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**REPORT ON INTERNATIONAL RELIGIOUS**  
**FREEDOM, WASHINGTON, 26 OCTOBER 2009**  
**(EXCERPTS).**

*Since 1999, the State Department's Bureau of Democracy, Human Rights, and Labor has submitted an annual International Religious Freedom report to Congress. The excerpts below are pulled from the section titled "Israel and the Occupied Territories." The full report is available online at [www.state.gov](http://www.state.gov).*

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**Section I: Religious Demography**

... Based on its pre-1967 borders, the country has an area of 7,685 square miles. The country has a population of 7.4 million (including settlers living in the occupied West Bank and East Jerusalem), of which 5.6 million are Jews, 1.5 million are Arab Muslims and Christians, and 320,000 are classified as "other"—mostly persons from the former Soviet Union who immigrated

under the Law of Return but who did not qualify as Jews according to the Orthodox Jewish definition used by the government for civil procedures.

According to figures from the Central Bureau of Statistics for 2007, the latest year such information was available, 7 percent of the Jewish population is ultra-Orthodox, 10 percent is Orthodox, 39 percent describe themselves as "traditional religious" or "traditional non-religious," and 44 percent describe themselves as "non-religious/secular" Jews, most of whom observe some Jewish traditions. It also estimates that 30 percent of the country's Jewish population was born outside the country. A growing but still small number of traditional and secular Jews associate themselves with the Conservative, Reform, and Reconstructionist streams of Judaism. Although not officially recognized for purposes of civil and personal status matters, groups composed of adherents of these streams of Judaism received a small amount of government funding and were recognized by the courts. There is a small but growing community of approximately 10,000 Messianic Jews.

Slightly more than 20 percent of the population is non-Jewish, the vast majority of whom are ethnic Arabs. Of the total population, Muslims (nearly all Sunnis) constitute 16.5 percent, Christians 2.1 percent; Druze 1.7 percent; other religious groups 0.5 percent, including relatively small communities of, among others, Messianic Jews, Jehovah's Witnesses, and Baha'is.

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**Section II: Status of Governmental Respect for Religious Freedom**

**Legal/Policy Framework**

The country has no Constitution. While the Basic Law on Human Dignity and Liberty does not specifically refer to freedom of religion, it does refer to the Declaration of the Establishment of the State of Israel, which explicitly provides for the protection of religious freedom. In addition, numerous Supreme Court rulings incorporate the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, including their religious freedom provisions, into the country's body of law. The Declaration describes the country as a Jewish state,

establishing Judaism as the dominant religion while also promising full social and political equality, regardless of religious affiliation. The Basic Law describes the country as a "Jewish and democratic state." Government policy continued to support the generally free practice of religion, although governmental and legal discrimination against non-Jews and non-Orthodox streams of Judaism continued.

#### [Recognized Religious Communities]

Since the founding of the country, the government has recognized three additional religious communities—the Druze in 1957, the evangelical Episcopal Church in 1970, and the Baha'i in 1971. The fact that the Muslim population was not defined as a religious community was a vestige of the Ottoman period when Islam was the dominant religion and it has not limited Muslims from practicing their faith. A collection of ad hoc arrangements with various government agencies defined the status of several Christian denominations with representation in the country. The government allows members of unrecognized religious groups the freedom to practice their religious beliefs.

The state does not recognize conversions to Judaism performed in the country by non-Orthodox rabbis. The government provides funds for Orthodox conversion programs but does not provide support for non-Orthodox (i.e., Reform and Conservative) programs. The High Court ruled on 18 May 2009 that the government must cease discriminating against non-Orthodox conversion institutes. The Israel Defense Forces (IDF) sponsored Orthodox Jewish conversion courses for Jewish soldiers who received non-Orthodox (and therefore unrecognized) conversions and for soldiers not recognized as Jewish by the Orthodox rabbinical authorities. Residency rights were not granted to relatives of converts to Judaism, except for children of female converts who are born after the mother's conversion is complete. . . .

