

Perspectives on Human Rights and Religion in Moldova

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Abstract This paper examines the overall situation of the evolution of human rights and freedom of religion in Moldova since becoming an independent state. It emphasizes the fact that freedom of religion is still an urgent issue in Moldova, taking into account that the Moldovan state itself protects and enforces the rights and freedoms of Moldovan citizens in a rather arbitrary and selective way.

Religious tolerance and acceptance of religious diversity is another issue Moldovan society faces. The new religious movements are frequently restricted in their rights by the tacit alliance between the State and the Orthodox Church. Although different religions are free to organize their own education, the Orthodox Church monopolizes religious education in secondary schools. The religious lobby also opposed the initiative to introduce Life Skills-Based Education (LSBE), since it would destroy the traditional family by promoting “abnormal concepts” such as gender and sexual orientation, drugs, etc.

Introduction

The Republic of Moldova is a small Eastern European country that gained independence after the dissolution of the USSR in August 1991. After a period of geopolitical uncertainty, the current Moldovan authorities have declared their willingness to join the EU, although the country still faces many problems, such as: economic backwardness, an unsafe investment environment, endemic corruption, huge social division, and continuous flows of immigration of Moldovan citizens to other states. Moreover, as of 1992 the Moldovan authorities have no control whatsoever over the

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separatist region of Transnistria, situated on the left bank of the river Dniester.¹ After 20 years of independence, human rights issues are thus on the country's agenda, as well as on the agenda of the international organizations that monitor the human rights situation in Moldova, although in most cases their reports analyze the situation only for a part of Moldova.

According to the 2011 UNHCR country report for human rights practices, "the most significant human rights problem in the country during the year was government corruption, which undermined the credibility and effectiveness of police and the judiciary as well as respect for the rule of law in general. Police torture and mistreatment of persons in detention was a second major area of concern. The government also failed to make progress in holding officials accountable for killings and other abuses committed by government security forces during the 2009 crackdown on postelection demonstrations."² Other significant problems included harsh and overcrowded conditions in prisons and detention centers, arbitrary detention by police, violence against women, human trafficking, discrimination against Roma, harassment of LGBT individuals, limited enforcement of workers' rights and child labor.

The main human right violations are reported in Transnistria. Transnistrian authorities continuously restrict the right of Moldovan citizens to vote in Parliamentary elections, freedom of association, free movement and education in Romanian mother-tongue. Torture, arbitrary arrests, and unlawful detentions are still regularly reported, independent media and opposition are harassed. The rights to freedom of speech and freedom of the press are not always respected in practice, specifically in Transnistria. When in 2009 the Alliance for European Integration replaced the Communist majority that ruled for two consecutive mandates, the freedom of the press in the country improved significantly. In Transnistria it is difficult to register, maintain, and finance independent newspapers, radio stations or television stations, although several continue to exist. Most newspapers from the rest of Moldova do not circulate widely in Transnistria, although they are available in Tiraspol in a restricted number.³

The discrimination against the Romanian-speaking population that comprises around 32% of the total takes different forms in Transnistria. As part of the 1992 ceasefire agreement ending Moldovan-Transnistrian military confrontation, Transnistrian authorities allowed eight Latin-script Romanian-language schools (five high schools and three elementary schools, attended by 7700 children) to operate in the region under the Moldovan Ministry of Education. At the same time, the use of the Latin alphabet is forbidden by the Transnistrian "constitution" of 1992 and

¹ Moldova has a population of 4 million; 522,500 live in the secessionist-controlled region of Transnistria.

² The rapporteur refers here to the police mistreatment of young people during the April 6–7 2009 youth demonstrations held in Chisinau, the capital of Moldova, that protested against the electoral fraud committed by the Communist Party that ruled for two consecutive mandates, from 2001 to 2009 (see the UNHCR Country Reports on Human Rights Practices 2011).

³ According to the Freedom House (2012) report the press in Moldova is partially free. The freedom score was 54.

reading/writing in the Latin script is punishable by a fine of approximately 480 lei (\$ 40.50).

The lack of access to information from Transnistria prevents Moldovan law enforcement officials and NGOs, as well as international organizations and experts, from tracking developments on the degree of respect of human rights in the region.

