

## Israel and the occupied territories

### International Religious Freedom Report 2003

Released by the Bureau of Democracy, Human Rights and Labor

Israel<sup>[1]</sup> has no constitution; however, the law provides for freedom of worship, and the Government generally respects this right in practice. There was no change in the status of respect for religious freedom during the period covered by this report.

Relations among religious groups -- between Jews and non-Jews, between Muslims and Christians, and among the different streams of Judaism -- often are strained. These tensions have increased significantly since the start of the Intifada in October 2000 and again during the period covered by this report, due primarily to Palestinian terrorist attacks, mostly in the form of suicide bombings and Israel Defense Force (IDF) actions in [the occupied territories](#), all of which resulted in some impediments to religious practice.

The U.S. Government discusses religious freedom issues with the Government in the context of its overall dialogue and policy of promoting human rights.

#### Section I. Religious Demography

Based on its pre-1967 borders, Israel has a total area of approximately 7,685 square miles, and its population is approximately 6.5 million (including Israeli settlers who live in the occupied territories). According to government figures, approximately 80 percent of the population are Jewish, although an unknown number of these citizens do not qualify as Jews according to the Orthodox Jewish definition or that utilized by the Government in civil procedures. Additionally, non-Jews (usually Christians) who immigrate to the country with their Jewish relatives often are counted as Jews for statistical purposes. According to government figures, among the Jewish population, approximately 4.5 percent are Haredi, or ultra-Orthodox, and another 13 percent are Orthodox. The vast majority of the Jewish population describe themselves as "traditional," or as "secular" Jews, most of whom observe some Jewish traditions. A growing but still small number of traditional and secular Jews associate themselves with the Conservative, Reform, and Reconstructionist streams of Judaism, which are not officially recognized in the country. A 2001 poll found that the majority of Jews accepted the tenets of Reform and Conservative Judaism, and that the vast majority believed Reform and Conservative weddings conducted in the country should be recognized by the State. Though the Government does not officially recognize them, these streams of Judaism do receive a small amount of government funding and are recognized by the country's courts.

Approximately 20 percent of the population is non-Jewish. Of this 20 percent, approximately 80 percent are Muslim, 10 percent Christian, and 10 percent Druze. The country's non-Jewish population is concentrated in the north of the country, in Bedouin communities in the Negev region in the south, and in a narrow band of Arab villages in central Israel adjacent to the occupied territories. There also are small numbers of evangelical Christians and Jehovah's Witnesses. The country's 250,000 guest workers are predominantly Roman Catholic and Buddhist.

The Basic Law describes the country as a "Jewish" and "democratic" state. Most of the non-Jewish minority are Muslims, Druze, and Christians. Of this group, most are Arabs, and are subject to various forms of discrimination, some of which have religious dimensions. Israeli Arabs, temporary residents, and other non-Jewish Israelis are generally free to practice their religions.

Numerous missionary groups operate in the country.

#### Section II. Status of Religious Freedom

##### *Legal/Policy Framework*

Israel has no constitution; however, the law provides for freedom of worship, and the Government generally respects this right in practice. The Declaration of Independence describes the country as a "Jewish state," but also provides for full social and political equality regardless of religious affiliation. Israeli Arabs and other non-Jews are generally free to practice their religions. The discrepancies that exist in the treatment of various communities in society are based on several variables, including the distinction between Jewish and non-Jewish citizens. Due to the "status quo" agreement reached at the founding of the state reflecting the influence of Orthodox Jewish political parties, the Government implements certain policies based on interpretations of religious law. For example, the national airline, El Al, and public buses in most cities do not operate on Saturday, the Jewish Sabbath, although some private bus companies do operate on the Sabbath. According to the law, Jews in most professions may not work on the Sabbath. This law generally is enforced in the retail sector; however, it is enforced inconsistently in the entertainment sector. Additionally, streets in some Orthodox Jewish neighborhoods are closed to vehicles on the Sabbath.

Israeli law recognizes the "religious communities" as carried over from those recognized under the British Mandate. These are: Eastern Orthodox, Latin (Catholic), Gregorian-Armenian, Armenian-Catholic, Syrian (Catholic), Chaldean (Uniate), Greek Catholic Melkite, Maronite, Syrian Orthodox, and Jewish. Three additional religious communities have subsequently been recognized -- the Druze, the Evangelical Episcopal Church, and the Baha'i. The status of some Christian denominations with representation in the country has been defined by a collection of ad hoc arrangements with various government agencies. The fact that the Muslim population was not defined as a religious community is a vestige of the Ottoman period during which Islam was the dominant religion and does not affect the rights of the Muslim community to practice their faith. At the end of the period covered by this report, several of these denominations were pending official government recognition; however, the Government has allowed adherents of not officially recognized groups freedom to practice.

Unrecognized religions have no religious tribunals with jurisdiction over their members in matters of personal status; however, 1961 legislation gave Muslim Shari'a courts exclusive jurisdiction in matters of personal status. Non-recognized denominations do not receive government funding for their religious services, as do many of the recognized communities; however, the Arrangements Law provides exemption from municipal taxes for any synagogue, church, mosque, or place of worship.

The 1971 Religious Jewish services law authorizes the Ministry of Religious Affairs to establish religious councils in Jewish towns, cities, and settlements. The State finances 40 percent of the council's budget and local authorities fund the remainder. However, an Arab advocacy group charged that, for the most part, the State did not allocate funds for the provision of religious services in Arab towns and villages, except for a Druze religious council that was recently recognized by law.

During the period covered by this report, the Israeli Government continued to refuse recognition to the duly elected Greek Orthodox Patriarch, Ierinaios I. Ierinaios I was elected in August 2001, and because of the lack of recognition by the Israeli Government has been unable to conclude financial or legal arrangements on behalf of the Patriarchate for the past 2 years. In 2002 the Israeli police confiscated the passport of Archimandrite Attallah Hanna, an Israeli citizen and a priest with the Greek Orthodox Patriarchate. His passport had not been returned by the end of the period covered by this report.

