convictions in private and in public, alone and in community with others, as well as the right not to profess a religion or a belief. Like the Constitution, the Law gives priority to international human rights norms in the event of any conflict or inconsistency.

15. The 2007 Law on Religious Denominations regulates the creation and registration of religious denominations and their constituent parts. It also stipulates that religious intolerance manifested through acts that obstruct the free practice of religious worship and advocacy of religious hatred constitute offences and should be punished in conformity with existing legislation.

16. As a study conducted by the Ministry of Justice found, however, the above-mentioned legal framework can be further improved. The Special Rapporteur welcomes the reform process to revise the 2007 law, to set out a more explicit legal framework in order to ensure the free exercise of all aspects of freedom or religion or belief.<sup>5</sup> The Special Rapporteur also welcomes the efforts of the Government to adopt a comprehensive anti-discrimination law and looks forward to the swift adoption of such a law, in full conformity with the relevant international legal framework.

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<sup>5</sup> On 12 January 2012, the Special Rapporteur was informed by the Government of the Republic of Moldova that a draft law regarding the modification and completion of law no. 125-XVI of 11 May 2007 on Religious Denominations and their Constituent Parts had been adopted by Parliament in final reading on 21 December 2011. The said law has not yet been promulgated. As the final text of the law and a translation in English were not available, the Special Rapporteur was not in a position to refer to it in detail. References to the new law included in the present report are based on information provided by the Government (see A/HRC/19/60/Add.3).

17. The Criminal Code contains several provisions relating to freedom of religion or belief, in particular article 346, on deliberate actions aimed at inciting national, racial or religious hostility or discord, and article 222, on the profanation of graves. According to article 77 of the Criminal Code, the commission of a crime based on religious hatred should be regarded as aggravating circumstances when determining punishment. Several other articles relating to specific crimes foresee more severe penalties for crimes committed with a motivation of religious hatred. This legal framework is complemented by article 54 of the Code on Administrative Offences dedicated to the infringement of the legislation on religious denominations.

18. The Republic of Moldova has adopted a national human rights plan of action for the period 2010-2014. While the plan contains a general commitment to promote and protect human rights, it does not contain any specific reference to freedom of religion or belief. Insofar as the plan includes provisions for its amendment following the universal periodic review, the Special Rapporteur expects that the missing elements of freedom of religion or belief can now be included and recommends that explicit measures in this regard be taken up in the revised plan.

19. Regarding the Transnistrian region of the Republic of Moldova, the “authorities” have proclaimed their adherence to the main international human rights treaties. The legal framework in this region also includes a new series of rules relating to religious issues that were adopted in 2009 which set out, inter alia, additional requirements for the registration of religious organizations, including re-registration. In particular, these new rules establish a probation period of 10 years for religious communities, from the date of initial registration during which the communities are barred from various forms of public communication, including the distribution of religious documents or appearances in the media. The apparent intent of these rules is to ensure that the religious community is “loyal to society” and “to prevent extremism” (according to an “official”). These new rules strike at the heart of the right to freedom of religion or belief, and have a fundamentally chilling effect on the exercise of other rights, such as freedom of opinion and expression. Furthermore, according to the new rules, the “Ministry of Justice” is responsible for registration issues, and may conduct a religious assessment of religious communities, which can further delay the registration process.

#### **IV. Religious demography**

20. According to the most recent report on the Republic of Moldova submitted under the Council of Europe Framework Convention for the Protection of National Minorities, the 2004 census showed that 93.3 per cent of Moldovans declared themselves to be Orthodox Christians, one per cent were Baptists, 0.4 per cent were Seventh-Day Adventists, 0.3 per cent were Jehovah’s Witnesses, 0.15 per cent were Russian Orthodox Old Rite Believers and 0.15 per cent were Evangelists. The report also found that 1.1 per cent of the population belonged to other religious communities, including 4,645 Catholics, 700 Muslims and 1,667 Jews.<sup>6</sup> Some interlocutors encountered during the Special Rapporteur’s mission were sceptical that Orthodoxy in fact accounted for such a large percentage of the general public. Civil society organizations reported that, in general, people declaring no religious affiliation may be registered as Orthodox for official purposes unless they explicitly request otherwise.

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<sup>6</sup> Third report submitted by Moldova pursuant to article 25, paragraph 2 of the Framework Convention for the Protection of National Minorities (ACFC/SR/III(2009)001), 24 February 2009, p. 25.

21. According to the same Government report, as at February 2009, the following religious entities (“Denominations and religious organizations”) enjoyed official status: 1,224 parishes of the Moldovan Orthodox Church, 199 parishes of the Bessarabian Orthodox Church, 15 dioceses of the Russian Orthodox Old Rite Church, 27 entities of the Chisinau Roman Catholic Bishopric, 241 churches of the Union of the Evangelical Christian Baptist Church, one church of Seventh-Day Adventists, 29 entities of the Church Union of the Christians of the Evangelical Faith (Pentecostals), 129 Jehovah’s Witness communities, eight entities affiliated with the Jewish communities, two Apostolic Armenian Churches, three Societies of Krishna Conscientiousness of the Republic of Moldova, two Union of Christian Spiritual Communities Molocani, one Baha’i religion, one Religious Presbyterian Community “Peace Church”, 11 New Apostolic Churches, 18 Union of Free Christian Churches (Charismatics), three Churches of the Last Testament, three Bible Churches, one Union of Messianic Jews and seven Evangelical-Lutheran Churches.<sup>7</sup>