The law considers "religious communities" to be those recognized by, and carried over from, the British Mandate period (1920–48), during which Great Britain administered present-day Israel and the occupied territories. These include: Eastern Orthodox, Latin (Roman Catholic), Gregorian-Armenian, Armenian-Catholic, Syrian Catholic, Chaldean (Chaldean Uniate

Catholic), Greek Catholic Melkite, Maronite, Syrian Orthodox, and Jewish.

The government implements some policies based on Orthodox Jewish interpretations of religious law which thereby discriminates against citizens adhering to other religious groups. The priority given to Orthodox Jewish interpretation was a requirement in the "status quo" agreement reached at the founding of the state between the country's founders and the mainstream Orthodox rabbinical councils, which has been upheld throughout the state's history.

For example, the only in-country Jewish marriages the government recognizes are those performed by the Orthodox Jewish establishment; and the government does not allow civil marriages (e.g., secular ceremonies performed by state or municipal authorities) or marriages performed by Conservative, Reform, or Reconstructionist rabbis. . . .

With some exceptions, each officially recognized religious community has legal authority over its members in matters of marriage, divorce, and burial. Legislation enacted in 1961 afforded the Shari'a courts exclusive jurisdiction to rule in matters of personal status concerning Muslims. For unrecognized religious groups, no local religious tribunals exercise jurisdiction over their members in matters of personal status. Only recognized religious communities receive government funding for their religious services.

A Muslim woman may petition for and receive a divorce through the Shari'a courts without her husband's consent under certain conditions, and a marriage contract may provide for other cases where she may obtain a divorce without her husband's consent. A Muslim man may divorce his wife without her consent and without petitioning the court.

The government, through the Chief Rabbinate, discriminates against women in civil status matters related to marriage and divorce. Under the Jewish religious court's interpretation of personal status law, a Jewish woman may not receive a final writ of divorce without her husband's consent. Consequently, thousands of women, so-called *agunot*—"chained women"—are unable to remarry or have legitimate children because their husbands have either disappeared or refused to grant divorces. Rabbinical tribunals had the authority to

impose sanctions on husbands who refuse to divorce their wives or on wives who refuse to accept divorce from their husbands, but they could not grant a divorce without the husband's consent, and women could not seek redress in civil courts. . . .

#### **[Recognition and Protection of Holy Sites]**

The 1967 Protection of Holy Sites Law applies to holy sites of all religious groups within the country and in all of Jerusalem, but the government implements regulations only for Jewish sites. Non-Jewish holy sites do not enjoy legal protection under it because the government does not recognize them as official holy sites. At the end of 2008, there were 137 designated holy sites, all of which were Jewish. Furthermore, the government has drafted regulations to identify, protect, and fund only Jewish holy sites. While well-known sites have de facto protection as a result of their international importance, many Muslim and Christian sites are neglected, inaccessible, or threatened by property developers and municipalities. The Christian pilgrimage sites around the Sea of Galilee face periodic threats of encroachment from district planners who want to use parts of their properties for recreation. In the past, only diplomatic interventions have forestalled such efforts. Such sites do, however, enjoy certain protections under the general Penal Law (criminal code), which makes it a criminal offense to damage any holy site. Following a 2007 order by the High Court to explain its unequal implementation of the 1967 Protection of Holy Sites Law, the government responded in March 2008 that specific regulations were not necessary for the protection of any holy sites. The government did not explain why it therefore promulgated regulations for Jewish sites but not for non-Jewish sites.

. . . The state transportation company, Egged, which operates the country's public transportation system, continued to operate sex-segregated busses along city and intracity routes frequented by ultra-Orthodox Jews. Women who refuse to sit at the back of such busses risk harassment and physical assault by male passengers.

Governmental authorities prohibit mixed gender prayer services at religious sites in deference to the belief of most Orthodox Jews that such services violate

the precepts of Judaism. At the Western Wall, the holiest site in Judaism, men and women must use separate areas to visit and pray. Women also are not allowed to conduct prayers at the Western Wall while wearing prayer shawls, which are typically worn by Jewish men, and are not permitted to read from Torah scrolls.