A reportedly small number of IDF soldiers killed in action since September 2000 were Muslim, Druze, and Israeli Arab Christians. After the family of one of the soldiers could not find a Muslim cleric to perform his burial, public debate ensued over the fact that the IDF does not employ a Muslim chaplain. In late 2000, Prime Minister Ariel Sharon ordered the IDF to hire a Muslim chaplain; however, by the end of the period covered by this report the IDF was unable to find a Muslim cleric who was willing to serve as an IDF chaplain. However, Muslim soldiers are allowed to take home leave for all Muslim holidays.

The Government funds both religious and secular schools in the country, including non-Jewish religious and secular schools. Some secular Jewish schools have adopted a religious education program developed by the non-Orthodox streams. Schools in Arab areas, including Arab parochial schools, receive significantly fewer resources than comparable Jewish schools.

The Government recognizes the following Jewish holidays as national holidays: Rosh Hashana, Yom Kippur, Sukkot, and Passover. Arab municipalities often recognize Christian and Muslim holidays.

##### *Restrictions on Religious Freedom*

Orthodox Jewish religious authorities have exclusive control over Jewish marriages, divorces, and most burials. Many Jewish citizens object to such exclusive control, and it has at times been a source of serious controversy in society.

Under the Law of Return, the Government grants automatic citizenship and residence rights to Jewish immigrants and their families. Based on a decision made in 2000 by the Attorney General, residency rights are not granted to relatives of converts to Judaism, except to children of female converts who are born after the mother's conversion is complete. The Law of Return does not apply to non-Jews or to persons of Jewish descent who have converted to another faith. Approximately 36 percent of the country's Jewish population was born outside of the country. Until 2002 the Government designated "nationality" (i.e., Arab, Russian, or "Jew," etc.) on national identity documents. Groups representing persons who consider themselves Jewish but who do not meet the Interior Ministry's criteria have long sought either a change in the rules, or to have the nationality designation completely removed from identity cards, a move also supported by many Arab groups. During the period covered by this report, the Government began issuing new identification cards that do not carry a nationality designation to those seeking new or replacement national identity documents.

The 1967 Protection of Holy Sites Law protects holy sites of all religions and the penal code makes it a criminal offense to damage any holy site. During the year, there were no reports of damage to holy sites in which perpetrators were held accountable.

The Government permits religious organizations to apply for funding to maintain or build holy sites and funding has been provided for the upkeep of holy sites such as mosques and cemeteries. Orthodox Jewish holy sites receive significantly greater proportions of funding than do non-Orthodox Jewish and non-Jewish holy sites. Muslim groups complain that the Government has not equitably funded the construction and upkeep of mosques in comparison to the funding of synagogues and has been reluctant to refurbish mosques in areas where there is no longer a Muslim population.

Building codes for places of worship are selectively enforced based on religion. Some Bedouin, living in unrecognized villages, were denied building permits for construction of mosques. For example, in October 2002, local Bedouin began construction without a permit of a mosque in the village of Tal el-Malah in southern Israel. Without this construction, residents, numbering about 1,500, had to travel over 12 kilometers to the nearest mosque. Difficulties in reaching more distant mosques prevented some residents from engaging in public prayer, as required by their religious beliefs. In February, the Government inspector served notice to the village that the building was illegally constructed and would be demolished. The Government carried out that order in May, despite, according to one human rights NGO, the upcoming Muslim holiday of 'Eid al-Adha and entreaties from the community. In contrast, in violation of zoning restrictions, there are approximately 100 illegal synagogues in Tel Aviv, some within apartment buildings and others in separate structures.

A 1977 anti-proselytizing law prohibits any person from offering or receiving material benefits as an inducement to conversion; however, there have been no reports of the law's enforcement during the period covered by this report.

Missionaries are allowed to proselytize, although the Church of Jesus Christ of Latter-day Saints (Mormons) voluntarily refrains from proselytizing under an agreement with the Government. During the period covered by this report, some missionaries complained of difficulties renewing their visas, although their complaints eventually were resolved.

The Government generally continued to permit Muslim citizens to make the Hajj during the period covered by this report. Because Israel and Saudi Arabia do not have diplomatic relations, Israeli-Arab Muslims are required to transit Jordan and obtain Jordanian travel documents to enter Saudi Arabia. In Jordan, they temporarily relinquish their Israeli passports for the Jordanian documents. Their passports are returned to them upon re-entry into the country. Israeli law prohibits Muslims under the age of 35 from making the Hajj and requires government permission for the trip. The Government claims that this is in order to meet quota restrictions imposed by the Saudi Government on the number of persons permitted to enter Saudi Arabia annually for the Hajj. In addition, the Government limits each person to no more than one visit, with the exception of those making the Hajj on behalf of someone handicapped or who died before being able to make the pilgrimage himself. The Government may also prohibit the travel of persons from Israel to Saudi Arabia because of security considerations. The result of this restriction is that some Muslims are unable to fulfill their religious obligations to make the Hajj.

During the period covered by this report, many groups and individuals of numerous religions traveled to the country freely. However, the Government at times denied entry to foreign groups or activists, whom it deemed sympathetic to Palestinians or likely to pose a threat to security.

The Government denied entry and residence to at least 80 Catholic clergy and seminarians assigned by the Vatican to fulfill religious obligations in Israel and the occupied territories.

The Government states that it is committed to granting equal and fair conditions to non-Jewish citizens – who constitute approximately 20 percent of the population and who are predominately Israeli Arabs – particularly in the areas of education, housing, and employment. However, the Government does not provide non-Jews with the same quality of education, housing, employment, and social services as Jews. On a per capita basis, the Government spends two-thirds as much for non-Jews as for Jews. Although such policies are based on a variety of factors, they reflect de facto discrimination against the country's non-Jewish citizens. Many ministers publicly acknowledge the continuing disparities in government funding for the country's non-Jewish citizens.