22. According to a Ministry of Justice document dated 30 April 2010, in the second half of 2009 and first four months of 2010, the Ministry registered one religious community: the Eastern Orthodox Diocese of the Patriarchate of Moldova Kiev and All Russia-Ukraine. It also registered three more entities belonging to the Moldovan Orthodox Church, two entities belonging to the Union Gospel Baptist Christian Churches in Moldova, and one parish of the Orthodox Diocese of Eastern Moldova Kiev Patriarchate and all Russia-Ukraine. Despite repeated efforts by a number of Muslim organizations, the authorities refused to register any Muslim community until March 2011, when the Islamic League of the Republic of Moldova was registered. The Special Rapporteur met a number of representatives of various religious organizations that still have not been officially registered, despite their efforts. He also met groups that had succeeded in registering as civil society organizations, having been unsuccessful in registering as religious organizations.

## V. Issues of concern to the mandate

### A. General observations

23. Interlocutors from various backgrounds agreed that the situation of freedom of religion or belief has clearly improved in recent years. While still remembering the harsh repression and persecution during the Soviet era, members of religious and belief communities appreciated the fact that, today, they can generally practice their religion or belief freely and without fear of undue Government interference. This assessment was by and large shared in the Transnistrian region of the Republic of Moldova, although the registration of religious communities there includes additional restrictive features (see paragraph 59 below).

24. Important challenges, however, remain ahead to ensuring the full enjoyment of human rights for all on the basis of non-discrimination and equality. The Special Rapporteur trusts that this task can be tackled successfully given the many encouraging manifestations of human rights commitment by the Government and civil society observed during his mission.

25. The Government has expressed its readiness to honour its national and international human rights obligations; this also relates to issues concerning freedom of religion or belief. The Special Rapporteur was invited to participate in a round table on the revision of

<sup>7</sup> Ibid., pp.24-25.



the 2007 law, organized by the Ministry of Justice and the United Nations country team, on 6 September 2011, to which religious communities and civil society organizations had been invited. The Special Rapporteur is grateful to have had the opportunity to attend this consultation by which the Government set a positive example of transparency and dialogue with civil society.

26. The Special Rapporteur was also impressed by the commitment, knowledge and professionalism of civil society organizations working on human rights and anti-discrimination issues.

27. At the same time, the various discussions held by the Special Rapporteur also revealed a number of problems existing in the Republic of Moldova. Members of religious minorities repeatedly reported manifestations of intolerance and even some incidents of assault, intimidation or vandalism allegedly perpetrated by some followers of the predominant Orthodox Church. This affects in particular Jews, Muslims and members of different Evangelical groups, including Jehovah's Witnesses. Although a few cases of conflict were reportedly settled successfully, the Special Rapporteur noticed existing scepticism concerning the efficiency of the judiciary and other formal remedies provided by the State.

## **B. Privileged status of the Moldovan Orthodox Church**

28. According to the Constitution, the Republic of Moldova is a secular State in which freedom of religion or belief for everyone is guaranteed. The Constitution also provides for equal rights for all citizens. At the same time, however, the 2007 Law on Religious Denominations explicitly acknowledges "the special importance and leading role of the Orthodox Christian religion and, respectively, of the Moldovan Orthodox Church in the life, history and culture of the Republic of Moldova" (art. 15.5). The importance of Orthodox Christianity in the past and present of the country is a well-established historical fact. From the perspective of human rights, however, the problem is that the formal appreciation of Orthodoxy in a legal document can easily be seen as justifying privileged treatment of one religious tradition at the expense of the principles of equality and non-discrimination.

29. The Special Rapporteur heard many testimonies confirming that this is, to a large extent, effectively the case. From the various Orthodox denominations existing in the country, the Metropolis of Chisinau and all Moldova (Moldovan Orthodox Church), subordinate to the Moscow Patriarchate, enjoys privileged treatment in many fields, including the restitution of property confiscated during the Soviet era, chaplains serving in the military, the presence of priests in public schools and involvement in the management of municipal cemeteries.

30. Conflicts have also arisen between the various churches representing the Orthodox tradition in the country. The Metropolitan Church of Bessarabia, subordinate to the Patriarchy of Bucharest, had to go to court in order to receive registration status as a religious community, despite the fierce opposition of the Moldovan Orthodox Church and parts of previous Governments. After years of national litigation, the case was finally settled in December 2001 by a judgement of the European Court of Human Rights, which decided in favour of the Metropolitan Church of Bessarabia.<sup>8</sup> However, even though the Moldovan Orthodox Church does not monopolize the Orthodox tradition in the country, given the presence of the Metropolitan Church of Bessarabia and a number of other

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<sup>8</sup> *Metropolitan Church of Bessarabia v. Moldova*, application no. 45701/99.

Orthodox denominations, it continues to claim a special status, de facto and de jure. For instance, legal proceedings continue concerning the legitimacy of administration by the Moldovan Orthodox Church of property claimed by the Metropolitan Church of Bessarabia (see paragraph 63 below). Also, according to information received by the Ministry of Defence, all chaplains currently offering their service within the military belong to the Moldovan Orthodox Church. The Moldovan Metropolitan also enjoys diplomatic status.

