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Law
on religious denominations and their component parts
no. 125 of 11 May 2007

The Parliament adopts the present law.

Chapter I
GENERAL DISPOSITIONS

Article 1. The subject of regulation

This law regulates the relations related to freedom of conscience and religion guaranteed by the Constitution of the Republic of Moldova and international human rights treaties to which Moldova is party, and the legal status of religious denominations and their component parts.

Article 2. Legal framework

(1) The legal framework for freedom of conscience, denominations and their component parts is the Moldovan Constitution, international treaties to which Moldova is a party and this law.

(2) The provisions of the Constitution and the laws relating to freedom of conscience and religion shall be interpreted and enforced in accordance with the Universal Declaration of Human Rights, international treaties to which Moldova is party. If international treaties to which Moldova is party provide for other rules than those stipulated by this Law, the rules of international treaties shall apply.

Article 3. General terms

For the purpose of this law, the following terms are defined:

religious denomination - component part, legal entity, operating in Moldova according to the doctrinal, canonical, moral, disciplinary and historical own traditions of worship, consisting of persons subject to jurisdiction of Republic of Moldova, which practice in common religious beliefs, respecting the established traditions, rites and ceremonies;

component part of a denomination - the community or religious institution of any denomination;

religious community - local part of religious denomination representing an association of persons which is created and operates on principles of free consent, autonomy, self-management, equality of all members, created to jointly practice faith. Religious communities are parishes, monasteries or monastic communities, congregations, brotherhoods, other religious communities;

religious institution - regional or central part of a denomination, founded without recording its membership, representing a religious establishment or part. Religious institutions are considered dioceses, parishes, deaconates, religious, social or charitable missions, institutions of theological education, pilgrimage centers, religious associations and foundations, church disciplinary courts and other similar institutions;

religious beliefs - the totality of ideas, principles and doctrines of faith or religious dogma a person believes in, accepts voluntarily, shares with others and follows during lifetime;

religious activity - activity directed towards fulfilling spiritual needs of the believers (share the faith, religious education, religious ceremonies, conducting blessing and preaching, religious training and improvement) and other activities aimed at ensuring the denominational and material religious practices (publishing, marketing and dissemination of literature with religious content, production, sale and dissemination of religious objects, making garments of worship etc.).

believer - someone who believes in certain religious truths and is willingly a part of a religious community whose members share the same beliefs, faith, participate in performing the same activities and religious practices, subject to a religious authority freely chosen;

religious denomination leader – a person elected or appointed as head of a religious denomination, empowered to represent it the relationships with the State and any third party;

representative of religious denomination - the person elected or appointed in a religious denomination or its components parts;

place of worship - the construction or building of a religious community in which religious services are officiated;

religious objects - objects used in religious services, such as liturgical vessels, metal icons and lithography, crosses, crucifixes, church furniture and specific religious medallions with specific images of religious worship and others. Religious calendars, postcards, flyers, church art albums, movies, picture labels of religious art objects are considered objects of worship, except those part of national heritage, religious products for business such as incense and candles, including decorative weddings and baptisms ones, specific fabrics and embroidery used to manufacture garments and other necessary items for practicing that religious worship;

religious services - all the actions arising from the denomination's religious teachings;

improper proselytism - action to change a person's or a group of people' religious beliefs by resorting to violent means, abuse of authority, blackmail, fraud, threat, coercion, religious hatred, deceit, psychological manipulation or different subliminal techniques.

Article 4. Freedom of conscience and religion

(1) Everyone has the right to freedom of thought, conscience and religion. This right must be exercised in a spirit of tolerance and mutual respect and shall include freedom to belong or not to a particular religion, or not to have certain beliefs, to change the religion or belief, to practice a religion or belief individually, jointly, in public or in private, by teaching, practicing and ritual observance. Every individual and religious community can freely join any religious denomination.

(2) The exercise of the right to freedom of expression of religious beliefs may be restricted under the law, only if the restriction serves a legitimate purpose and represents, in a democratic society, public safety measures needed to maintain public order, health and morals, or to protect the rights and freedoms of individuals.

(3) The state excludes any assessment of religious beliefs' legitimacy.