In civic areas in which religion is a determining criterion, such as the religious courts and centers of education, non-Orthodox Jewish institutions routinely receive less state support than their Orthodox Jewish counterparts. Additionally, National Religious (i.e., modern Orthodox, one of the country's official Jewish school systems) and Christian parochial schools complain that they receive less funding than secular schools despite the fact that they voluntarily abide by all national curricular standards. During the period covered by this report, the two groups together took their case for equal funding to the High Court.

Government resources available to non-Orthodox Jewish and Arab public schools are proportionately less than those available to Orthodox Jewish public schools. Quality private religious schools for Israeli Arabs exist; however, parents often must pay tuition for their children to attend such schools due to inadequate government funding. Jewish private religious schools receive significant government funding in addition to philanthropic contributions from within the country and abroad, which effectively lower tuition costs for Jewish parents. Non-Jews are underrepresented in the student bodies and faculties of most universities and in the higher level professional and business ranks.

Government funding to the different religious sectors is disproportionate. Non-Orthodox streams of Judaism and the non-Jewish sector receive proportionally less funding than the Orthodox Jewish sector. Only 2 percent of the Ministry of Religious Affairs budget goes to the non-Jewish sector. The High Court of Justice heard a case in 1997 alleging that the budgetary allocation to the non-Jewish sector constituted discrimination. In 1998 the Court ruled that the budget allocation constituted "prima facie discrimination," but that the plaintiffs' petition did not provide adequate information about the religious needs of the various communities. In May 2000, the same plaintiffs presented a case on the specific needs of religious communities regarding burials. The court agreed that non-Jewish cemeteries were receiving inadequate resources and ordered the Government to increase funding to such cemeteries; the Government began to implement this decision in 2001, although some groups complained that implementation was too slow.

In March, the Government announced that it would dismantle the Ministry of Religion within 12 months and turn its responsibilities over to the Ministry of Justice and the Ministry of Interior. At the end of the period covered by this report, a deputy minister, rather than a minister, headed the Ministry of Religious Affairs.

The Jewish National Fund (JNF) owns approximately 8 percent of the country's land area and manages another 8 percent on behalf of the Government. The JNF's by-laws prohibit it from selling or leasing land to non-Jews, which have prevented Israeli Arabs from buying homes in JNF-developed areas.

Issues of marriage and divorce are under the exclusive jurisdiction of recognized religious courts. Secular courts have primacy over questions of inheritance, but parties, by mutual agreement, may bring inheritance cases to religious courts. Jewish and Druze families may ask that some family status matters, such as alimony and child custody, be adjudicated in civil courts as an alternative to religious courts. Christians only may ask that child custody and child support be adjudicated in civil courts as an alternative to religious courts. Since November 2001, Muslims also have the right to bring matters such as alimony and property division associated with divorce cases to civil courts in family-status cases. However, paternity cases are under the exclusive jurisdiction of the Muslim or Shari'a court.

The State does not recognize marriages or conversions to Judaism performed in the country by non-Orthodox rabbis. In 2001 the Chief Rabbinate issued regulations stipulating that immigrants who arrived in the country after 1990 must be investigated to confirm that they are Jewish before they can be married in a Jewish ceremony; however, during the period covered by this report, the Government rescinded the requirement. Israeli Jews who wish to marry in secular or non-Orthodox religious ceremonies and to have those marriages recognized, must do so abroad, and the Ministry of Interior recognizes such marriages. Others hold weddings unrecognized by the Government, including Kibbutz, Reform, and Conservative weddings.

Many Jewish citizens object to the exclusive control of the Orthodox establishment, and it has been at times a source of serious controversy in society, particularly in recent years, because thousands of immigrants from the former Soviet Union have not been recognized as Jewish by Orthodox authorities. This affects whether an individual is entitled to be buried in a Jewish cemetery, whether they are entitled to a religious Jewish marriage ceremony recognized by the state, and to divorce matters. The 1996 Alternative Burial Law established the individual right to be buried in an alternative civil cemetery and that these cemeteries were to be located throughout the country. Several non-Orthodox Jewish and secular groups have complained that the Ministry of Religious Affairs has been slow to implement this law and that there have been an inadequate number of civil cemeteries designated. According to one organization advocating the timely implementation of the 1996 law, many persons who would prefer a civil interment are forced to finance civil burials privately through a kibbutz, which is costly.

Despite the demand, the Government has not allocated adequate space or sufficient funds for the development of alternative burial sites. For example, following the 2001 Dolphinarium discotheque bombing, the Rabbinate declared some former Soviet Union Jewish victims ineligible for Jewish burial. The Government did not provide adequate alternative Jewish burial sites.

In the January general election, the Shinui Party, which ran on a platform of ending much of the Orthodox establishment's exclusive power, won 15 seats in the Knesset, making it the third largest party in the Parliament. Shinui joined the Government and was given control over the Ministries of Interior and

Justice. Shinui has stated that it plans significant reforms to personal status and other questions handled by the ministries in its purview. The new Government also effectively lowered the status of the Religious Affairs Ministry by leaving it in the hands of a deputy minister rather than naming a new minister.

Under the Jewish religious courts' interpretation of personal status law, a Jewish woman may not receive a final writ of divorce without her husband's consent. Consequently, there are thousands of so-called "agunot," or women who are unable to remarry or have legitimate children because their husbands either have disappeared or refused to grant a divorce.

Rabbinical tribunals have the authority to impose sanctions on husbands who refuse to divorce their wives or on wives who refuse to accept a divorce from their husbands. At least one man, a U.S. citizen, has been in jail for 4 years because he refuses to grant his wife a writ of divorce. At the end of the period covered by this report, he remained in prison. However, in some cases rabbinical courts have failed to invoke sanctions. In cases in which a wife refuses to accept a divorce, the rabbinical courts occasionally allow a husband to take a second wife; however, a wife never may take a second husband. Rabbinical courts also may exercise jurisdiction over and issue sanctions against non-Israeli persons present in the country.