31. Besides such examples of a formally privileged position of the Orthodox Church, in particular its Moldovan Metropolitan branch, there seems to be a tendency in certain parts of society to simply equate national identity with the Orthodox tradition. Again, while the Special Rapporteur does not see a problem in appreciating the significance of Orthodox Christianity as a major factor of the history and culture of the country, the invocation of Orthodoxy in the interest of collective identity politics may have serious consequences for the non-discriminatory implementation of freedom of religion or belief for everyone. It can furthermore hinder the development of a public culture of respecting diversity. Indeed, as pointed out by civil society representatives, the existing and emerging diversity in the country has not yet been sufficiently embraced by society. For this reason, the Special Rapporteur looks forward to further clarification of this issue as envisaged in the new law adopted by Parliament on 21 December 2011.<sup>9</sup>

32. In discussions with civil society organizations, the Special Rapporteur heard allegations that, even for purposes of national statistics, individuals who do not explicitly identify themselves as followers of a different religious denomination or as atheists would de facto be counted as members of the Moldovan Orthodox Church. Moreover, the Church apparently wields enormous political influence. Members of Parliament expressed the view that politicians would require a great deal of courage to publicly resist political demands coming from the Orthodox Church, for instance concerning the current project of anti-discrimination legislation, which has encountered considerable opposition, much of it apparently based on misinformation about the purposes of the law.

33. When discussing with members of political movements who see themselves as supporters of Orthodoxy, the Special Rapporteur was concerned by statements that human rights and anti-discrimination provisions allegedly would be completely alien to Orthodox Christianity and thus amount to the imposition of “foreign norms”, with destructive consequences for the country’s national and religious identity. A high-ranking Orthodox priest from the Moldovan Orthodox Church even spoke of the Government’s willingness to adapt to international and European human rights norms as an act of “political prostitution”. The Special Rapporteur sincerely hopes that the vast majority of followers of the Orthodox Churches in Moldova do not subscribe to such positions, which would actually imply a devastating antagonism between the Orthodox tradition and international human rights, to the detriment of the prospects of both. Indeed, a number of interlocutors informed him that most members of the Orthodox churches in the country hold more moderate views. It seems, however, that such moderate Orthodox views are rarely expressed in the open, and that statements such as the one mentioned above in the name of the Orthodox Church go largely undisputed.

34. The predominant place and attitude of the Orthodox Church are also very present in the Transnistrian region of the Republic of Moldova. For example, the Special Rapporteur heard plausible allegations that local authorities defer to the views of Orthodox clergy in banning Protestant religious gatherings in the region.

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<sup>9</sup> See footnote 5.

### C. Manifestations of intolerance

35. Relations among the followers of different religions and beliefs, including those who identify themselves as non-believers, generally seem to be peaceful in the country. When observing the interaction between members of different religious groups, however, the Special Rapporteur had the impression that a culture of interreligious communication still needed to be developed. Furthermore, he received credible reports about manifestations of intolerance against members of minorities and even some incidents of intimidation or vandalism, especially in rural areas. Such incidences have also been reported in the Transnistrian region of the Republic of Moldova.

36. While members of religious minorities do not face problems when practicing their religions within the confines of their houses of worship or in other private settings, they may encounter difficulties when attempting to hold religious ceremonies, such as processions or gatherings, in the public sphere. The Special Rapporteur heard credible allegations that, in parts of the country, it happened that local Orthodox priests could exercise a de facto veto over public gatherings of religious minorities. In the Transnistrian region of the Republic of Moldova, the village authorities typically do not give permission for public religious activities without first consulting with the local Orthodox priest, who, in turn, is most likely to veto the presence of a competing denomination in public settings. From the perspective of human rights, such a practice is unacceptable, as the freedom of religion or belief includes the possibility to profess and manifest one's convictions in both private and public spheres.

37. Reportedly, even the burial of deceased members of religious minorities in rural areas is occasionally met with the resistance of certain Orthodox groups who want the local cemetery (owned by the municipality) to remain free of graves of other denominations, such as Baptists, Methodists or Pentecostals. As a result of such aggressive opposition, in some cases, funerals had to be postponed and the bereaved faced difficulties in burying their loved ones in a dignified way, which is obviously an appalling situation. In addition, according to information received from different interlocutors, incidents of vandalism against Protestant houses of worship have occasionally occurred, such as the breaking of windows or the tearing down of walls during construction. The Special Rapporteur could not find any examples of the Orthodox Church clearly condemning such acts of violence or hostility sometimes perpetrated in the name of Orthodox Christianity.

38. The best documented case of public manifestation of religious intolerance against a religious minority was the removal and the demolition of the Jewish Chanukah Menorah displayed in a public place in Chisinau, in December 2009.<sup>10</sup> A mob of around 100 people led by an Orthodox priest removed the Menorah and subsequently dumped it upside-down on a nearby monument to Stefan cel Mare, a medieval Moldovan prince and saint in the Moldovan Orthodox tradition. While political authorities and the media expressed outrage at this public manifestation of religious intolerance, no condemnation, let alone apology, was publicly made by the Moldovan Orthodox Church to the Jewish community. This was a missed opportunity to emphasize that central public places belong to everyone on a non-discriminatory basis. The priest was eventually sentenced to paying a small fine.