(4) Abusive proselytism is forbidden.

Article 5. General rights and obligations

(1) No one may be prosecuted for belief, thought or religious disbelief.

(2) Belief, thought, religion, and activity within a religious denomination cannot be an obstacle for the acquisition and exercise of civil or political rights.

Article 6. Freedom of religious association

(1) No one may be compelled to practice, to join or not and to contribute to the expenses of a religious denomination.

(2) No one may belong simultaneously to two or more religious denominations. A believer may freely join any religious denomination only after its withdrawal from previous one.

(3) A religious community may join any religious denomination or dissociate from it by free will of its members, without additional approval or outside barriers.

Article 7. Defending the right of religious association

(1) The right to religious association of believers and their communities is legally or administratively guaranteed and supervised by the State, in order to ensure the observance of the legality of the process. At the believers' initiative, the actions of the state bodies and denominations, persons with public functions, as well as private individuals, who create difficulties in the process of setting up religious communities and conduct their legitimate activities, can be called in court or petitioned.

(2) Judicial or administrative protection of the right to religious association may result in restoration of the violated right, stopping the actions of state bodies and denominations, persons with public functions and individuals that create difficulties in the process of exercising and restoring the damage caused by violations of this right.

(3) The state guarantees to religious communities the protection of their legitimate rights and interests.

(4) Issues that affect the interests of religious communities are settled, in cases stipulated by law, by the state, with the participation of the representatives of religious communities concerned.

(5) Unfounded interference of state bodies and denominations, responsible persons with public functions in the activity of religious communities, and vice versa shall be prohibited.

Article 8. Religious intolerance

Law shall punish religious intolerance and religious hatred, manifested through acts that limit the free practice of worship.

Article 9. Legal Protection

Any act that violates the rights enshrined in this law and exercised within its limits may be legally challenged.

Article 10. Military Service

The state shall establish by law alternative service for people who cannot perform military service due to confessional reasons.

Article 11. The secret of confession
Law protects the secret of confession.

Article 12. Religious holidays
The state guarantees the use of the recognized religious holidays for relaxation and spiritual elevation.

Article 13. Church discipline courts
Religious denominations that have church discipline courts to discipline subordinate staff shall present to the Ministry of Justice regulations to be approved, according to the procedures destined to the component parts of denominations. Church discipline courts are legal entities subject to state registration and cannot substitute the courts.

Article 14. Cemeteries
(1) Denominations' local religious components can have and maintain, independently or jointly, cemeteries for their believers.
(2) The establishment, maintenance and liquidation of cemeteries is governed by the Regulation on cemeteries, approved by the Government.

Chapter II Relationship between the state and religions denominations

Article 15. The state and denominations
(1) All denominations are autonomous, separated from the state with equal rights before the law and public authorities. Discrimination against one or another religious denomination is punishable under law.
(2) The state does not interfere with religious activities of denominations.
(3) The state shall control the economic and financial activities of religious denominations. The component parts of denominations, as well as institutions and enterprises established by them shall be tax exempted.
(4) The state and its institutions can cooperate and conclude, as appropriate, cooperation agreements or arrangements with any religious denomination or its parts.
(5) The State recognizes the special importance and leading role of the Orthodox Christian religion and, respectively, the Moldovan Orthodox Church in the life, history and culture of the people of Moldova.
(6) The state encourages and supports social, moral, cultural and religious charity activities performed by denominations and their component parts.
(7) The state shall issue official registered documents. These acts must precede religious blessing or approval.
(8) Any requirement to indicate the official documents of belonging to a religious denomination is illegitimate.

Chapter III Creation and registration of religious denominations and their component parts

Article 16. Freedom of establishment and functioning of religious denominations

(1) Religious denominations are set up on a voluntary basis by persons under the jurisdiction of Moldova, with full legal capacity in order to commonly practice their faith.

(2) All denominations are free to set up and can function freely under the present law.

(3) All denominations shall be constituted according to their own rules, canons and traditions based on the believers' free will and faith.

(3) Religious communities can be formed or dissolved based on the free will of their members, without additional approval or outside barriers.