#### **[Allocation of Government Subsidies]**

The law permits the government to subsidize approximately 60 percent of the expenses incurred by ultra-Orthodox Jewish religious schools, despite their regular failure to implement a governmental requirement that all state-funded schools teach core subjects, such as English, mathematics, and science.

The government funds the construction of Jewish synagogues and cemeteries. According to the government, while the state budget does not cover the costs of construction for non-Jewish places of worship, it does provide some assistance for their maintenance, although at a disproportionately lower level than for synagogues. In some areas, the government allows private citizens or municipalities to turn old mosques into galleries, restaurants, and museums.

Government resources available for religious/heritage studies to Arab and non-Orthodox Jewish public schools are significantly less than those available to Orthodox Jewish public schools. According to the Israel Religious Action Committee (IRAC), in 2006 approximately 96 percent of all state funds for Jewish religious education were allocated to Orthodox or ultra-Orthodox Jewish schools. Public and private Arab schools offer studies in both Islam and Christianity, but the state funding for such studies is proportionately less than the funding for religious education courses in Jewish schools. . . .

#### **[Military Service]**

Military service is compulsory only for Jews, Druze, and the 5,000-member Circassian community (Muslims from the northwestern Caucasus region who immigrated to various points in the Ottoman-controlled Middle East in the late nineteenth century). Ultra-Orthodox Jews and Israeli Arabs—both Muslim and Christian—are exempt. The majority of Israeli Arabs opt not to serve in the army; however, some

Christian and Muslim Arab citizens, mainly Bedouin, serve as volunteers. As of June 2007, Israeli Arabs and ultra-Orthodox Jews can perform national service for one to two years as volunteers in health, education, or welfare sectors in lieu of military service. This service confers eligibility for similar national benefits accorded to military veterans. Israeli-Arab advocacy groups, Knesset members, and local community leaders have charged that housing, educational, and other benefits, as well as employment preferences based on military experience, effectively discriminate in favor of the Jewish population, the majority of which serves in the military.

According to the government watchdog group Movement for Quality in Government, between 2002 and 2007, 1,520 ultra-Orthodox men chose to enter the workforce through programs mandated by the Tal Law, while 50,000 continued to study in yeshivas. According to IDF figures released in July 2007, approximately 11 percent of all male candidates for military service had deferments as full-time yeshiva students, up from 7.3 percent in 2000.

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#### **[Citizenship and the Law of Return]**

Under the Law of Return, the government grants immigration and residence rights to individuals who meet established criteria defining Jewish identity. Included in this definition is a child or grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew, and the spouse of a grandchild of a Jew. The government uses a separate, more rigorous standard based on Orthodox Jewish criteria to determine the right to full citizenship, entitlement to government financial support for immigrants, the legitimacy of conversions to Judaism performed within the country, and Jewish status for purposes of personal and some civil status issues.

Although identification cards do not carry a religion or nationality designation, the Interior Ministry distinguishes between Jews and non-Jews on identification cards by printing the birth date of Jews in Hebrew letters according to the Jewish calendar while listing that of others according to the Gregorian calendar.

#### *Restrictions on Religious Freedom*

... [T]he government continued to discriminate against non-Orthodox Jewish

citizens through some policies based on Orthodox Jewish interpretations of religious law. Many Jewish citizens objected to exclusive Orthodox control over fundamental aspects of their personal lives. Approximately 310,000 citizens who immigrated under the Law of Return but are not considered Jewish by the Orthodox Rabbinate cannot be married, divorced, or buried in Jewish cemeteries within the country. A 1996 law requiring the government to establish civil cemeteries remained inadequately implemented. . . .