39. Some elderly interlocutors from different denominations still remembered the traditionally strong cultural influence of the Jewish community. Before the Second World War, the Jewish community accounted for approximately seven to eight per cent of the population of the territory now occupied by the Republic of Moldova, and the majority population of a number of towns. Today, the Jewish community in the country is much

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<sup>10</sup> A/HRC/16/53/Add.1, paras. 336-345.

smaller, first as a result of the persecution of the Antonescu regime allied with Nazi Germany, and subsequently owing to a mass exodus, especially after Moldovan independence in 1991. Like other minorities, members of the Jewish community generally appreciated the current situation as comparatively liberal, to the extent that they can live without fear of Government harassment or restrictions. Nonetheless, they complained about a lack of political interest in their poor situation. Of the dozens of synagogues existing in the pre-war era, two currently operate in Chisinau, having been reopened after the dissolution of the Soviet Union. Jewish cemeteries are often in a derelict condition. Often, acts of desecration of Jewish tombs seem to go unpunished, thus creating a situation of de facto impunity concerning such incidents. In addition, members of the Jewish community stated that the events of the Holocaust as they transpired on the territory today occupied by the Republic of Moldova have not yet been sufficiently recognized. The Special Rapporteur welcomes the fact that, in its voluntary pledges as Member of the Human Rights Council, the Government indicated that the issue of the Holocaust would be introduced into school curricula.<sup>11</sup> The Jewish Communities faces a similar situation in the Transnistrian region of the Republic of Moldova.

40. Muslims seem to be exposed to severe stereotypes and prejudice from certain sectors of society. In a discussion held during the Special Rapporteur's visit, a high-ranking cleric from the Moldovan Orthodox Church equated Islam with terrorism and expressed feelings of being threatened by the mere presence of Muslims in the country, even though the Islamic communities in the country today represent only a very small minority. During the round table organized by the Ministry of Justice on 6 September 2011, some Orthodox participants expressed their fear of Islam, which one person said was waging a "holy war" against Christians. In March 2011, one of the Muslim organizations, the Islamic League of the Republic of Moldova, finally succeeded in receiving registration status as a religious community under the 2007 Law on Religious Denominations. The Metropolitan of the Moldovan Orthodox Church criticized the decision, while putting constant pressure on the Government to deregister the Muslim organization. Moreover, during the summer of 2011, a small group of demonstrators gathered in an intimidating way in front of the private house of the former Minister for Justice who had authorized the registration of the Muslim group. Several other Muslim organizations have still not been registered as religious communities. According to information received, there is no Muslim community registered in the Transnistrian region of the Republic of Moldova.

41. In a debate with the Special Rapporteur, representatives of some Orthodox student groups and priests expressed their resentment of Jehovah's Witnesses, whose missionary activities they called "annoying". They demanded that a regulation forbidding "abusive proselytism" already existing within the 2007 Law on Religious Denominations be backed by a related criminal law provision, thus making acts of proselytism a criminal offence. The Special Rapporteur also received testimonies about cases of assault on Jehovah's Witness missionaries, in particular in rural areas. He reiterates in this respect that missionary activities clearly fall within the sphere of freedom of religion or belief and are guaranteed by international human rights law. The situation of Jehovah's Witnesses is reportedly even more difficult in the Transnistrian region of the Republic of Moldova, in particular in relation to the absence of a legal provision on alternative civil service. As at September 2011, according to the community, one member of the community was serving a custodial

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<sup>11</sup> On 12 January 2012, the Government informed the Special Rapporteur that the public school curricula, in particular for the secondary level (grades 1 to 9) included the optional topic on "Tolerance education – lessons of the Holocaust". In the high school system (grades 10 to 12), the course is suggested for grade 11 only.

sentence in a penitentiary as a result of repeated refusals to undertake military service on the grounds of conscience objection (see paragraphs 51 to 54 below).

42. With regard to the situation of atheists and non-believers, the Special Rapporteur received contradictory information. While some interlocutors stated that atheists in today's Moldovan society are seen as somewhat "strange", others expressed the view that, not least as a result of the Soviet era, atheistic convictions continue to exist on a large scale, maybe even among individuals who formally belong to a church. He did not hear any reports about harassment or discrimination against atheists and non-believers.

43. In general, it seems that appreciation of diversity, including in questions of religion or belief, still encounters obstacles in society. Although such diversity clearly constitutes a feature in the country's past and present, there continues to be reluctance towards embracing diversity positively as a societal and cultural asset. For important sectors of society, religious pluralism, rather than enriching the country, mainly appears to trigger fears and perceptions of a threatened loss of national cohesion.

44. Moreover, a culture of interreligious communication still needs to develop in the Republic of Moldova. During the round table organized by the Ministry of Justice, a representative of one religious community maintained that there was little dialogue even among the various Orthodox churches. When observing the interaction between the different denominations sitting across the table, the Special Rapporteur noticed clear signs of mutual distrust. Participants rarely took up a statement made by a member of another group in a positive manner. While trying to reserve as much speaking time as possible for their own interests, there seemed to be little willingness to listen to others or to identify common goals. On a positive note, a Roman Catholic priest mentioned cases of successful cooperation with the Orthodox Church in common charity projects.

45. One major reason for the apparently unsatisfactory communication among denominations may lie in the past, namely, in the traumas of the country's history, which include dictatorship, religious persecution, wars and other manifestations of massive violence. Establishing clear facts and precise analyses on the recent history and presenting the findings to the general public with the purpose of dispelling myths and conspiracy projections constitutes an enormous intellectual and educational challenge. Taking up this challenge will certainly have, however, a beneficial effect in the long run on the development of a culture of appreciation of religious and belief diversity in the Republic of Moldova.