Article 17. Legal personality

(1) All denominations and their component parts are legal entities under this law.

(2) As legal entities, denominations and their component parts are equal in rights and obligations, subject to Civil Code norms.

(3) Canon law relationships between denominations and religious communities cannot substitute nor vitiate the relationships between the registered civil law legal entities.

Article 18. The statute of denominations and their component parts

(1) All denominations and their component parts shall function under statutes adopted by their founders.

(2) The statute of the denomination or its component part must contain the following:

a) the exact and complete name, showing confession, premises and activity area;

b) basic principles of faith

c) goals, objectives and main forms of activity;

d) the structure, constitution of governing and control bodies and their attributions;

e) the designation and dismissal of governing bodies' members;

f) the members' rights and obligations;

g) property and cash funds;

h) introducing amendments and addenda to the Statute;

i) cessation (liquidation or dissolution), and distribution of assets in case of cessation.

(3) Subsequent change and completion of the denomination's statute shall be done according to the procedure set forth for registration.

Article 19. Denominations' registration

(1) In order to be registered, denominations shall submit to the Ministry of Justice the following documents:

a) the registration application;

b) the statutes adopted by the founders;

c) the minutes of the constituting meeting;

d) the list of founders with signatures of at least 100 of them, citizens of the Republic of Moldova;

e) the fundamental principles of their faith.

(2) The Ministry of Justice shall verify the compliance of the submitted documents with this law.

(3) The failure to present at least one of the documents specified in par. (1) entitles the Ministry of Justice not to examine the registration application.

(4) If the constituent documents submitted meet the requirements of this law, the

Ministry of Justice shall issue within 15 days a certificate of registration of the respective denomination.

(5) The denominations are considered registered once the registration certificate is issued, being exempt from the registration fee.

(6) Data on state registration of religious denominations are recorded in the register of religious denominations and their component parts.

(7) If the documents submitted by the denomination do not meet the requirements of this law and harm the interests of society, state security, life and health, the Ministry of Justice shall refuse the registration of that denomination, indicating the reasons. The signatories of the constituting act may appeal the refusal decision in court.

Article 20. Registration of denominations components parts

(1) Religious communities shall be set up on a voluntary basis by individuals under the jurisdiction of Moldova, with full legal capacity in order to commonly practice their faith.

(2) For registration, religious communities must submit to the Ministry of Justice the following documents:

- a) the registration request from the governing body of the community;
- b) the community's status adopted by the founders;
- c) the minutes of the constituting meeting, indicating the legal representative or representatives of the community;
- d) the list of the founders, with signatures of at least 10 of them, citizens of the Republic of Moldova;
- e) the denomination's written consent to which the community decided to join voluntarily.

(3) In order to be registered, the religious institutions - dioceses, parishes, religious missions, social or charitable brotherhoods, institutions, religious associations and foundations and theological educational institutions, pilgrimage centers, church disciplinary courts – shall submit to the Ministry of Justice their statutes, the denomination's written consent to which they belong and the constituting or reconstituting acts, indicating the legal representative or representatives of the institution.

(4) The Ministry of Justice shall verify the compliance of the submitted documents with the provisions of this law.

(5) Failure to present at least one of the documents specified in par. (2) and (3) entitles the Ministry of Justice not to examine the registration application.

(6) If the submitted constituent documents meet the requirements of this law, the Ministry of Justice shall issue to the denomination's component part, within 15 days, the registration certificate.

(7) The denominations' component parts shall be considered registered once the registration certificate is issued, being exempt from the registration fee.

(8) Data on state registration of denominations' component parts shall be recorded in the register of religious denominations and their component parts.

(9) If the submitted documents of the denomination's component parts do not correspond to this law, the Ministry of Justice shall refuse the registration of that component part of the denomination, indicating the reasons.

Article 21. Registration certificate

(1) The document certifying state registration of religious denomination or its component parts is issued by the Ministry of Justice.

(2) The certificate of registration form is approved by the Ministry of Justice.

Article 22. The register of religious denominations and their component parts

(1) The Ministry of Justice keeps the register of religious denominations and their component parts.