During the reporting period, members of many religious groups traveled to the country freely. However, according to representatives of Christian institutions, visa issuance rates for some of their religious workers remained low. Continuing a policy enacted in October 2007, the Interior Ministry refused to grant multiple-entry visas for members of the clergy and other religious workers seeking to travel to and between their parishes in Israel and the occupied territories. Clergy who wished to return to or visit their parishes and congregations were required to apply for new, single-entry visas at Israeli consulates abroad, a process that could take months. Following an unsuccessful appeal by the Vatican in advance of Pope Benedict XVI's May 2009 visit to the country, the Interior Ministry stated that multiple-entry visas for clergy and other religious workers constituted a security threat and would not be issued. . . .

The Supreme Court ruled on 9 March 2009 that implementing regulations to protect Islamic holy sites are unnecessary. In its ruling, the court registered the government's commitment to provide annual funding of \$526,000 (2 million shekels), and dismissed—on the strength of the government's commitment—the 2004 petition of the Arab-Israeli legal advocacy group Adalah that implementing regulations were required. Adalah had charged that all of the locations designated as holy sites were Jewish and that the government's failure to draft implementing regulations to protect non-Jewish sites had resulted in the desecration and their conversion to other uses of individual Muslim sites. In August 2007 the Supreme Court had directed the government to explain its failure to protect Islamic holy sites and provide funds for their maintenance. . . .

In order to marry in government-recognized ceremonies, Jews had to undergo

marriage counseling administered by the Orthodox religious authorities. As part of this counseling, all Jews—including the secular majority and those who practice reform or conservative Judaism—were instructed to respect traditional Orthodox family roles. A brochure used in the counseling during the reporting period compared women to clay and urged the husband to “shape and mold her as he pleases.” The husband is also instructed not to become “spineless” or tolerate disrespectful behavior from his wife: “If she is disrespectful you must not give in; you can become angry and stop talking to her until she realizes she is wrong.” The husband is also admonished to compliment his wife regularly, “even if it is a lie,” because “a woman who has not been complimented is like a fish out of water.” . . .

Muslim residents of the Beersheba area continued to protest the municipality’s intention to reopen the city’s old mosque as a museum rather than as a mosque for the area’s Muslim residents. The High Court rejected a petition from the Israeli-Arab legal advocacy NGO Adalah, representing the area’s Muslim community, to enjoin the municipality from renovating the mosque into a museum. In July 2006 the High Court proposed a compromise whereby the mosque would be used as a museum of Islamic culture. In January 2007 Adalah rejected the court proposal, arguing that there was a need to uphold the religious rights of area Muslims. Adalah’s response to the court observed that while there was one synagogue for every 700 Jews in Beersheba, there was not a single mosque for the city’s 5,000 Muslims. The case remained pending at the end of the reporting period.

The approximately 80,000 Bedouin living in unrecognized villages were unable to build or legally maintain mosques as a result of longstanding government policy to deny ownership claims, building requests, and municipal services in such communities. Mosques existed in unrecognized Bedouin communities but as with homes and other community structures, the government considered them illegal and therefore subject to demolition. For example, the first mud and straw mosque to be built in the country received demolition orders on 21 August 2008 in the unrecognized village of Wadi al-Na’am in the Negev, and Israeli authorities demolished it on 24 December 2008. . . .

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

. . .

The Israeli government generally respected the right to freedom of religion in the occupied territories during the reporting period. However, despite provisions for freedom of religion in the PA’s Basic Law and the Israeli government’s Declaration of Independence, religious freedom restrictions continued in the occupied territories. In particular, Israel’s strict closure policies and the separation barrier constructed by the government of Israel had the effect of severely restricting the ability of Palestinian Muslims and Christians to reach places of worship and to practice their religious rites. Israeli law also restricted the ability of Israeli Jews to reach places of worship in areas under Palestinian control.

The status of respect for religious freedom by the PA was unchanged during the reporting period. PA government policy contributed to the generally free practice of religion, although problems persisted during the reporting period. The Gaza Strip remained under the control of Hamas during the reporting period, and the PA was therefore unable to enforce respect for religious freedom or address reports of harassment of religious groups in the Gaza Strip.

Christians and Muslims generally enjoyed good relations, although tensions existed. . . .