46. A general climate of scepticism was noticeable also with regard to State institutions, with the result that acts of positive civic engagement apparently remain rare. Moreover, a broad and stable consensus that the public sphere –in terms of both physical public places and a culture of public discourse – should be open for everybody in a non-discriminatory manner may still be lacking. This has detrimental consequences for minorities, which continue to face difficulties when trying to meet or present their views in the public sphere. For instance, recently, a group of Seventh-Day Adventists, and members of Lesbian Gay Bisexual and Transgender groups, were denied the use of central public spaces in Chisinau, reportedly as a result of opposition voiced by some sectors from within the Orthodox Church or affiliated groups.

#### **D. Freedom of religion or belief in public school education**

47. School education is of paramount significance to eradicate existing stereotypes and prejudices and to promote an atmosphere of appreciation of diversity, including in areas of

religion or belief.<sup>12</sup> Civic education, which constitutes a mandatory part of the national curriculum in the Republic of Moldova, can play an important role in this regard, as can the history curriculum and, potentially, other curriculum areas as well. The Special Rapporteur was informed that civic education programmes include information about religious and belief diversity, as well as human rights in general. He would like to highlight the importance for these programmes to reflect the diversity of Moldovan society in the past and present.

48. The public school system in the Republic of Moldova is secular and does not provide for mandatory religious instruction. However, following Government decision 596 of 2 July 2010 on teaching religion in educational institutions, religious instruction entitled “religion” has been included in the curriculum for primary and secondary schools, to be taught optionally and upon the request of the parents or legal guardians of the child. These new optional curriculum elements apparently supplement a previously existing curriculum with religious content. According to information provided by the Ministry of Education, all registered religious denominations had been invited to participate in consultations about the new curricula. Those responding to the invitation eventually established two groups, each of which elaborated their own separate curriculum: one group composed of the various Orthodox denominations and also joined by the Roman Catholic Church, the other of a coalition of Protestant denominations. This may also count as an important step towards the advancement of cross-denominational communication in the country.

49. Although the optional nature of religious instruction has been emphasized by the Ministry of Education, doubts remain with regard to its effective and human rights-based implementation in practice. The Special Rapporteur repeatedly heard allegations about Orthodox priests or principals using their authority in schools to urge pupils to bring signatures from their parents for enrolment in religious instruction. This would amount to a violation of existing regulations providing for the strictly voluntary nature of religious instruction. Perhaps more importantly, there appears to be no mechanism to ensure that children or parents declining to receive religious instruction are not subject to negative repercussions from school authorities, parents or other children. The Special Rapporteur is of the view that such safeguards must be developed and implemented if everyone’s freedom of religion or belief, including the right not to profess any religion, is to be safeguarded effectively. Given the highly sensitive nature of this issue, the Government should reach out proactively to the population to clarify the status of religious instruction. Providing effective protection for non-attending children against pressure from school authorities, church officials, other children, or any other party should be a priority.

50. Religious instruction is also optional in the Transnistrian region of the Republic of Moldova. While this option seems to be open to various religions or beliefs, Orthodox Christianity appears to enjoy a de facto privileged treatment.

## **E. Conscientious objection to military service**

51. According to article 10 of the 2007 Law on Religious Denominations, the State is required to establish by law alternative service for the citizens who cannot perform military service due to confessional reasons. A provision for alternative service was first enshrined in Law No. 633/XII of 9 July 1991 on alternative service adopted, as amended by Law No. 534 of 22 July 1999. Law No.156-XVI, adopted on 6 July 2007, further revised the

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<sup>12</sup> See the report of the Special Rapporteur on freedom of religion or belief and school education (A/HRC/16/53).

organization of civilian (alternative) service. The new law addressed several concerns raised by the earlier one: it reduced the length of alternative civilian service from 24 to 12 months, equal to that of the military service; alternative civilian service could now be requested on the basis of religious, pacifist, ethical, moral or humanitarian convictions or other similar cases; and the necessity for applications to be accompanied by “proof of membership of the religious or pacifist organization” was abolished. The Ministry of Defence stated that anyone refusing to serve in the military had the option of performing an alternative service. This option was reportedly not connected with any enquiry with regard to the reasons for not wanting to join the military.

52. The 2007 law also established a right for exemption of any form of service for various categories of persons, including clergy, monks and students in theology (art. 4). In this context, the Special Rapporteur was informed of allegations that, in certain circumstances, authorities have been unwilling to recognize that the heads of Jehovah's Witness communities were “clergy” in the sense of the law because, in addition to their roles in the religious community, they hold other jobs. Although there is an increasing tendency to recognize that Jehovah's Witness heads are “clergy” for the purposes of the law, a non-discrimination approach would imply having this formally recognized at the national level.

53. The situation is markedly more troubling in the Transnistrian region of the Republic of Moldova, where regular military exercises are conducted and there is a general requirement to take part in them. If individuals do not show up for such exercises when summoned, they are punished. There is no provision for exemption from service or alternative service in the Transnistrian region. All young men who refuse military service are subject to criminal sanction. There are two possible penalties for refusing to serve: a fine, or deprivation of liberty. The Jehovah's Witness community raised several recent cases concerning persons refusing to serve in the military in the Transnistrian region on the grounds of conscientious objection. It also reported that men from the Transnistrian region who undertook alternative service in the other parts of the Republic of Moldova were forcibly conscripted into the military in the Transnistrian region or were otherwise arbitrarily detained.

