



Moldova – Researched and compiled by the Refugee Documentation Centre of Ireland on 7 May 2014

Information on the penalties for evasion of military service in both Moldova and Transnistria.

A report to the UN Human Rights Council, in a section titled “Conscientious objection to military service” (paragraph 51), states:

“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 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.” (UN Human Rights Council (27 January 2012) *Report of the Special Rapporteur on freedom of religion or belief, Addendum : Mission to the Republic of Moldova*, pp.14-15)

In paragraph 53 this report refers to the situation in the Transnistrian region as follows:

“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.” (ibid, p.15)

A report published by the United Nations in Moldova, in a section headed “Religious minority groups”, states:

“The other major problem for the Jehovah’s Witnesses is that there is no law providing for alternative civilian service in Transnistria. In fact, the Transnistrian Constitution prescribes that military service is ‘universal’. As a result, in the recent past, some 30 Jehovah’s Witnesses have been prosecuted when refusing military service. Some of them have been imprisoned while others have had to pay a fine. The Expert has been informed that no attempts have been made in recent months to conscript members of this community to military service and that a court recently awarded compensation to a member of the community who had previously been prosecuted for refusing military service.” (United Nations in Moldova (14 February 2013) *Report on Human Rights in the Transnistrian Region of the Republic of Moldova*, p.39)

A report published by the UN Office of the High Commissioner for Human Rights (OHCHR), in a section headed “Transnistrian Region of the Republic of Moldova”, quotes the Deputy High Commissioner for Human Rights as follows:

“I raised a number of issues concerning freedom of religion or belief, following the recommendations of the Special Rapporteur on freedom of religion or belief in 2011. I was encouraged to hear that the de facto authorities have recently established a civilian alternative to military service for conscientious objectors.” (UN Office of the High Commissioner for Human Rights (OHCHR) (11 April 2014) *Statement by the United Nations Deputy High Commissioner for Human Rights at the End of Her Mission to the Republic of Moldova*)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

References:

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