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

The West Bank (excluding East Jerusalem) has an area of 2,238 square miles and a population of 2.4 million persons, not including approximately 300,000 Israelis. East Jerusalem has an area of 27 square miles, and its population is 415,000, including approximately 180,000 Israelis. The Gaza Strip has an area of 143 square miles and a population of 1.5 million.

Approximately 98 percent of Palestinian residents of the occupied territories are Sunni Muslims. While estimates vary in the absence of reliable census data, there are about 120,000 Christians in the West Bank (including East Jerusalem) and an estimated 1,500 to 2,500 Christians in the Gaza Strip. A majority of Christians are Greek Orthodox; the remainder consists



of Roman Catholics, Greek Catholics, Protestants, Syrian Orthodox, Armenian Orthodox, Copts, Maronites, Ethiopian Orthodox, and Protestant denominations. Christians are concentrated primarily in the areas of Jerusalem, Ramallah, and Bethlehem, but smaller communities exist elsewhere. According to local Christian leaders, Palestinian Christian emigration has accelerated since 2001, reducing the number of Christians in the West Bank and Gaza Strip. Most left for security and economic reasons, often related to the effects of the barrier; however, low birth rates among Palestinian Christians also contribute to their shrinking numbers. There is also a community of approximately 400 Samaritans located on Mount Gerazim near Nablus in the West Bank.

A very small number of adherents of several denominations of evangelical Christians, as well as Jehovah's Witnesses, reside in the West Bank. . . .

### ***Section II: Status of Government Respect for Religious Freedom***

The PA requires the teaching of religion in PA schools with separate courses for Muslim and Christian students. A compulsory curriculum requires the study of Christianity for Christian students and Islam for Muslim students in grades one through six. In 2006 the PA Ministry of Education and Higher Education completed its revision of primary and secondary school textbooks, begun in 1999. The U.S. government-funded review of Palestinian textbooks undertaken by the Israeli-Palestinian Center for Research and Information concluded that the textbooks did not cross the line into incitement but continued to show elements of imbalance, bias, and inaccuracy. Critics noted, however, that the new textbooks often ignored historical Jewish connections to Israel and Jerusalem.

PA president [Mahmud] Abbas has informal advisors on Christian affairs. Six seats in the 132-member Palestinian Legislative Council are reserved for Christians; there are no seats reserved for members of any other faith. The following holy days are considered national holidays: the Birth of the Prophet Muhammad, 'Id al-Fitr, 'Id al-Adha, Zikra al-Hijra al-Nabawiya, and Christmas. The PA maintains a Friday/Saturday weekend, but Christians are

allowed to take Sunday off instead of Saturday. Christians take Easter as a fully paid religious holiday.

### ***Restrictions on Religious Freedom***

PA government policy contributed to the generally free practice of religion, although problems persisted during the reporting period.

The PA did not take sufficient action during the reporting period to investigate and bring to justice persons who harassed, intimidated, and perpetrated attacks against some Christian residents of Bethlehem and Ramallah as described in previous International Religious Freedom reports. The PA judiciary also failed to adjudicate numerous cases of seizures of Christian-owned land in the Bethlehem area by criminal gangs.

The government of Israel continued to apply travel restrictions during the reporting period that significantly impeded freedom of access to places of worship in the West Bank for Muslims and Christians. Citing violence and security concerns, the Israeli government has imposed a broad range of strict closures and curfews throughout the occupied territories since October 2000.

During the reporting period the government of Israel severely restricted the access of most Muslims from the West Bank, Gaza, and Jerusalem to the Haram al-Sharif. The Israeli government prevented Palestinian Muslims from the West Bank and Gaza from reaching it and other religious sites by prohibiting their entry into Jerusalem. Israeli authorities also generally restricted access for Palestinian residents of Jerusalem, especially males under the age of 50, and sometimes women under the age of 45. During Ramadan (2 September to 1 October 2008) they refused men under the age of 45 access to the site, citing security concerns.