54. The Transnistrian “authorities” told the Special Rapporteur that a compromise offered to conscientious objectors was to serve in the army without direct involvement in the use of weapons. The Special Rapporteur would like, however, to reiterate that everyone has the right to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion, and that conscientious objectors should be provided with the option of an alternative service that is compatible with the reasons for conscientious objection, of a non-combatant or civilian character, in the public interest and not of a punitive nature.<sup>13</sup> When the right to conscientious objection is recognized by law or in practice, there should neither be differentiation among conscientious objectors on the basis of the nature of their particular beliefs nor discrimination against conscientious objectors because they have failed to perform military service.<sup>14</sup>

## **F. Other challenges**

55. Although the 2007 Law on Religious Denominations sets out the criteria for registering religious denominations, uncertainty seems to persist with regard to the

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<sup>13</sup> See Commission on Human Rights resolution 1998/77.

<sup>14</sup> See Human Rights Committee, general comment No. 22 (CCPR/C/21/Rev.1/Add.4).

registration procedure. Members of religious minorities, most of whom have finally managed to achieve registration status, repeatedly complained about the procedure being cumbersome, time-consuming, overly bureaucratic and rigid. Reportedly, they often did not understand the reasons for the refusal of their applications. Non-registered religious communities lack legal personality, and therefore cannot take collective legal action. The Ministry of Justice clarified that they can nonetheless practice their religion freely, and that activities of such groups are not deemed illegal. Representatives of the Muslim community, however, stated that persons attending worship had been subjected to identity checks by the authorities. This practice reportedly stopped in March 2011 after one Muslim organization was officially recognized.

56. In the past, cases of administrative sanctions applied to individuals belonging to unregistered religious organisations or to non-citizens carrying out religious activities in public places for not providing advance notification to municipalities, under article 54(4) of the Contravention Code had been reported and relayed by international human rights mechanisms.<sup>15</sup> The Special Rapporteur was told, however, that there had been improvements in this area. In this context, he supports the call of the Committee on the Elimination of Racial Discrimination to the Government of the Republic of Moldova to respect the right of members of registered and non-registered religions to freely exercise their freedom of religion, review existing registration regulations and practices in order to ensure the right of all persons to manifest their religion or belief, alone or in community with others and in public or in private, regardless of registration status.<sup>16</sup>

57. In addition, the Special Rapporteur notes the existence in both article 54(4) of the Contravention Code and in the 2007 Law on Religious Denominations of provisions that are explicitly discriminatory against non-citizens. For example, the current law requires 100 signatures by citizens of the Republic of Moldova to establish a religious organization.<sup>17</sup>

58. The Ministry of Justice declared its readiness to revise the law and initiated a consultation process with religious and belief communities and civil society, by which the Government sets a good example of transparency and participation.<sup>18</sup> In this context, the Special Rapporteur reiterates that registration procedures for religious or belief communities should be quick, transparent and non-discriminatory, and not impose an undue burden on groups who wish to achieve registration status. It is important to make clear in the law that freedom of religion or belief, following from its nature as a universal human right, covers a broad range of religions and beliefs. Indeed, it includes theistic, non-theistic and atheistic convictions, as well as the possibility of not professing any religion or belief.<sup>19</sup> The Special Rapporteur also reiterates his view that no religious community should be allowed to exercise a “veto” or otherwise influence the decision to register or not to register another religious or belief group. All registration decisions must be based on formal elements of law and in full conformity with international law. Consequently, any formal or informal approach that allows only one registered community of a particular faith should be removed.

59. In the Transnistrian region of the Republic of Moldova, new rules issued in 2009 oblige all religious communities to re-register in order to retain or obtain legal status. For a period of 10 years after registration, which a high-ranking representative of the

<sup>15</sup> See in particular CERD/C/MDA/CO/8-9 and CCPR/C/MDA/CO/2.

<sup>16</sup> CERD/C/MDA/CO/8-9.

<sup>17</sup> See Committee on the Elimination of Racial Discrimination, general recommendation No. 30.

<sup>18</sup> See footnote 5. The Special Rapporteur was also informed that, to facilitate the registration procedure, the Ministry of Justice has elaborated a set of sample documents, available on the website [www.justice.gov.md](http://www.justice.gov.md).

<sup>19</sup> See Human Rights Committee, General Comment No. 22 (1993).



Transnistrian “authorities” referred to as a “probationary period”, religious communities are subject to certain restrictions, for instance concerning the dissemination of literature and public manifestations of their convictions on television, radio or other media. The Special Rapporteur is very troubled by these restrictions, which appear to prevent any public communication of religious communities and thereby infringe the freedom to manifest their religion or belief. It was not entirely clear what the legal and de facto situation of non-registered religious groups is in this region. According to an “official” of the Transnistrian region of the Republic of Moldova, 133 religious organizations and six branches are registered.

