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## Israel and the Occupied Territories

### International Religious Freedom Report 2007

Released by the Bureau of Democracy, Human Rights, and Labor

**The religious freedom situation in the [Occupied Territories](#) is discussed in the annex appended to this report.**

The country has no constitution; however, the Basic Law on Human Dignity and Liberty 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 reporting period, and government policy continued to contribute to the generally free practice of religion. Relations among religious and ethnic groups--between Jews and non-Jews, Muslims and Christians, Arabs and non-Arabs, secular and religious Jews, and among the different streams of Judaism--often were strained. Problems continued to exist, stemming primarily from the continuing Israeli-Palestinian conflict and the Government's unequal treatment of non-Orthodox Jewish religious groups, including the Government's recognition of only Orthodox Jewish religious authorities in personal and some civil status matters concerning Jews.

Tensions between Israeli Jews and Israeli Arabs increased significantly after the start of the second Palestinian Intifada (or uprising) in 2000. Tensions increased further following the July 12 to August 14, 2006, conflict in Southern Lebanon, during which some Israeli-Arab community leaders expressed public sympathy for Hizballah, and some Jewish political leaders characterized Israeli Arabs as enemies of the state. Tensions remained high due to institutional, legal, and societal discrimination against the country's non-Jewish citizens.

The U.S. Government discusses religious freedom problems with the Government as part of its overall policy to promote human rights.

#### Section I. Religious Demography

Based on its pre-1967 borders, the country has an area of 7,685 square miles, and its population is 7.15 million, of which 5.4 million are Jewish, 1.4 million are Arabs, and 310,000 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 or the definition used by the Government for civil procedures. According to a government survey conducted in 2004 and published in 2005, approximately 8 percent of the Jewish population are Haredim, or ultra-Orthodox, and another 9 percent are Orthodox, while 39 percent describe themselves as "traditionally observant" or "traditional," and 44 percent describe themselves as "secular" Jews, most of whom observed 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 for purposes of civil and personal status matters involving their adherents. Although the Government does not officially recognize them, these streams of Judaism received a small amount of government funding and were recognized by the country's courts.

Slightly more than 20 percent of the population is non-Jewish, the vast majority of whom are ethnically Arab. Of this number, Muslims constitute 16 percent, Christians 2.1 percent; Druze 1.5 percent; and members of other religious groups 0.5 percent, including relatively small communities of evangelical Christians, Messianic Jews (those who consider themselves Jewish but believe that Jesus Christ is the Messiah), and Jehovah's Witnesses.

The Government reported that during 2006 it issued 86,000 permits for foreigners to work in the country. The Government estimated that another 70,000 to 80,000 illegal foreign workers reside in the country. Most of the foreign workers are Roman Catholic, Orthodox Christian, Buddhist, or Hindu.

The Basic Law on Human Dignity and Liberty describes the country as a "Jewish" and "democratic" state. Most members of the non-Jewish minority were generally free to practice their religions but were subject to various forms of discrimination, some of which have religious dimensions.

#### Section II. Status of Religious Freedom

## Legal/Policy Framework

There is no constitution; however, the Basic Law on Human Dignity and Liberty provides for freedom of worship, and the Government generally respected this right in practice. Israel's Declaration of Independence describes the country as a "Jewish state," and promises full social and political equality, regardless of religious affiliation. While the law explicitly guarantees freedom of religion and the safeguarding of "holy places of all religions," inequities exist. Israeli Arabs and other non-Jews generally were free to practice their religions; however,

discrepancies in treatment existed. Discrepancies between Jews and various non-Jewish communities and between Orthodox Jews and Jews of non-Orthodox affiliations were also prevalent during the reporting period.

The 1967 Protection of Holy Sites Law applies to holy sites of all religious groups within the country and in all of Jerusalem. The Penal Law makes it a criminal offense to damage any holy site. However, the Government only issued implementing regulations for Jewish sites.