The antidiscrimination law that was passed in 2012 became a controversial issue in Moldovan society. The law was opposed mainly by the Association of Orthodox Organizations, other religious groups (especially the Moldovan Evangelical community), certain NGOs and some political parties. They rallied throughout the last 2 years in Chisinau and other cities in Moldova to protest against the passing of this bill. They were especially opposed to the provision to include LGBT persons as a protected social group. As a result, the Law was withdrawn in March 2012 by the Ministry of Justice for further review and consultations. The tension also escalated in the media: numerous talk-show and debates were broadcast, in which there were contradictory discussions pro and con the legal recognition of LGBT rights. The church representatives rejected the Law on religious grounds and were even harshly opposed to the necessity to publicly discuss the issue. State officials declared that the Law was a necessary step in the European integration process. In the end the law was adopted with a different text and under a different title than initially proposed: the Law on ensuring equality (Republica Moldova 2012).

The end of the story with the Law on ensuring equality is yet to be written. In the wake of the LGBT public events in May 2013,⁴ certain parliamentary parties—the Socialist Party and the Communists Party—have asked the Parliament to abolish the Law (Socialiștii 2013). A similar request came from Vladimir, the Metropolitan of Moldova. The spiritual leader of Moldovan Orthodox Christians called on the President and the leading government and parliament figures for a modification of the Law in order to eliminate the provision on discrimination based on sexual orientation. The Parliament refused to comply (Vladimir 2013).

Freedom of Religion in Moldova

The predominant religion in the country is Orthodox Christianity. About 96% of the population claims membership of either of two Orthodox denominations, the Moldovan Orthodox Church (MOC), which is subordinated to the Russian Orthodox Church, (88%) or the Bessarabian Orthodox Church (BOC), subordinated to the Romanian Orthodox Church (8%). The MOC has 1,281 parishes, monasteries, seminaries, and other entities, and the BOC has 312 such entities.

Adherents of other religious groups, constituting less than 10% of the population, include Roman Catholics, Baptists, Pentecostals, Seventh-day Adventists, Muslims,

⁴ The LGBT Pride march on May 19 2013 was attended, among others, by the US and the Swedish Ambassadors to Moldova, and the European Commissioner for Enlargement and European Neighborhood Policy, Stefan Fule. No Moldovan politician or official was present.

Jehovah's Witnesses, Baha'is, Jews, members of the Unification Church, Molokans (a Russian group), Messianic Jews, Lutherans, Presbyterians, and charismatic and evangelical Christian groups. Based on the 2010 official statistics, the Old Rite Russian Orthodox Church (Old Believers) has 16 parishes; Jehovah's Witnesses 239 congregations, including 31 in the separatist region of Transnistria; the Union of Evangelical Christian Baptists of Moldova 315 churches and 20,391 members.⁵

There are some property disputes between MOC and BOC, in which the government constantly takes the side of the MOC. It refused to give the BOC access to the archives that were confiscated during the Soviet years (1945–1991), the BOC being until now unable to give an exact account of churches and land properties it could claim as former BOC properties. The BOC has sued for the return of several sites, but it has not won any enforced judgments in its favor. The Lutheran Church, as well as the Jehovah's Witnesses also claimed former properties, destroyed during the Second World War and the Soviet regime, but no positive results of these claims were registered.

The 1994 Constitution, the Law on the freedom of conscience, thought and religion (Nr. 125 of 11.05.2007), and other laws formally protect religious freedom, but in some cases the governmental authorities selectively interfere in the enforcement of legal provisions. There is no state religion in Moldova, however the Law on the freedom of conscience, thought and religion emphasizes that “the State recognizes the importance and the primary role of the Christian Orthodox religion, namely, the Moldovan Orthodox Church in the life, history and culture of Moldova” (art. 15, p. 5) (Republica Moldova 2012). Thus, the MOC, affiliated with the Russian Orthodox Church, has received favored treatment from the former communist government (2001–2009) and is well-seen by the Alliance of European Integration—the political alliance in power in 2009–2014. The highest-ranking clerics in the MOC hold diplomatic passports and are present at many official events, such as national celebrations.