Some Islamic law courts have held that Muslim women may not request a divorce, but that women may be forced to consent if a divorce is granted to the husband.

Members of unrecognized religious groups (particularly evangelical Christians) sometimes face problems obtaining marriage certificates or burial services. However, informal arrangements with other recognized religious groups provide relief in some cases.

In April the Women of the Wall, a group of more than 100 Orthodox, Conservative, and Reform women, lost their 14-year legal battle to hold formal women's prayer services at the Western Wall. The High Court ruled that the group could not hold prayer services at the Western Wall, and instead would be permitted to hold them at nearby Robinson's Arch. Most Orthodox Jews believe that mixed gender prayer services violate the precepts of Judaism, and Jews generally still are unable to hold mixed gender prayer services at the Western Wall. The Conservative movement is experimenting with conducting services at a different, recently excavated portion of the wall. The North American Reform Movement has rejected such an alternative.

There are numerous nongovernmental organizations (NGOs) maintaining dialogue between different religions. Interfaith dialogue often is linked to the peace process between the country and its Arab neighbors. In May, Reverend Emile Shoufani, an Israeli priest and educator, led a joint Jewish-Arab delegation to the Auschwitz-Birkenau concentration camp as part of an effort to develop interfaith dialogue. Rabbi Michael Melchior, Member of the Knesset, promotes interfaith activities to advance the peace process and discourage terrorism and violence. He also contributes to the Alexandria Interfaith Peace Process, initiated at the January 2002 interfaith summit in Alexandria, Egypt.

There were no reports of religious prisoners or detainees.

#### *Forced Religious Conversion*

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

### **Section III. Societal Attitudes**

Relations among different religious groups—between Jews and non-Jews, between Christians and Muslims, and among the different streams of Judaism—often are strained. Many Jewish citizens object to the exclusive control the Orthodox Jewish authorities have over Jewish marriages, divorces, and most burials. This has been, at times, a source of serious controversy in society. Tensions between Jews and non-Jews are the result of historical grievances, cultural and religious differences, and are compounded by governmental and societal discrimination against Israeli-Arabs. They have been heightened by the Arab-Israeli conflict, and increased significantly during the period covered by this report, due primarily to Palestinian terrorist attacks, mostly in the form of suicide bombings, and IDF actions in the occupied territories, all of which resulted in some impediments to religious practice. For example, in 2002 a suicide bomber attacked a Passover holiday Seder, killing 20 persons and injuring over 100.

Animosity between secular and religious Jews continued during the period covered by this report. Non-Orthodox Jews have complained of discrimination and intolerance on the part of members of ultra-Orthodox Jewish groups. Persons who consider themselves Jewish but who are not considered Jewish under Orthodox law particularly complained of discrimination. Instances of ultra-Orthodox Jewish groups or individuals verbally or physically harassing women for "immodest dress" or other violations of their interpretation of religious law occur in ultra-Orthodox neighborhoods. At the end of the reporting period there were incidents in Jerusalem where ultra-Orthodox Jews threw rocks and garbage at passing motorists to protest that they were driving on the Sabbath.

Observant Jews also faced some discrimination. In 2001 the Beersheva labor court ruled that employers could not discriminate against employees or job applicants who refuse to work on the Sabbath. The judge ruled that "an employer is obligated to behave equally towards job seekers, including setting conditions of acceptance that do not take into account the potential employees' beliefs or religion, unless the job functions require distinctions, such as work on the Sabbath."

Societal attitudes toward missionary activities and conversion generally are negative. Many Jews are opposed to missionary activity directed at Jews and some are hostile toward Jewish converts to Christianity. Christian and Muslim Israeli Arab religious leaders complain that missionary activity that leads to conversions frequently disrupts family coherence in their community.

In recent years, evangelical Christians, Jehovah's Witnesses, and Reform and Conservative Jews complained of incidents of harassment, threats, and vandalism directed against their buildings and other facilities, many of which were committed by two ultra-Orthodox groups, Yad L'Achim and Lev L'Achim.

During the period covered by this report, mainstream newspapers periodically criticized the country's ultra-Orthodox or "Haredim" community for its majority's exemption from military service and receipt of government assistance in lieu of working.

### **Section IV. U.S. Government Policy**

The U.S. Embassy consistently raised issues of religious freedom with the Foreign Ministry, the police, the Prime Minister's office, and the Ministry of the Interior. In meetings with government officials, the U.S. Embassy and State Department officials in Washington have objected to the arbitrary and discriminatory practice of denying some U.S. citizens entry into the country based on religious and ethnic background.

Embassy representatives, including the Ambassador, routinely meet with religious officials. These contacts include meetings with Jewish, Christian, Muslim, and Baha'i leaders at a variety of levels.

Embassy officials maintain a dialogue with NGOs that follow human and civil rights issues, including religious freedom. These NGOs include the Association for Civil Rights in Israel, the Israel Religious Action Center, Adalah, and others.

Embassy representatives attended meetings of groups seeking to promote interfaith dialogue, including the Interreligious Coordinating Council in Israel, the Anti-Defamation League, the American Jewish Committee, the Abraham Fund Initiatives, which promotes coexistence between Jewish and Arab citizens, and have met with Israeli-Arab leaders to discuss religious freedom issues, including Adalah and the Islamic Movement-Northern Branch. The Embassy provided small grants to local organizations promoting interfaith dialogue and to organizations examining the role of religion in resolving conflict.

---

1. The religious freedom situation in [the occupied territories](#) is discussed in the annex appended to this report.

---

### **THE OCCUPIED TERRITORIES (INCLUDING AREAS SUBJECT TO THE JURISDICTION OF THE PALESTINIAN AUTHORITY)**

Israel occupied the West Bank, Gaza Strip, Golan Heights, and East Jerusalem during the 1967 War. Israel and the Palestinian Authority (PA) now administer the West Bank and Gaza Strip to varying extents. The PA does not have a constitution; however, the Basic Law passed in 2002 provides for freedom of religion, and the PA generally respects this right in practice. The Basic Law names Islam as the official religion, but also calls for "respect and sanctity" for other religions.