The "status quo" agreement reached at the founding of the state, which has been upheld throughout the state's history, provides that the Government will implement certain policies based on Orthodox Jewish interpretations of religious law. For example, the Government does not allow civil marriage and does not recognize Jewish marriages performed in the country unless they are performed by the Orthodox Jewish establishment. Exclusive control over marriages resides by law with recognized bodies of the recognized religious denominations. The Orthodox Jewish establishment also determines who is buried in Jewish state cemeteries, limiting this right to individuals considered "Jewish" by the Orthodox standards. In addition, the national airline El Al and public buses in every city but Haifa do not operate on Saturday, the Jewish Sabbath; however, several private bus companies do. Additionally, streets in most Orthodox Jewish neighborhoods are closed to vehicles on the Sabbath. According to the Law on Work and Rest Hours of 1951, which was upheld by the Supreme Court in April 2005, Jews in most professions are prohibited from working on the Sabbath unless they are granted a special permit by the Ministry of Trade, Industry, and Employment. However, according to the Israel Religious Action Center (IRAC), the Government often chooses not to enforce the law.

The law considers "religious communities" those recognized by, and carried over from, the British Mandate period (1920-1948), 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. Since the founding of the country, the Government has recognized three additional religious communities--the Druze (an offshoot of Islam) 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 does not limit Muslims from practicing their faith. A collection of ad hoc arrangements with various government agencies has 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 religion. According to the Government, there were no religious groups awaiting recognition during the reporting period.

With some exceptions, each recognized religious community has legal authority over its members in matters of marriage, divorce, and burial. Legislation enacted in 1961 afforded the Muslim courts exclusive jurisdiction to rule in matters of personal status concerning Muslims. For so-called "unrecognized religions," no local religious tribunals exercised jurisdiction over their members in matters of personal status. Only recognized religious communities receive government funding for their religious services. In recent years, the Arrangements Law, drafted annually to guide government spending, has provided exemption from municipal taxes for any place of worship of a recognized faith. Exemption from tax payments is also granted to churches that have not been officially recognized by law. In several cases, the Government has interpreted that exemption from municipal taxes to apply only to that portion of the property of religious organizations that was actually used for religious worship. Not-for-profit religious organizations also sometimes receive tax exemptions. For example, the Lutheran World Federation (LWF) had tax-exempt status for its hospital on the Mount of Olives for almost 40 years until the District Court revoked this privilege in 2002. The LWF appealed to the Supreme Court and commenced negotiations with the Government to resolve the issue. At the end of the reporting period, the case was still pending before the Supreme Court as negotiations continued.

Secular courts have primacy over questions of inheritance, but parties, by mutual agreement, may bring such cases to religious courts. Jewish, Druze, and Christian families may ask for some family status matters, such as alimony and child custody in divorces, to be adjudicated in civil courts as an alternative to religious courts. Muslims have the right to bring matters such as alimony and property division associated with divorce cases to civil courts in family-status matters. However, paternity cases remain under the exclusive jurisdiction of Shari'a courts. There is no overarching law or directive that prescribes these varying approaches.

In 2003 the Government introduced a core curriculum program that required all state-funded schools to teach core subjects, such as mathematics. However, state-subsidized ultra-Orthodox Jewish religious schools were not compelled to comply with this law. The High Court ruled in December 2004 that ultra-Orthodox Jewish religious schools that did not comply with the Education Ministry's core curriculum by the opening of the 2007 school year would not be eligible for any funding from the ministry. The ruling was a response to a petition filed by the Secondary Schools Teachers' Association against the Ministry of Education charging that while the ministry cut funding to the

public school system, causing hundreds of teachers to lose their jobs, it provided approximately \$40 million (170 million New Israeli Shekels - NIS) to autonomous ultra-Orthodox schools that did not comply with ministry pedagogical requirements. In April 2006 the Education Ministry reported that all of the "recognized but unofficial" education facilities affiliated with ultra-Orthodox parties were now "fully implementing the core curriculum program."