(2) The register of religious denominations and their component parts shall include:

- a) the date of state registration of religious denominations and their component parts;
- b) the name of the denominations and their component parts;
- c) data management of religious bodies and their component parts;
- d) name and surname of the leaders (representatives) of religious denominations and their component parts;
- e) the premises of the religious denominations and their component parts;
- f) information about the amendments introduced in the statutes of religious denominations and their component parts.

Article 23. The name of religious denominations and their component parts

(1) During their work, religious denomination and their component parts are required to use the exact and complete name, according to the certificate of registration.

(2) After registration, the name of religious denominations or their component parts becomes enforceable against third parties.

Chapter IV

Suspension and cessation of the religious denominations' and their parts' activity

Article 24. Suspension of religious denominations' and their component parts' activity

(1) The activity of religious denominations and their component parts can be judicially suspended for a period of up to one year.

(2) The grounds for suspending the activity can constitute:

- a) conducting actions that violate the Moldovan Constitution, this Law and other legal norms;
- b) carrying out activities harming state security, public order, life and human security;
- c) derogation from the statutory purposes;
- b) incitement to religious hatred and discord;
- e) repeated warnings from the Ministry of Justice, within a year, regarding the need to eliminate violations of this law.

(3) The Ministry of Justice shall warn in written form the religious leaders on violations of this law and set a reasonable deadline for their removal.

(4) The Ministry of Justice is entitled to sue in court to obtain the suspension of religious denominations' or any of their parts' activity, upon presenting conclusive evidence of their guilt.

Article 25. Cessation of the religious denominations and their component parts' activity

(1) As a basis for cessation of religious denominations and their component parts' activity can be used:

- a) a corresponding decision of the founders, as provided by the Civil Code;
- b) the decision of the court, where religious denominations or their parts carry out grievous or repeated acts provided in article 24 par. (2) or fail to comply with earlier court decision of suspending the activity of religious denomination and their component parts.

(2) The Ministry of Justice is entitled to sue the religious denominations and their component parts in order to cease their activity, upon presenting conclusive evidence of their guilt.

Chapter V

The activity of religions denomination

Article 26. Religious services

(1) Religious services shall be officiated in places of worship and on their own territory, in cemeteries, at the believers' homes worship and in other public areas agreed with public local authorities.

(2) All religious denominations have the right to celebrate religious services in orphanages, boarding homes for elderly and disabled, prisons, military, medical, educational, police and other institutions at the request of persons within these institutions and having the respective administration's agreement.

Article 27. Representation

Every religious denomination, regardless of the number of believers, has a central body.

Article 28. The language of the events

The religious denominations shall use during their manifestations and activities the believers native language or the traditional language of the worship. The religious denominations' and their component parts' correspondence shall be conducted the state official language. In official relations with the state authorities, the religious denominations and their component parts shall use the state official language.

Article 29. Religious literature and religious objects

All religious denominations have the exclusive right:

- a) to create press departments for believers, edit, purchase, import, export and spread religious literature;
- b) to produce and commercialize specific worship objects;
- c) establish fees for pilgrimage to holy places;
- d) organize within the country and abroad exhibitions, including with sale, of worship objects.

Article 30. Taxable income

Income from the production and editing activity is taxed according to tax legislation.

Article 31. Philanthropic and sponsorship activities

The Law on Philanthropic and Sponsorship and tax legislation regulates Philanthropic and sponsorship activities of religious denominations and their component parts.

Chapter VI

Moral-religious and theological education

Article 32. Organizing moral and theological education

(1) All religious denominations are free to organize education for training their own staff.

(2) All religious denominations may establish theological institutions of any degree, with separate status or extended status of institutions from home and abroad.

(3) Theological institutions of any level, at the denomination's request may be subject to state licensing or accreditation.

(4) Theological institutions of all levels become legal entities only upon registration under this law.

(5) Seminarians and theology students shall enjoy all the rights and facilities provided for pupils and students within state education.

(6) Diplomas and certificates issued by accredited theological institutions are valid only within the respective religious denomination, except the cases provided in cooperation agreements between the state and the religious denominations.

(7) Moral-religious education in state schools of all levels is optional and voluntary, except the cases provided in cooperation agreements between the state and religious associations.