The registration process is similar for all religious groups. At the request of the Ministry of Justice, a court can suspend the registered status of a religious organization for 12 months if it is engaged in “activities which affect state security, public order, life and human security” (art. 24, p. 2b). All religions, whether registered or not, officially enjoy the freedom to worship, as do foreign citizens. The process of registration remains, without a doubt, one of the most powerful tools in the hands of the State to regulate access to the Moldovan religious market. Successive governments have used it in order to prevent certain religious communities from official recognition.

In a number of cases the Moldovan authorities have interpreted the respect of religious rights in a biased way. The case of the Metropolitan Church of Bessarabia (created in September 1992 and subordinated canonically to the Romanian

⁵ In Transnistria the largest religious organization is the MOC. The Tiraspol-Dubasari diocese is part of the MOC and the Russian Orthodox Church, and an estimated 80% of the Transnistrian population belongs to that church. Other groups include Roman Catholics, followers of Old Rite Orthodoxy, Baptists, Seventh-day Adventists, evangelical and charismatic Protestants, Jews, and Lutherans (U.S. Department of State 2011).

Orthodox Church⁶) that went to ECHR is the most significant example in this sense (ECHR 2001). The Moldovan government rejected the registration of BOC several times, due, it was claimed, to an internal conflict within MOC, which is canonically subordinated to the Moscow Patriarchy. It was also claimed that any other recognition of an Orthodox church in Moldova could provoke violent conflict among believers. The Communists Party that was in power from 2001–2009 has especially strongly opposed to the legalization of the Metropolitan Church of Bessarabia. The main reason for the refusal was the connection of the Metropolitan Church of Bessarabia to the Romanian Patriarchate and its emphasis on the traditional connection of Moldovan Orthodoxy to the Romanian Orthodoxy. This was seen by the Communists Party as a threat to their project of national identity, one that postulated a distinctive Moldovan national identity, radically different from and opposed to Romanian identity.

As the human rights analyst Vitali Catana stressed out, “neutrality dictates the State to register all religious organizations fulfilling the legal conditions and not to fix the number of religious organizations it thinks should exist” (Catana 2004, p. 118). The Moldovan government was not able to justify its double standards, thus, the ECHR condemned its decisions and obliged the government to register the BOC. The State authorities encourage organizations and people to avoid churches belonging to BOC by only visiting MOC churches during religious celebrations.

Over the last decades the Moldovan government has continued to deny registration to some religious groups, such as Pentecostals and Muslims. The Orthodox bias against the Muslims of Moldova was explicitly stated by Gh. Armasu, the head of the State Service on Religious Issues in the 2000s, who justified the refusal to register Muslim organizations on the ground that “97% of the population of Moldova is Christian” (IHRC 2003).

Another religious group that has traditionally had a tense relationship with the State is the community of Jehovah’s Witnesses. Their conscientious objection to military service⁷ conflicted with the policies of the Soviet State and led to the deportation of Moldovan Jehovah’s Witnesses to Siberia during the so-called “Operation North” in April 1951 (Baran 2014). Today, the Moldovan State does not persecute Jehovah’s Witnesses, but authorities in the separatist Transnistria region continue to harass the community for the same reasons. Transnistria has no law providing alternative civilian service. Consequently, between 1995 and December 2010, more than 30 Jehovah’s Witnesses have been prosecuted because of their refusal to do military service. Some have even been sentenced to a one-year prison term to be served on probation and others have been fined 4590 Transnistrian rubles (\$ 450) (U.S. Department of State 2011).

⁶ BOC existed during 1918–1944, when Bessarabia was part of the Romanian State. It was liquidated when, after the occupation of Bessarabia, the USSR created the Moldovan SSR. All BOC properties were automatically granted to the newly created MOC under the subordination of Russian Orthodox Church.

⁷ There is an inherited ignorant attitude toward religious groups in Moldovan society from the Soviet times or possibly earlier. During the Soviet regime, all religious groups were persecuted, including the religious minority groups that opposed to serving in the army. In 1951 a group of about 700 persons, the great majority of whom were Jehova’s Witnesses, were deported to Siberia.