Israel exercises varying degrees of legal control in the West Bank. Israel has no constitution; however, Israeli law provides for freedom of worship, and the Israeli Government generally respects this right in practice. The Israeli Government's strict closure policies, enacted due to security concerns or at the behest of settlers demanding exclusive use of roads located near Palestinian towns, restricted the ability of Palestinians to reach places of worship and practice their religions.

There was no change in the status of the PA's respect for religious freedom during the period covered by this report.

There generally are amicable relations between Christians and Muslims. Societal attitudes are a barrier to conversions from Islam. Relations between Jews and non-Jews, as well as among the different branches of Judaism, are sometimes strained. Societal tensions between Jews and non-Jews exist primarily as a result of the Arab-Israeli conflict; such tensions remained high during the period covered by this report. The violence that has occurred since the outbreak of the Intifada in October 2000 has significantly curtailed religious practice in the occupied territories, including damaging severely places of worship and religious

shrines.

The U.S. Government discusses religious freedom issues with the PA in the context of its overall dialog and policy of promoting human rights.

### **Section I. Religious Demography**

The occupied territories are composed of the Gaza Strip, the Golan Heights, the West Bank, and East Jerusalem. The Gaza Strip covers an area of 143 square miles, and its population is 1,274,868 persons. The West Bank (excluding East Jerusalem) covers an area of 2,238 square miles, and its population is 2,237,194 persons. East Jerusalem covers an area of 27 square miles and its population is approximately 390,000 persons.

The vast majority (98.4 percent) of the Palestinian residents of the occupied territories are Sunni Muslims. According to the Palestinian Central Bureau of Statistics, there are 39,560 Palestinian Christians living in the territories. However, according to the sum of estimates provided by individual Christian denominations, the total number of Christians is approximately 200,000. A majority of Christians are Greek Orthodox (approximately 120,000), and there also are a significant number of Roman Catholics and Greek Catholics (approximately 50,000 total), Protestants, Syriacs, Armenians, Copts, Maronites, and Ethiopian Orthodox. In general Christians are concentrated in the areas of Jerusalem, Ramallah, and Bethlehem. In 2002 approximately 500 Christians from Bethlehem left the occupied territories for other countries. According to Christian leaders, most of the Christians left their homes for economic and security reasons and not due to religious discrimination. Jewish Israeli settlers reside in the West Bank (approximately 180,000), Gaza (approximately 6,500), and Jerusalem (approximately 200,000). There is a community of approximately 550 Samaritans (an ancient offshoot of Judaism) located on Mount Gerazim near Nablus in the West Bank. Several evangelical Christian as well as Jehovah's Witnesses' missionary groups operate in the West Bank.

Foreign missionaries operate in the occupied territories including a small number of evangelical Christian pastors who seek to convert Muslims to Christianity. While they maintain a generally low profile, the PA is aware of their activities and generally does not restrict them.

### **Section II. Status of Religious Freedom**

#### *Legal/Policy Framework*

The Palestinian Authority has no constitution; however, the 2002 Basic Law provides for religious freedom and the PA generally respects this right in practice. The PA has not adopted legislation regarding religious freedom; however, both the Basic Law and the draft Constitution address religion. The Basic Law states that "Islam is the official religion in Palestine," and that "respect and sanctity of all other heavenly religions (i.e., Judaism and Christianity) shall be maintained." In 2002, the Basic Law was approved by the Palestinian Legislative Council (PLC) and signed by PA President Yasir Arafat. The March 2003 version of a draft constitution states that "Islam is the official religion of the State, and "Christianity and all other monotheistic religions shall be equally revered and respected." It is unclear whether the injunction to "respect" other religions would translate into an effective legal protection of religious freedom. The Basic Law states that the principles of Shari'a (Islamic law) are "the main source of legislation," while the draft constitution states that Shari'a is "a major source of legislation." Churches in Jerusalem, the West Bank, and Gaza may be subdivided into three general categories: Churches recognized by the status quo agreements reached under Ottoman rule in the late 19th century; Protestant and evangelical churches that were established between the late 19th century and 1967, which, although they exist and practice their faith, are not recognized officially by the PA; and a small number of churches that became active within the last decade, whose legal status is more tenuous.

The first group of churches is governed by the 19th century status quo agreements, which the PA respects and which specifically established the presence and rights of the Greek Orthodox, Roman Catholic, Armenian Orthodox, Assyrian, Syrian Orthodox, Greek Catholic, Coptic, and Ethiopian Orthodox Churches. The Episcopal and Lutheran Churches were added later to the list. The PA accepted these churches and their rights immediately. Like Shari'a courts under Islam, these religious groups are permitted to have ecclesiastical courts whose rulings are considered legally binding on personal status issues and some land issues. Civil courts do not adjudicate on such matters.

According to the PA, no other churches have applied for official recognition. However, the second group of churches, which includes the Assembly of God, Nazarene Church, and some Baptist churches, has unwritten understandings with the PA based on the principles of the status quo agreements. They are permitted to operate freely and are able to perform certain personal status legal functions, such as issuing marriage certificates.

The third group of churches consists of a small number of proselytizing churches, including Jehovah's Witnesses and some evangelical Christian groups. These groups have encountered opposition in their efforts to obtain recognition, both from Muslims, who oppose their proselytizing, and Christians, who fear that the new arrivals may disrupt the status quo. These churches generally operate unhindered. At least one of these churches deferred plans to request official recognition from the PA after the outbreak of the Intifada in October 2000.

In practice, the PA requires Palestinians to be affiliated with a religion. Religion must be declared on identification papers, and all personal status legal matters must be handled in either Shari'a or Christian ecclesiastical courts.