The Supreme Court ruled in April 2006 that rabbinic courts may not arbitrate property disputes between a divorced husband and wife. This ruling has, in effect, repudiated the authority of the rabbinic courts to serve as arbitrators in all financial disputes, even if neither party in the dispute objects to the rabbinic courts playing this role. Although the rabbinic courts have ruled on financial matters since before the establishment of the state, their jurisdiction on these matters has never been established in law. In response to the Supreme Court ruling, the rabbinic courts initiated a Knesset bill to secure in law their jurisdiction over financial matters, which they presented in June 2006 to the Justice Ministry for its consideration.

The Ministry of the Interior has jurisdiction over religious matters concerning non-Jewish groups; the Ministry of Tourism is responsible for the protection and upkeep of all holy sites; and the National Religious Services Authority, within the Prime Minister's office, has jurisdiction over the nation's 134 religious councils (one Druze and the rest Jewish) that oversee the provision of religious services to their respective communities. Legislation establishing religious councils does not include non-Jewish religious communities other than the Druze. Instead, the Ministry of the Interior directly funds religious services for recognized non-Jewish communities. The state, through the Prime Minister's office, continues to finance approximately 40 percent of the religious councils' budgets, and local authorities fund the remainder. The Government's 2006 budget for Religious Councils was \$32.9 million (140 million NIS).

According to Government figures, the 2006 budget for religious services and religious structures for the Jewish population was approximately \$329 million (1.4 billion NIS). Religious minorities received approximately \$26 million (112 million NIS), or just over 7 percent of total funding.

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 problems. Residency rights are 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 of Return generally 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.

The Government does not require that identification cards carry a nationality (i.e., usually religious) designation. However, citizens and residents are still required to register with the Ministry of the Interior's Population Registry as one of a set list of nationalities.

Politicians, media outlets, and many private citizens criticized the Government's practice of granting military draft exemptions and living allowances to full-time yeshiva (Jewish religious school) students. Under the so-called Tal Law, passed in 2002 and renewed in 2007, ultra-Orthodox Jews are entitled to exemption from military service to pursue religious studies. This exemption allows ultra-Orthodox Jews to postpone military service in one-year increments to pursue fulltime religious studies at recognized yeshivas. These students must renew their deferments each year by proving that they are full-time students. At the age of 22, the yeshiva students receive a 1 year hiatus from their deferment obligations, during which they have the option of performing community service, learning a trade, or serving in the army for an abbreviated enlistment period. Students who choose none of these are subject to the military draft at the conclusion of the grace year, unless they continue their yeshiva studies full time with yearly renewals until they reach the age of 40. According to the government watchdog group Movement for Quality, since 2002 only 1,520 ultra-Orthodox men have chosen to enter the workforce through programs mandated by the Tal Law, while 50,000 have continued to study in yeshivas. According to Israeli Defense Force (IDF) figures released in July 2007, approximately 11 percent of all male candidates for military service have deferments as full-time yeshiva students, up from 7.3 percent in 2000.

Public Hebrew-speaking secular schools teach Jewish history and Jewish religious texts. These classes primarily cover Jewish heritage and culture, rather than religious belief. Public schools with predominantly Arab student bodies teach mandatory classes on the Qur'an and the Bible, since both Muslim and Christian Arabs attend these schools. Orthodox Jewish religious schools that are part of the public school system teach mandatory religion classes, as do private ultra-Orthodox schools that receive some state funding.

The Government recognizes the following Jewish holy days as national holidays: Rosh Hashanah, Yom Kippur, Sukkot, Simhat Torah, Passover, and Shavuot. Arab municipalities often recognize Christian and Muslim holidays.

#### Restrictions on Religious Freedom

Government policy and practice contributed to the generally free practice of religion; however, problems continued.

Muslim, Christian, and Orthodox Jewish religious authorities have exclusive control over personal status matters, including marriage, divorce, and burial, within their respective communities. Many Jewish citizens objected to such exclusive control by the Orthodox establishment over Jewish marriages and other personal status matters, and to the absence of provision for civil marriage. Approximately 306,000 immigrants from the former Soviet Union were ineligible to marry in Israel because they were not recognized as Jewish by Orthodox authorities.