60. In order to clarify that missionary activities fall within the protection of freedom of religion or belief, vague or overly broad formulations about prohibited proselytism, as currently included in the 2007 Law, should be deleted or amended. The Special Rapporteur was informed that the new law, adopted by Parliament on 21 December 2011, now defines “abusive proselytism” as an action to change a person’s or a group’s religious beliefs by resorting to constraints. In his view, this wording is still problematic, and he would like to recall that article 18.2 of the International Covenant on Civil and Political Rights only refers to “coercion”, stating that no one should be subject to coercion, which would impair his freedom to have or to adopt a religion or belief of his choice.

61. The Special Rapporteur received information that religious personnel without Moldovan citizenship, such as Catholic Priests from Poland or Romania or United States missionaries, might receive only short-term residence permits, which apparently must be renewed on an annual basis. He would like to emphasize in this context that the enjoyment of freedom of religion or belief, because of its status as a universal and inalienable human right, cannot be made dependent on citizenship or nationality.

62. The laws of the Republic of Moldova contain a number of provisions, in both the Criminal Code and the Code of Administrative Offences (see paragraph 17 above), that prohibit incitement to hatred against members of religious groups. The Special Rapporteur was unable to find out to what degree and in which manner these laws are carried out in practice, but heard testimonies indicating that these provisions are rarely, if ever, implemented in practice.

63. Despite the fact of an extensive removal of community property – as well as destruction of property – from various religious communities during the twentieth century, there is apparently no law on the restitution of religious property, and religious property administration is a matter of dispute.<sup>20</sup> Religious communities seem to be treated differently in this regard. For example, the Moldovan Orthodox Church has apparently received title over properties (including properties also claimed by the Bessarabian Orthodox Church), the Catholic community is involved in litigation to recover title to community property, while the Jewish community has reportedly been forced to purchase back community properties. As at October 2011, the Bessarabian Orthodox Church was also reportedly involved in litigation seeking the annulment of a contract between the Ministry of Culture and the Moldovan Orthodox Church to transfer hundreds of religious monuments to the administration of the latter. The Special Rapporteur is of the view that this area should be better regulated by law with a view to ensuring non-discrimination in communal property restitution matters. In any case, the Government should ensure that there is no discrimination in practice in religious community property regulation.

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<sup>20</sup> The administration of religious buildings considered architectural monuments is reportedly regulated by Government Decision nr. 740 of 2002. This reportedly includes some 650 monuments transferred to the possession of the Metropolitan Church of Moldova, among them churches allegedly belonging to the Metropolitan Church of Bessarabia.

## VI. Conclusions and recommendations

64. Moldovan society has been, and continues to be, in a process of rapid transformation which includes, *inter alia*, the development of a sustainable human rights culture in the country. Implementation of human rights standards ranks high on the Government's agenda, and significant progress has been made, including in the field of freedom of religion or belief, a human right that is by and large respected in the Republic of Moldova. Members of various communities, including small minorities, may in general practice their religion or belief freely without undue interference from the State.

65. Remaining obstacles mainly derive from the predominant position of the Orthodox Church, which enjoys a privileged status at variance with the constitutional provision of a secular State.<sup>21</sup> Moreover, important sectors of society see Orthodox Christianity, in particular the Moldovan Orthodox Church, as constituting the backbone of national identity. Extremist groups go as far as to explicitly demand, often in an aggressive manner, that followers of other denominations – such as Protestants, Jews and especially Muslims – be marginalized. Although these extremist groups seem to account only for a small minority, they apparently are not met with much criticism from within the Church, thus leading to the perception that they somehow speak on behalf of the country's Orthodox believers in general.

66. With a view to improving further the conditions for a non-discriminatory enjoyment of freedom of religion or belief by everyone, what seems to be needed is, above all, a public culture of appreciating diversity. The Special Rapporteur would like to encourage the Government to take leadership in this regard, for instance by issuing a robust anti-discrimination law, facilitating interreligious communication, investing in civic education and speaking out clearly against incitement to religious hatred. There are positive obligations under international human rights law to promote diversity.

67. The revision of the 2007 Law on Religious Denominations and their constituent parts offers a unique opportunity in this respect. The consultation process was an opportunity for interreligious communication which, according to the Special Rapporteur, still needs to be developed in the Republic of Moldova. He very much appreciates the transparency of the consultation process and the fact that civil society organizations specialized in human rights and anti-discrimination issues have also been invited to contribute their views and experiences.

68. For freedom of religion or belief and other human rights to take root within society, education plays a paramount role. The school curriculum should include information about various religions and beliefs – their history, content, requirements and structures – with the purpose of dispelling stereotypes and prejudices that still seem to exist to a large degree in society. Many interlocutors expressed their support for such an educational project. The subject could be taught, for instance, as part of civic education, but possibly also within the framework of voluntary religious instruction. In this context, the Special Rapporteur would like to reiterate the requirement that the optional status of religious instruction in any case must be ensured not only *de jure* but also *de facto*, and that effective protection mechanisms for children or parents choosing to opt out of religious instruction have yet to be developed.

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<sup>21</sup> See the report of the Special Rapporteur on issues related to State religion (A/HRC/19/60).

69. The Special Rapporteur comes to similar conclusions regarding the situation of freedom of religion or belief in the Transnistrian region of the Republic of Moldova, with several noteworthy aspects of additional concern. He is particularly concerned at the practice of detaining people who object to military service on the grounds of religion or conscience. He is also very concerned at new rules barring religious communities from communicating with the public for a period of 10 years after official registration.