Since Islam is the official religion of the Palestinian Authority, Islamic institutions and places of worship receive preferential treatment. The PA has a Ministry of Waqf and Religious Affairs, which pays for the construction and maintenance of mosques and the salaries of many Palestinian imams. The Ministry also provides some Christian clergymen and Christian charitable organizations with limited financial support. The PA does not provide financial support to any Jewish institutions or holy sites in the Occupied Territories; however, it paid for the refurbishment of Joseph's Tomb—a shrine in Nablus holy to both Jews and Muslims—after Palestinian demonstrators damaged it in 2000. In 2002 Palestinian militants again damaged Joseph's Tomb, and the PA has yet to repair the shrine.

The PA requires that religion be taught in PA schools. There are separate courses for Muslim and Christian students and there is a compulsory curriculum that requires the study of Christianity for Christian students in grades one through 6.

The PA does not officially sponsor interfaith dialog; however, it attempts to foster goodwill among religious leaders. The PA makes a strong effort to maintain good relations with the Christian community, and there is no pattern of PA harassment of Christians. Within the Ministry of Religious Affairs, there is a portfolio responsible for Christian affairs, and PA Chairman Yasir Arafat has an advisor on Christian affairs. Six Christians and 1 Samaritan sit on the 88-member PLC in seats set aside for representatives of these religions.

The Palestinian Authority observes several religious holidays, including, 'Eid al-Fitr, 'Eid al-Adha, Zikra al-Hijra al-Nabawiya, and the Prophet Muhammed's birthday. Christians also may observe the holidays of Christmas and Easter.

Israel has no constitution; however, the law provides for freedom of worship, and the Government generally respects this right in practice.

The Israeli Government gives preferential treatment to Jewish residents of the occupied territories and East Jerusalem in the areas of permits for home building and civic services. For example, Arab residents of Jerusalem pay the same taxes as Jewish residents; however, Arab residents receive significantly fewer municipal services than Jewish residents. Many of the national and municipal policies enacted in Jerusalem are designed to limit or diminish the non-Jewish population of Jerusalem. According to Palestinian and Israeli human rights organizations, the Israeli Government uses a combination of zoning restrictions on building for Palestinians, confiscation of Palestinian lands, and demolition of Palestinian homes to "contain" non-Jewish neighborhoods.

#### *Restrictions on Religious Freedom*

Since the start of the Intifada, officials in the Jerusalem Waqf prohibited non-Muslims from entering the sanctuary of the Haram al-Sharif/Temple Mount, the third holiest shrine in Islam and the holiest site in Judaism. Waqf officials claimed that this was a temporary closure implemented because they could not justify allowing non-Muslims to visit the Haram al-Sharif at a time when Palestinian Muslims from the occupied territories were prevented from visiting and worshipping there.

However, in June 2003, armed Israeli police officers began escorting groups of Christian and Jewish tourists into the Haram al-Sharif/Temple Mount against the wishes of the Waqf authorities. Israeli police spokesmen indicated that the visits were an effort by the Government of Israel to re-assert the right of non-Muslims to visit the shrine. Although the situation remained fluid, these visits continued until the end of the reporting period.

A 1995 Israeli High Court of Justice ruling guides Israeli policy regarding Jewish prayer at the Haram al-Sharif/Temple Mount. The ruling theoretically allowed small numbers of Jews under police escort to pray at the site. Israeli police consistently have declined to enforce this ruling on public safety grounds, and publicly have indicated that this policy has not changed in light of the renewed visits of non-Muslims to the compound.

In 2002 Israeli, Palestinian, and Jordanian officials arranged to repair a bulge that appeared in the southern wall of the Haram al-Sharif/Temple Mount.

After disagreements between Israeli and Waqf officials over the cause of the bulge halted repair work for several months, Jordanian engineers visited the site in November 2002 to examine the damage and, at the end of the period covered by this report, were working to repair it.

Personal status law for Palestinians is based on religious law. For Muslim Palestinians, personal status law is derived from Shari'a, and the varied ecclesiastical courts rule on personal status issues for Christians. In the West Bank and Gaza, Shari'a pertaining to women is part of the Jordanian Status Law of 1976, which includes inheritances and marriage laws. Under the law, women inherit less than male members of the family do. The marriage law allows men to take more than one wife, although few do so. Prior to marriage, a woman and man may stipulate to terms in the marriage contract, which, in the event of divorce, would govern financial and custodial matters. However, only an estimated 1 percent of women utilize this section of the law, leaving the vast majority of women at a disadvantage when it comes to divorce or child custody.

Due to the continued Intifada, violence remained a significant problem during the period covered by this report. The violent confrontations that had erupted in September 2000 continued on an almost daily basis and resulted in the deaths and injuries of thousands of persons.

Due to the increased violence and security concerns, the Israeli Government imposed strict closures and curfews on the occupied territories in October 2000 that

still were in place at the end of the period covered by this report. Such restrictions significantly impeded freedom of access to places of worship for Muslims and Christians during the period covered by this report.

Based on security concerns, the Government of Israel in 2002 began construction of a security barrier in the occupied territories. The practical effect of the construction has led to the confiscation of non-Jewish property and the displacement of Christian and Muslim residents, and worsening of restrictions on freedom of access to places of worship for non-Jewish communities.

In February, the Government of Israel issued confiscation orders for land in Bethlehem that surrounds Rachel's Tomb (a shrine holy to Jews, Christians, and Muslims) that would place the shrine on the Israeli part of the security barrier. Jewish tourists visiting the shrine have occasionally been harassed by Palestinians, but some Muslims and Christians claimed that confiscating land around the shrine in response impedes their access to the site and unjustly harms the landowners in question. The Government of Israel has yet to build the separation barrier in this area.