Anyone wishing to marry in a secular ceremony, Jews wishing to marry in non-Orthodox religious ceremonies, Jews not officially recognized as Jewish by the Orthodox Jewish establishment but wishing to marry in Jewish ceremonies, and Jews wishing to marry someone of another faith must all do so abroad. The Ministry of the Interior recognizes such marriages when performed abroad. During the reporting period, approximately 300,000 citizens were not eligible to marry in Israel because they lacked religious affiliation. According to the Central Bureau of Statistics, between 2000 and 2004, 32,009 citizens married outside of the country. Almost half of this number--14,214--comprised couples in which both the husband and the wife were Jewish. A smaller proportion of this number--1,764--lacked religious affiliation in the country. Between 2000 and 2003, 5 percent of Jewish couples that qualified to be married by the Chief Rabbinate decided to marry abroad instead. Others decided instead to hold weddings unrecognized by the Government, including Reform and Conservative weddings and those conducted by Kibbutz authorities.

In November 2004 the Arab-Israeli advocacy group Adalah petitioned the Supreme Court to compel the Government to protect Muslim sites. Adalah charged that all of the locations designated as holy sites were Jewish, and the Government's failure to implement regulations had resulted in desecration and conversion of individual Muslim sites. Responding to a 2004 Supreme Court order to respond within 60 days, the Government stated in January 2006 that it had appointed an interministerial committee to examine the administrative and budgetary management of holy sites. The Supreme Court, which repeatedly rescheduled the initial hearing since 2004, had still not heard the case by the end of the reporting period. At the end of the reporting period there were 136 designated holy sites in the country, all of which were Jewish.

In 2004 the Arab Association for Human Rights (AAHR) issued a comprehensive report documenting what it referred to as the "destruction and abuse of Muslim and Christian holy places in Israel." In its report, AAHR asserted that 250 non-Jewish places of worship had either been destroyed during and after the 1948 war or made inaccessible to the local Arab population. For example, lands of destroyed Arab villages were given to Jewish farmers, and the surviving mosques in these villages had been used as animal pens or storage depots. In Ein Hod, a town south of Haifa, the mosque was turned into a bar.

During Jewish holidays and following terrorist attacks, the Government imposed closures to restrict travel in the country and the Occupied Territories for security purposes that had the effect of impeding access to holy sites in the country for Arab Muslims and Christians, as well as Israeli-Arabs and Palestinians who possessed Jerusalem identification cards. The construction of the separation barrier also impeded access to holy sites throughout the country and the Occupied Territories during the reporting period.

The Government permits religious organizations to apply for state funding to maintain or build religious facilities. Funding was provided for the maintenance of facilities such as churches, Orthodox synagogues, mosques, and cemeteries. Funding for construction was not provided for non-Orthodox synagogues. Several civil rights nongovernmental organizations (NGOs) asserted that Orthodox Jewish facilities receive significantly greater proportions of funding than did non-Orthodox Jewish and non-Jewish facilities. Muslim groups complained that the Government did not equitably fund the construction and maintenance of mosques in comparison to the funding of synagogues.

In March 2005 a dispute over the sale of property in Jerusalem's Old City owned by the Greek Orthodox Church to investors led a Holy Synod meeting in Istanbul to depose the Greek Patriarch of Jerusalem, Irineos I, in May 2005. Irineos I claimed that proceedings against him were illegal and refused to resign. While Greece, Jordan, and the Palestinian Authority recognized the ousting of Irineos and the appointment of Theophilus III as his successor, the Government of Israel did not. In November 2005 Theophilus appealed this issue to the Israeli High Court, and at the same time a ministerial committee was established to deal with the situation. At the end of the reporting period, the committee had not resolved the issue, and the Government of Israel continued to recognize the deposed Patriarch. The High Court was scheduled to hear the case in November 2007.