(8) The agreements between the state and religious associations will provide for the children's right to be exempted from religious classes, based on their parents or guardians' request.

Chapter VII

Church clerks

Article 33. Church clerks

(1) National religious leaders, elected according to the religious denomination's status, must be citizens of the Republic of Moldova.

(2) The religious activity of foreigners in public places can be performed with prior announcement of the respective city hall.

Article 34. Employment

Component parts of religious denominations and their enterprises may hire employees under labor law.

Article 35. Work contract

The employment of church clerks shall be made under an individual employment contract concluded in written form.

Article 36. Social insurances

Social insurance and social assistance of the church clerks shall be made according to the law.

Article 37. Establishing pensions

Regardless of the pensions established by denominations, the church clerks shall be set pension insurances according to the law.

Article 38. Liability for violation of this law

(1) Persons who violate this law shall be liable under law.

(2) Violation of this law by religious clerks does not implicitly involve the denomination's responsibility.

Chapter VIII

Religious denominations' ownership

Article 39. Ownership right

(1) Every religious denomination and each of its component parts may hold, use and freely dispose of a separate ownership.

(2) Religious denominations or their component parts' ownership shall be used in accordance with national and international standards accepted by the Republic of Moldova.

(3) Buildings, constructions, land, vehicles, equipment, publishing and printing houses, radio and television, publications, worship objects, other products of social and charitable purpose, financial resources and other material assets necessary to ensure the activity of religious denominations and their component parts may become part of their property.

(4) All religious denominations and their component parts may own any intellectual property objects under national laws and international treaties to which Moldova is party.

(5) All religious denominations and their component parts can have their own symbols, flags, pennants, heraldic signs, etc., officially registered according to the procedure established for religious denominations and their component parts.

(6) Religious denominations, their component parts, institutions and enterprises created by them shall have the exclusive ownership right over the assets acquired or created by them at the expense of own funds, donations of citizens, public associations, received from the state or obtained by other means provided by law. Ownership rights involve, for each topic covered, the right to possess, dispose and freely use the property created or legally acquired.

Article 40. Defending ownership rights

(1) All religious denominations, their component parts, institutions and enterprises created by them are entitled to claim their property from an illegal possession.

(2) The Republic of Moldova shall defend property rights of all religious denominations, their component parts, institutions and enterprises, both of goods situated in the country, and of those situated abroad.

(3) The protection of property rights of religious denominations, their component parts, institutions and enterprises shall be carried out in courts, according to the law.

Article 41. Financial means of religious denominations and their component parts

Financial means of religious denominations and their component parts are formed out of voluntary and other contributions of the believers and denominations, revenue from religious activity, sale of religious objects and entrepreneurial activity, legacies,

donations from individuals and legal persons from Moldova and abroad, and other sources not prohibited by law.

Article 42. Religious land

Religions and their component parts may possess or use land in accordance with law.

Article 43. Tax incentives

(1) The state promotes a preferential tax policy in relation to religious denomination.

(2) Religious denominations' component parts that possess places of worship and the land, on which they are constructed, are exempt from taxes on real estate and land tax under the Tax Code.

(3) When dealing with religious denominations, public authorities will not give preference to any one of them.

Article 44. Historical and cultural monuments

(1) Places of worship, objects of art and other assets owned or used by religious denominations and their component parts, recognized as historical or cultural monuments shall be maintained and used by religious denominations according to the statute of these assets and legislation on monuments' protection.

(2) Joint obligations of the state and religious denominations and their component parts for storage, maintenance and use of the assets specified in par. (1) may be specified in cooperation agreements between state and religion.

Article 45. Assets and interests from abroad

The religious denominations' assets from as well as Moldovan citizens' religious interests abroad are subject to international conventions.

Chapter IX

Final Provisions

Article 46

(1) The statutes and other documents of the religious denomination and their component parts shall be valid only if they do not contradict this law.

(2) All religions and their component parts registered before the entry into force of this law are not subject to re-registration procedure.

(3) Upon the entry into force of this Law, the Law on Religious Denominations No. 979-XII from 24 March 1992, as amended, is repealed.