70. In the light of the above conclusions, the Special Rapporteur makes the recommendations below.

#### **A. Recommendations for the authorities of the Republic of Moldova**

71. With a view to create an inclusive society, the Government should take leadership in the process of developing a culture of appreciating the country's existing and emerging diversity, including in questions of religion or belief. In this context, the Special Rapporteur would like to encourage the Government to implement the related recommendations addressed to it during its universal periodic review.

72. The Government should ensure that the principles of equality and non-discrimination, including in relation to the status and recognition of various religions or beliefs present in the Republic of Moldova, are fully respected in law and in practice.

73. The Government should make clear that human rights standards, including freedom of religion or belief and the principles of equality and non-discrimination, have precedence over any invocation of national identity.

74. The Government should adopt a robust and comprehensive anti-discrimination legislation in accordance with international standards, with the purpose of providing active protection against discrimination in all areas of society.

75. As a related matter, provisions explicitly discriminating against non-citizens with regard to religious matters should be removed from State law.

76. Any discriminatory religious community property restitution practices should be reversed. The Special Rapporteur urges the Government to consider better regulation of religious community property restitution with a view to achieve non-discrimination in practice in this area.

77. The Government should encourage a culture of interreligious communication, for instance by inviting representatives of different denominations and non-believers to joint consultations. The round-table discussions organized by the Ministry of Justice may serve as a good example in this regard.

78. Civic education in, inter alia, school curricula should acknowledge the value of diversity and provide fair information about different religious or belief traditions. In this regard, the Special Rapporteur recommends the study of the Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools, prepared by the Advisory Council of Experts on Freedom of Religion or Belief, Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE). The history curriculum should also be reviewed to ensure that all children in the Republic of Moldova are provided with fair and precise information about the diverse religious traditions in the country, past and present. This should also include Holocaust education, as already pledged by the Government.

79. The optional nature of religious instruction in public schools must be ensured not only de jure but also de facto. Providing effective protection for non-attending children against possible pressure from school authorities, church officials, other children or any other party should be a priority. In this regard, effective mechanisms to ensure that neither children nor parents suffer from negative consequences for declining to take part in religious instruction are sine qua non conditions.

80. The Government should speak out clearly against any manifestations of religious hatred and related intolerance. In accordance with article 20, paragraph 2, of the International Covenant on Civil and Political Rights, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence should be prohibited.

81. As stated by the Human Rights Council in its resolution 16/13, the Government should exercise due diligence to prevent, investigate and punish acts of violence against persons belonging to religious minorities, regardless of the perpetrator. In particular, the Government should proactively investigate acts of intimidation or hostility targeting religious or belief minorities, including in rural areas. The relevant provisions of the legislative framework should be fully implemented.

82. Registration of religious or belief communities by the State should be enacted in a spirit and manner of servicing the human right to freedom of religion or belief. Therefore, the registration process should be quick, transparent and non-discriminatory. It should not depend on extensive formal requirements in terms of the number or the time a particular religious group has existed, nor should it put an undue burden on communities applying for registration status. No religious or belief group should be allowed to decide about the registration of another religious or belief group.

83. Registration should not be a precondition for practising one's religion or belief. The Government should respect the right of members of registered and unregistered religions to exercise their freedom of religion, and review existing registration regulations and practices in order to ensure the right of all persons to manifest their religion or belief, alone or in community with others and in public or in private, regardless of registration status.

84. The Government should continue to recognize the right to conscientious objection in law and in practice, and ensure that the relevant legislation is implemented in a non-discriminatory manner.

85. The Government should open up the military for the service of chaplains of different religions or beliefs.

86. The Government should be flexible in giving residence and work permits to non-citizens operating as religious personnel.

87. The "authorities" of the Transnistrian region of the Republic of Moldova are additionally urged:

(a) To similarly review practices giving a privileged place to the Orthodox Church and related practices leading to de facto discrimination against adherents to other religions or beliefs;

(b) As a related matter, to give serious consideration to strengthening rules and procedures for implementing the principle of equal treatment on all grounds secured under international law;

(c) To cease without delay practices of detaining persons objecting on grounds of religion or conscience to military service, as well as to develop rules for alternative service for such conscientious objectors;

(d) To rescind without delay rules barring religious communities from public communication for 10 years after their formal registration;

(e) To end without delay the practices of stopping missionaries from working at the local level.

## **B. Recommendations for religious communities and their leaders**

88. Taking into account the impact of religious leaders on their communities, the Special Rapporteur encourages all such leaders to take a public position that embraces diversity, favours interreligious respect and defuses existing or emerging tensions between different groups.

89. Members of religious or belief communities have a role to play in supporting and encouraging religious tolerance and ensuring that all people in the Republic of Moldova can effectively enjoy their freedom of religion or belief. In this context, the Special Rapporteur encourages in particular people holding moderate views to participate in the national debate on freedom of religion or belief and non-discrimination.

90. Interreligious and intra-religious dialogue is vital for creating an atmosphere of appreciation of diversity in society. It should not only include religious leaders but should also involve initiatives taken at the grass-roots level.

## **C. Recommendations for the international community**

91. The Special Rapporteur encourages the United Nations in the Republic of Moldova to continue to support the efforts of the Government to ensure the respect for freedom of religion or belief and, in this context, to support the implementation of the recommendations made in the present report.

92. The Special Rapporteur also encourages other international agencies operating in the Republic of Moldova, such as the Council of Europe, the European Union and OSCE, to support the implementation of the recommendations made in the present report.

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