The Government of Israel also confiscated land from the Baron Deir monastery in Bethlehem, belonging to the Armenian Patriarchate, for construction of an Israeli Defense Forces (IDF) patrol road in the area. Although negotiations between the Patriarchate and the Government of Israel reduced the amount of land confiscated, the parties had not reached agreement on compensation for damage done to the property by the IDF during incursions into Bethlehem in April 2002. In practice, Israeli closure policies, imposed due to security concerns, prevented tens of thousands of Palestinians from reaching places of worship in Jerusalem and the West Bank, including during religious holidays, such as Ramadan, Christmas, and Easter. On a number of occasions, the Israeli Government also prevented worshippers under the age of 45 from attending Friday prayers inside the Haram al-Sharif. The Israeli Government stated that it did so in an effort to prevent outbreaks of violence following Friday prayers (see Section III). In April 2002, there were minor clashes in Jerusalem near the Old City's Lion Gate after Israeli police barred male worshippers under the age of 40 from attending afternoon prayers. Those who were refused entry marched in protest and threw stones at the police; however, no injuries were reported.

During the period covered by this report, the Israeli Government's continued closure policy prevented a number of Palestinian religious leaders (both Muslim and Christian) from reaching their congregations. The Israeli Government pledged to create a "hotline" to facilitate the movement of clerics through checkpoints in 2001; however, it had not done so by the end of the period covered by this report. In previous years, several clergymen reported that they were subject to harassment at checkpoints.

During the period covered by this report, the Israeli Government continued to refuse recognition to the duly elected Greek Orthodox Patriarch, Eirinaios I. Eirinaios I was elected in August 2001, and because of the lack of recognition by the Israeli Government has been unable to conclude financial or legal arrangements on behalf of the Patriarchate for the past 2 years. In 2002 the Israeli police confiscated the passport of Archimandrite Attallah Hanna, an Israeli citizen and a priest with the Greek Orthodox Patriarchate. His passport had not been returned by the end of the period covered by this report.

Palestinian violence against Israeli settlers prevented some settlers from reaching Jewish holy sites in the occupied territories during the period covered by this report. Some Israelis were unable to reach Jewish sites in the occupied territories such as Rachel's Tomb and the Tomb of the Patriarchs in Hebron due to the ongoing violence, including on religious holidays.

Settler violence against Palestinians prevented some Palestinians from reaching holy sites in the occupied territories. According to press reports, for 3 weeks in October 2002 settlers in Hebron forcibly prevented Muslim muezzins from reaching the al-Ibrahimi Mosque/Tomb of the Patriarchs to sound the call to prayer.

#### *Abuses of Religious Freedom*

Since the establishment of the PA, there have been periodic but not independently verified allegations that a small number of Muslim converts to Christianity at times are subjected to societal discrimination and harassment by PA officials, including detention and questioning by security forces. During the period covered by this report, there were no such allegations.

During the past few years, Israeli forces deliberately mistreated or accidentally injured several Christian religious leaders and lay members. On April 4, 2002, patriarchs of several major Christian denominations in Jerusalem claimed that the IDF forcibly entered numerous churches in Bethlehem and Ramallah and mistreated clergymen. For example, the Syrian Orthodox Archbishop claimed that an IDF unit entered a Syrian Orthodox Church in Bethlehem, damaged property, and threatened a 70-year-old priest with a gun. On April 7, 2002, an Israeli army unit operating in Ramallah forced its way into the Lutheran Church of Hope and used the pastor as a human shield, forcing him to walk ahead of the unit into potentially hostile areas as it searched the premises. On April 8, another Israeli army unit similarly used a Christian religious leader, Reverend Ramez Ansara of the Lutheran Evangelical Church. On April 10, an IDF sniper shot and injured an Armenian lay monk during a standoff at the Church of the Nativity.

According to some Palestinian individuals and human rights organizations, Israeli soldiers at times arbitrarily enforced closure in such a way as to interfere with Muslim religious practices. In particular there were allegations that Israeli soldiers closed the al-Ram checkpoint at sundown late in 2001 during Ramadan, preventing thousands of Muslims from returning home to break their fasts.

On June 13, the day that Muslims celebrated the Prophet Mohammed's birthday, IDF personnel closed the al-Ibrahimi Mosque/Tomb of the Patriarchs in Hebron in violation of the Hebron Protocol, which states that the mosque should be available to Muslim worshippers on Muslim holidays. On June 24, Israeli officers issued a new order preventing the muezzin at the al-Ibrahimi Mosque/Tomb of the Patriarchs in Hebron from sounding the call to prayer when Jews are praying in their portion of the shrine.

Although it is difficult to assess culpability in the destruction of and damage to many places of worship in the occupied territories, their destruction or damage affects the practice of religion and religious freedom. Among the sites damaged were St. Mary's Convent, the chapel at Bethlehem University, the Lutheran Church and orphanage in Beit Jala, the Latin Convent in Beit Sahour, the Bethlehem Bible College, a Syrian Orthodox Church, the Russian Orthodox Pilgrim's House, and the Omar Ibn al-Khattab Mosque. Both, the ninth century al-Khader Mosque in Nablus, reputed to be the oldest mosque in the occupied territories, and the church of Mar Mtri, the oldest Christian church in Nablus, were destroyed.

During the past 2 years, there were credible reports that Israeli soldiers acted on their own and caused significant damage to Palestinian church property. On January 24, the IDF fired a missile that penetrated the roof of St. Philip's Episcopal Church in the Gaza Strip and exploded inside. The explosion created a 1.5 meter crater near the altar and shattered all the stained glass windows and chandeliers. Church officials report that they filed a claim with the IDF for \$30,000 of damage, but have not yet received a response. At the end of the reporting period, the Church was not repaired and remains unusable.

In 2002, gun and tank fire damaged the Holy Family Hospital, the Lutheran Christmas Church, and the Dar al-Kalima Academy in Bethlehem. Such damage often was extensive and included destruction of church and school property, including religious symbols. Damage in a number of these cases exceeded \$85,000, and the institutions have filed claims for restitution with the Israeli Government. The Israeli Government did not refurbish any of the places of worship that the IDF damaged while operating in the occupied territories, and denied requests for compensation submitted in that regard. The Government stated that it was not responsible for damages incurred during a state of war.