Religious tolerance and acceptance of religious diversity is another issue the Moldovan society faces. In November 2009 about 100 Orthodox Christians led by a priest, Anatol Cibric, destroyed the menorah installed by the Jewish community during the Hanukka celebration in Stefan cel Mare si Sfânt Park. Parishioners chanted anti-Semitic slogans, then pulled down the menorah, and replaced it with a wooden cross. In the opinion of the protest leaders placing a symbol of Judaism near the statue of Ștefan cel Mare, the former Moldovan prince canonized as a saint, was an offense. Anatol Cibric said that “the only goal of the action was to put an end to the presence of anti-Christian symbols in the center of Chisinau rather than their destruction or desecration”. The entire situation was framed in terms of “defending Orthodoxy” from foreign invaders. After a series of discussions mediated by the mayor of Chisinau, the menorah was moved to the courtyard of the Jewish Cultural Center in Chisinau and Anatol Cibric was only administratively fined with 600 lei (around \$ 50) for “the violation of religious sentiments and the profanation of an object of religious reverence”. Vladimir, the Metropolitan of Moldova, formally condemned Cibric’s actions but he also expressed his sorrow that Moldovan Jews had themselves contributed to the spread of religious conflict by deciding to install their religious symbol in a place so dear to Christians. On September 11 2010 in another anti-Jewish incident, vandals defaced the Chabad Lubavitch Synagogue in Chisinau, painting swastikas on the front of the building.

The situation for the new religious movements is by no means different. They are frequently restricted in their rights by the tacit alliance between the State and the Orthodox Church. For example: on August 15, 2008, the Adventist Church of Moldova had scheduled a public reading of the bible in the Central Square of Chisinau. Adventists had requested permission from the Chisinau City Hall as the Law on Meetings prescribed, but were denied permission by the authorities on the grounds that the Orthodox Church had also sent a letter to the City Hall in which the Church complained that such an event would hurt the feelings of Orthodox Christians since it would take place in the immediate vicinity of some of the most sacred Orthodox Christian and Moldovan national sites: the Metropolitan Cathedral and the monument of Stefan cel Mare.

In September 2011 the UN Special rapporteur on freedom of religion or belief, Heiner Bielefeldt, visited Moldova. In a press statement he emphasized that the Eastern European nation has made “noteworthy progress” on religious freedom since the era of the Soviet Union, but it could still take further steps to foster diversity. According to him, in Moldova the obstacles derived “mainly from the overly predominant position of the Orthodox Church, which enjoys a privileged status at variance with the constitutional guarantee of a secular State” (UN News Centre 2011). Bielefeldt also drew attention to the fact that important sectors of Moldovan society see Orthodox Christianity, in particular the Orthodox Church of Moldova, as constituting the backbone of national identity. Thus, the representatives of other religious groups are marginalized. It is obvious that the extremist groups are not numerous, but these act in an aggressive way. The need for a ‘public culture of appreciating diversity’ is evident in Moldova.

Religious Education

The Moldovan Law on education (1995) provides that “moral and spiritual instruction” is mandatory for primary-school students and optional for secondary-school and university students (Republica Moldova 1995). By “moral and spiritual education” are understood moral, spiritual, artistic, aesthetical, and ethical standards, as well as a broad understanding of the components that make up broader human values. According to the national educational curriculum, the goal of moral-spiritual education is to form a moral-spiritual conscience. Within this course, children would learn about the virtues of truth, goodness, peace, patriotism, faith, wisdom, tolerance, justice, team spirit, and trust. The aim of the moral-spiritual education is to educate people within a functional religious culture, to be open to other horizons, but aware of their own identity and to be willing to perpetuate the Christian character of Moldovan society in a global culture.

In the domain of education, different religions are free to organize religious education and have their own teaching personnel. At the same time, starting from the 2010/2011 school year, in state schools a subject called “Religion” was introduced. According to the curriculum, it is voluntary and parents are free to decide whether their child will study religion in school or not. The subject curriculum and the textbooks (there are several) were developed by the MOC and approved by a council formed of representatives of the Ministry of Education, the MOC and the BOC. Still, not all schools opted for the course; the requirements were higher in village schools than in city schools. According to the statistics of the Ministry of Education, about 69,000 pupils out of 360,000 opted to study religion in school (Barbăroșie 2012).