There were also disputes between the Muslim administrators of the Haram al-Sharif/Temple Mount and Israeli authorities over Israeli restrictions on Waqf attempts to carry out repairs and physical improvements on the compound and its mosques. The approval process for a permanent ramp leading to the Mughrabi Gate of the Haram al-Sharif/Temple Mount continued during the reporting period. However, excavations in the immediate vicinity of the Mughrabi Gate did not proceed. . . .

### *Abuses of Religious Freedom*

Many of the national and municipal policies in Jerusalem were designed to limit or diminish the non-Jewish population of Jerusalem. According to Palestinian and Israeli human rights organizations, the Israeli government used a combination of zoning restrictions on building by Palestinians, confiscation of Palestinian lands, and demolition of Palestinian homes to “contain” non-Jewish neighborhoods while simultaneously permitting Jewish settlement in predominantly Palestinian areas in East Jerusalem.

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

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### *Abuses by Rebel or Foreign Forces or Terrorist Organizations*

Terrorists did not systematically attack anyone in the occupied territories for religious reasons. Hamas authorities often failed to effectively investigate or prosecute religiously driven crimes committed by Muslim extremist vigilante groups in Gaza.

### **Section III: Status of Societal Respect for Religious Freedom**

The strong correlation between religion, ethnicity, and politics in the occupied territories at times imbued the Israeli-Palestinian conflict with a religious dimension. There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice, primarily between Christians and Muslims during the reporting period. Relations between Jews and non-Jews often were strained as a result of the Palestinian-Israeli conflict as well as Israel’s control of access to sites holy to Christians and Muslims. Relations among Jews living in Jerusalem and the West Bank were strained based on different interpretations of Judaism, and some non-Orthodox Jews experienced discrimination on the part of some ultra-Orthodox (sometimes referred to as “Haredi”) Jews.

Societal attitudes continued to be a barrier to conversions, especially for Muslims converting to Christianity; however, conversion is not illegal in the occupied territories. Both Muslim and Christian Palestinians accused Israeli officials of attempting to foster animosity among Palestinians by exaggerating reports of Muslim-Christian tensions.

Tension between Muslim and Christian families sometimes led to religious harassment. In May 2009 Palestinian Muslims from Jalazun Refugee Camp vandalized two Christian cemeteries based on a family dispute. . . .

Jewish settler violence against Palestinians prevented some Palestinians from reaching holy sites in the occupied territories. Settlers in Hebron forcibly prevented Muslim mu’ezzins from reaching the al-Ibrahimi Mosque/Tomb of the Patriarchs to sound the call to prayer and harassed Muslim worshippers in Hebron.

In August 2008 a group of approximately 50 armed settlers forcibly entered the Ibrahimi Mosque/Tomb of the Patriarchs in Hebron before IDF forces were able to remove them. Muslim officials denounced Jewish efforts to expand and renovate areas of the mosque under Jewish control. Jewish worshippers at the site claimed that Muslims vandalized Jewish items during Muslim holidays.

Israeli settler radio stations often depicted Arabs as subhuman and called for Palestinians to be expelled from the West Bank. Some of this rhetoric contained religious references. Jewish settlers, acting either alone or in groups, assaulted Palestinians and destroyed Palestinian property. Most instances of violence or property destruction reportedly committed against Palestinians did not result in arrests or convictions during the reporting period.

Palestinian media published and broadcast material criticizing the Israeli occupation, including dismissing Jewish connections to Jerusalem. During the reporting period official PA media contained almost no derogatory statements about Israel and Jews. However, other Palestinian media not under the control of the PA, particularly those controlled by Hamas, continued to use inflammatory language during the reporting period.

Unofficial Palestinian television broadcast content sometimes praised suicide bombing and holy war until Palestine is free of Jewish control. Some children’s programs aired on unofficial Palestinian television legitimized the killing of Israelis and Jews.

Unofficial Palestinian media frequently published and broadcast anti-Semitic content. Rhetoric by Palestinian terrorist groups included expressions of anti-Semitism, as did sermons by some Muslim religious leaders carried on Palestinian television. . . .