Armed action by Palestinian gunmen and members of the Palestinian security services against Israeli forces damaged some religious buildings. During a 2002 armed standoff between Israeli forces and a group of approximately 160 Palestinian gunmen, including PA security forces, the Church of the Nativity, the Latin (Roman Catholic) section of the Nativity compound, and the Greek Orthodox and Armenian monasteries sustained considerable material damage.

There were no reports of religious prisoners or detainees in the occupied territories.

#### *Forced Religious Conversions*

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

### **Section III. Societal Attitudes**

Generally there are amicable relations between Christians and Muslims; however, tensions do exist and occasionally surface. Relations between Jews and non-Jews, as well as among the different branches of Judaism, often are strained. Tensions between Jews and non-Jews exist primarily as a result of the Arab-Israeli conflict, as well as Israel's control of access to sites holy to Christians and Muslims. Some non-Orthodox Jews have complained of discrimination and intolerance on the part of some Orthodox Jews.

Societal attitudes are a barrier to conversions, especially for Muslims converting to Christianity. One senior Christian cleric reportedly quietly dissuaded a number of such prospective converts from being baptized in Jerusalem for fear that they would be ostracized by their families or subjected to violence. In previous years, there were reports that some Christian converts from Islam who publicized their religious beliefs were harassed.

There are some reports of Christian-Muslim tension in the occupied territories. For example, on January 31, 2002, Palestinian Christian taxi driver stabbed and killed a Muslim during a dispute at the Qalandiya checkpoint. That night male friends and relatives of the Muslim retaliated by attacking Christian-owned shops and residences in Ramallah. In addition, there have been periodic accusations that Muslim members of the Tanzim militia deliberately opened fire on the Israeli neighborhood of Gilo from Christian areas in Beit Jala to draw IDF fire onto the Christian homes. Both Muslim and Christian Palestinians have accused Israeli officials of attempting to foster animosity among Palestinians by exaggerating reports of Muslim-Christian tensions.

Interfaith romance is a sensitive issue. Most Christian and Muslim families in the occupied territories encourage their children—especially their daughters—to marry within the faith. Couples who have challenged this societal norm have encountered considerable societal and familial opposition. For example, some



Christian women who have married Muslim men received death threats from Christian family members and community figures.

In general, evangelical churches have not been welcomed by the more established Christian denominations.

The strong correlation between religion, ethnicity, and politics in the occupied territories at times imbues the Israeli-Palestinian conflict with a religious dimension. The rhetoric of some Jewish and Muslim religious leaders has been harsher since the outbreak of the Intifada in October 2000. During the first year of the Intifada there were a number of attacks on Muslim and Jewish places of worship and religious shrines in the occupied territories.

There were some reports of settler violence against Palestinian religious establishments during the period covered by this report. According to press reports, on October 12, 2002, Israeli settlers in Hebron broke into the offices of the Waqf in Hebron and destroyed furniture and allegedly burned deeds to all of the Waqf's property in the city.

In October 2002, two men who appeared to be Orthodox Jews vandalized a neon crucifix on the roof of Our Lady of the Rosary Church in Jerusalem. At the end of the period covered by this report, there had been no arrests.

During the period covered by this report, Muslims on the Temple Mount/Haram al-Sharif on two separate occasions threw stones over a high wall onto the Western Wall plaza where Jews were praying.

The rhetoric of some Jewish and Muslim religious leaders was harsh and at times constituted an incitement to violence during the period covered by this report. For example, PA-controlled television stations frequently broadcast anti-Semitic statements by Palestinian political and spiritual leaders and PA officials. Some prominent Israelis also made public anti-Arab statements.

Although the PA temporarily removed almost all inciteful and religiously intolerant material in PA-controlled media for parts of the reporting period, Israeli activists report numerous examples from 2002 and early 2003 in which PA television shows invoked anti-Semitic messages or attempted to de-legitimize Jewish history in general. Israeli settler radio stations often depict Arabs as subhuman and call for Palestinians to be expelled from the West Bank.

There were instances of ultra-Orthodox Jews harassing Christians and Muslims. On several occasions during the period covered by this report, a group of ultra-Orthodox Jews known as the "Temple Mount Faithful" attempted to force their way inside the Haram al-Sharif/Temple Mount. In addition, the same group periodically attempted to lay a cornerstone for the building of a new Jewish temple that would replace the Islamic Dome of the Rock shrine, an act that Muslims considered an affront. In May 2002 a group of Haredim (ultra-Orthodox Jews) interrupted an evangelical Christian conference in Jerusalem and threw a stink bomb into the congregation. Conference organizers accused the Haredim of stealing sound equipment during the incident.

#### **Section IV. U.S. Government Policy**

The U.S. Consulate General in Jerusalem maintains an ongoing dialog with officials in the Palestinian Authority, and (in conjunction with Embassy Tel Aviv) with Israeli officials on human rights issues, including issues of religious freedom. The Consulate also maintains contacts with representatives of the Jerusalem Waqf—an Islamic trust and charitable organization that owns and manages large amounts of real estate, including the Haram al-Sharif/Temple Mount in Jerusalem—as well as with the various Christian churches and Jewish communities in Jerusalem.

The Consulate investigates allegations of abuses of religious freedom. During the period covered by this report, the Consulate investigated a range of charges, including allegations of damage to places of worship, allegations of incitement, and allegations concerning access to holy sites.

Released on December 18, 2003

---

The International Religious Freedom Report for 2003 is submitted to the Congress by the Department of State in compliance with Section 102(b) of the International Religious Freedom Act (IRFA) of 1998. The law provides that the Secretary of State shall transmit to Congress each year "an Annual Report on International Religious Freedom supplementing the most recent Human Rights Reports by providing additional detailed information with respect to matters involving international religious freedom." This Annual Report includes individual country chapters on the status of religious freedom worldwide.