There were attempts to develop a public discussion on the necessity to teach religion in Moldovan schools and on the teaching methodology of this specific subject. The media scene was dominated by MOC representatives and by some NGO representatives, who presented contradictory views on the content and the form of the subject, who should be in charge of teaching it and what aims should be fulfilled. The debates were sporadic and did not have a major social impact, as little was said about taking into account the social configuration that determines the necessity to teach such a subject, the necessity to understand how modern religious education is related to the religious and moral belief in the family and within the society, and the importance of shaping the course based on modern challenges toward morality and belief.

Recently, several Evangelical organizations that had the support of the Orthodox Church have requested from the Ministry of Education the introduction of creationism in schools as a “legitimate scientific discourse on the origins and evolution of life on Earth” (Scrisoarea Bisericii 2013). They have also complained that the existing curriculum that privileges evolutionism is reminiscent of the atheist policies of the Soviet Union. Furthermore, the Evangelicals argued that by teaching solely Darwinist evolution in schools the state infringes upon the rights of parents to educate their children in the philosophical and/or religious tradition they consider appropriate.

Although the request was ultimately denied, it is important to mention that it introduced a new element in the educational debates in Moldova: for the first time, the debate was framed not in terms of true versus false conceptions of the world but rather in the legal language of the right to be taught the “morally acceptable” worldview.

The “frontal attack” on the educational system failed, but other indirect attempts to influence it have succeeded. For example, in 2005–2006 a huge religious lobby headed by the Orthodox Church that also included certain pro-Orthodox NGOs successfully blocked the attempts of the Ministry of Education to introduce a program of Life Skills-Based Education (LSBE). The program aimed to educate Moldovan children on subjects such as HIV/AIDS prevention, health education, human rights and social issues, prevention of violence and peace building. The religious lobby was opposed to the new educational program on the grounds that it destroys the traditional family by promoting “abnormal concepts” such as gender and sexual orientation and that it gives the children information about drugs, sexuality and inter-personal relations too early (Metaxa 2005). In the end, the Ministry of Education withdrew the proposed program.

Conclusions

The recommendations of the Parliamentary Assembly of the Council of Europe underline that education should serve the purpose of promoting intercultural dialogue, pluralism and tolerance, respect of equality and human dignity (Council of Europe 2008). For conservative Moldovan society it is not easy to accept that a person different from others or from a different religion deserves equal treatment and respect. Not many citizens understand that the State is responsible for preparing its citizens to live together, regardless of religious affiliations or moral beliefs.

At the same time, the State itself protects and enforces the rights and freedoms of Moldovan citizens in a rather arbitrary and selective way. It is hard to forget, for example, the attitude of the Moldovan authorities on the occasion of the LGBT Pride on May 11 2008, when the police passively stood by not intervening in any way, as large aggressive groups (including neo-fascists) severely beat and intimidated LGBT activists (see ILGA Europe 2008). It is also hard to deny or ignore the Orthodox bias of Moldovan politicians. At his inauguration in March 2012, the current president of Moldova, Nicolae Timofti, greeted only one Metropolitan, Vladimir, the head of the Metropolis of Moldova, although the Metropolitan of Bessarabia, Petru, was also present at the ceremony. On various occasions, the Communists Party members have expressed their concerns about the danger of “islamization” of the country after the registration of the Muslim community.

Today young people have access to different sources of information, communicate with their peers around the world and are much more open to discussing controversial or even taboo topics than previous generations. They are interested in the

advantages and disadvantages of being a child, a young person or an adult, what being vulnerable means at different ages. They want to participate in decision-making at different levels and are willing to learn how they can do it, how they can make their voices heard. They value the access to different sources of information, recognize diversity in its various forms and are much more open to new options, trying out new interests and activities. School remains, nevertheless, the place where the future generation of Moldovans is molded. The awareness of human rights issues should be one of the fundamental priorities of State authorities and civil society in relation to the school and in general toward the youngsters.

We have personally observed the transformative attitudes and reactions of youngsters and students as a result of taking part in youth programs aimed at informing and educating young people on human rights issues based on an extracurricular non-formal methodology, as well as during short interactions or longer educational experiences with young people abroad (Scourfield McLauchlan, Suveica 2012). These personal observations lead us to the conclusion that there is room for more initiatives, projects and activities in Moldova with the aim of promoting tolerance, acknowledging diversity and respecting others who are different from us in terms of moral values, religious belief or sexual orientation. Finding out what is relevant to young people in terms of rights and duties would be a good starting point.

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