



General Assembly

Distr.: General
14 February 2012

English only

Human Rights Council

Nineteenth session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt

Addendum

**Mission to the Republic of Moldova: comments by the State on the
report of the Special Rapporteur***

* Reproduced in the annex as received.

Annex

Preliminary comments of the Government of the Republic of Moldova on the report of the Special Rapporteur on freedom of religion or belief

1. The Government of the Republic of Moldova is content with the recent visit of Mr. Heiner Bielefeldt during the period of 1-8 September 2011 for a fact-finding Mission, including to the Transnistrian region of the country. During this visit, the Government showed genuine openness for dialogue and cooperation with the UN Special Rapporteur.

2. The visit coincided with important reforms that have been launched in the Republic of Moldova in the field of human rights, as well as religion or belief. This helped us assess the state of affairs, achievements and challenges on freedom of religion or belief track, as well as establish further tasks in this domain. At the same time, this fact finding mission represents a democratic exercise for an open and changing society whence all components can freely express their views and can contribute equally to the progress in implementing the human rights standards.

3. The Moldovan authorities take note of the Report, general conclusions and recommendations. These will be carefully examined and they will be taken into account during the improvement process of the human rights situation in the Republic of Moldova. A series of them were already considered and included in the amendments to the Law on religious cults and their component parts adopted by the Parliament in final reading on 21 December 2011.

4. In this regard, the Government appreciates that during the fact finding mission Mr. Bielefeldt had the opportunity to participate at a roundtable on launching the Study on freedom of religion or belief-current state and regulations perspectives, conducted by the Ministry of Justice and UN Moldova. The discussions were dedicated to the revision of the Law on religious cults and the mandate holder witnessed how this process is carried out and even made his own contribution to it.

5. The respect for human rights which encompass the freedom of religion and belief is prioritized in the Governmental Programme of Activity for 2011-2014 while continually pursuing the commitments under international human rights instruments. In this regard, the Government would like to point out the following preliminary comments:

- Para 16

To correct "...of the legislation on the religious cults."

- Para 17

To correct "...for the period 2010-2014."

- Broad consultations with the civil society were organized and all the proposals received were taken into account at the elaboration of the draft Law regarding the modification and completion of Law no. 125-XVI of 11 May 2007 on religious cults and their components. The draft Law was adopted by the Parliament in final reading on 21 December 2011. The amendments included therein provisions to reinforce the commitment of the State to warrant equality and non-discrimination of religious entities. The state recognizes a priori all religions and does not expose its position as to the legitimacy of religions, this being also prohibited by law. In this sense, the only action under the mandate of the Ministry of Justice is to register religious communities that intend to possess legal personality.

- The registration procedure of religious cults is regulated by the current legislation, being transparent and common to all religious entities. If previously a term of 15 days was envisaged for registration, the new provisions extend this term to 30 days, in line with the request of most religious communities.
- Besides that, for contributing to the facilitation of the registration procedure, the Ministry of Justice has elaborated a series of samples of documents, available on the website www.justice.gov.md, menu “Noncommercial organizations”. During a series of consultations with the civil society, they have stated that the procedure of registration is acceptable.
- The amendments to the above-mentioned Law have also substituted the previous explanation of the term “abusive proselytism”, reducing it only to the word “constraint”, which will facilitate the perception of the notion by a larger number of people.
- Referring to recommendation f) regarding religious community property restitution it is worth mentioning that all citizens of the Republic of Moldova are equal before the law and the public authorities, without any discrimination. The state is protecting the property of any person, the general legal provisions on property being applicable to religious communities, as well. However, the Government will further look into this issue.
- The principles of non-discrimination, universality and equality of rights are essential and represent the backbone of the Moldovan human rights protection system. In order to strengthen existing rules and create a real and viable mechanism for implementing these provisions, the draft Law on preventing and combating discrimination was drafted. It was designed as a comprehensive legal act that includes, among other, an indicative list of discriminatory criteria and establishes the Council for preventing and combating discrimination.
- As the consultations revealed certain sensitivities within the society, the draft was withdrawn from the Parliament for further consideration. We have embarked on a path of broad consultations aimed at, among other, ensuring that this law is endorsed not only by the government, but also by the entire Moldovan society.
- The article 1 of the above mentioned draft Law emphasizes that the law aims to prevent and fight against discrimination and to ensure equality in rights for all the persons on the territory of the Republic of Moldova without difference in religion or belief.
- The public school curricula, in particular for the secondary level (1-9 grade) includes the optional instruction entitled “Tolerance education-Holocaust lessons”. For the high school system (10-12 class) the above mentioned course is suggested for the 11 grade only.
- According to article 11 of the Law no. 162-XVI of 22 July 2005 on the status of people doing military service, the military personnel have the right to practice a religious cult recognized by the state and to practice religious rites, outside working hours of pursuing military responsibilities. The military personnel are free to adhere to religious cults, except the ones that breach public safety and order, or are damaging to work responsibilities. Symbols, literature and objects of religious significance may be used by military staff in an individual manner.
- In order to enforce the previously cited legislation, special places for prayer and spiritual activities were set up within military units, with free access of all military personnel.

- The Government through the Ministry of Justice plans to organize a series of roundtables with the participation of representatives of religious communities, with the goal of encouraging inter-religious communication and establishing relations of cooperation between them.
 - The Government of the Republic of Moldova reserves the right to present the final official position on the report during the XIX Session of the UN Human Rights Council.
-