In 2006 AAHR reported that the Government was reluctant to refurbish mosques in areas where there was no longer a Muslim population and has never in its history budgeted for the building of a new mosque. Muslim clerics, judges, and political leaders cited a lack of government funding for maintenance of and access to mosques in Tiberias, Safed, Beersheva, Caesaria and other places. The Government allowed private citizens or municipalities to turn several into galleries, restaurants, and museums. The Government stated that the AAHR report referred to abandoned sites and not to active sites, and the abandoned sites were not properly maintained. There is no restriction on the construction of new mosques, but the Government noted that while the state budget does not cover the costs of new construction, it does provide assistance in the maintenance of mosques. The Government reported that the budget for developing and maintaining the holy sites of each non-Jewish religious community in 2006 was \$1.38 million (NIS 5.81 million). The Government's total development budget for cemeteries of all religious groups was approximately \$7.06 million (NIS 30 million) in 2005.

Muslim residents of the Be'er Sheva area, including members of Bedouin tribes, protested 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 Adalah, representing the area's Muslim community, to enjoin the municipality from renovating the mosque into a museum. The petitioners argued that there were no alternative mosques in the Be'er Sheva area. In July 2006 the High Court proposed a compromise whereby the mosque would be used as a museum of Islamic culture. On January 21, 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 Be'er Sheva, there was not a single mosque for the city's 5000 Muslims. The case was pending at the end of the reporting period.

Building codes for places of worship are enforced selectively based on religion. Several Bedouin living in unrecognized villages were denied building permits for construction of mosques, and in the past the Government has destroyed mosques built in unrecognized Bedouin communities. Adalah reported that, in 2005 the state requested a demolition order for a mosque in Husseinia. The case was still pending at the end of the reporting period. According to the Regional Council for the Arab Unrecognized Villages in the Negev, the Government did not destroy any mosques during the reporting period.

Missionaries were allowed to proselytize, although offering or receiving material inducements for conversion or converting persons under 18-years-old remained illegal unless one parent was of the religion to which the minor wished to convert. The Church of Jesus Christ of Latter-day Saints (Mormons) voluntarily refrained from proselytizing under a longstanding agreement with the Government.

By the end of the reporting period, the Knesset had not ratified the Fundamental Agreement that was negotiated in the 1990s establishing relations between the Holy See and the Government. In a separate process, representatives of the Government and the Holy See continued to hold intermittent negotiating sessions, begun in 2004, with the aim of reaching an agreement (concordat) on fiscal and legal matters such as tax exemption of Roman Catholic institutions and property and the access of the Roman Catholic Church to Israeli courts. No agreement had been reached by the end of the reporting period.

Since the Government does not have diplomatic relations with Saudi Arabia, Muslim citizens must travel through another country, usually Jordan, to obtain travel documents for the Hajj. The average annual number of Hajj pilgrims traveling from the country in recent years was approximately 4,500, and the overall number allowed to participate in the Hajj was determined by Saudi Arabian authorities. According to the Government, travel to hostile countries, including travel to Saudi Arabia for the Hajj, may be restricted; however, these restrictions are based on security concerns rather than on any religious or ethnic factors.

During the reporting period, many groups and individuals of numerous religious groups traveled to the country freely. However, according to representatives of Christian institutions, visa issuance rates for some of their religious workers significantly declined from rates in previous years. Religious workers based in Jerusalem or the Occupied Territories were denied entry or re-entry under a general tightening of government criteria for foreign nationals. In January 2007 the Government published new visa criteria intended to loosen the restrictions on travelers with legitimate business, including religious workers, in the Occupied Territories. At the end of the reporting period, it was still too early to tell whether the new visa criteria would alleviate the problem.

The Government discriminated against non-Jewish citizens and residents, the vast majority of whom were Arab Muslims and Christians, in the areas of employment, education, and housing. The Orr Legal Commission of Inquiry, established to investigate the 2000 police killing of 12 Israeli-Arab demonstrators, issued a final report in 2003 noting historical, societal, and governmental discrimination against Arab citizens. The Government has not implemented either the Orr Commission recommendations or those of a follow-up interministerial committee.

According to a March 2005 media report, approximately 8,000 non-Jewish soldiers were serving in the IDF. The IDF policy is to allow non-Jewish soldiers to go on home leave for their respective religious holidays. Military duties permitting, Jewish soldiers can leave on holidays. These duties rotate to allow some soldiers to go home for Jewish holidays. The IDF conducts commemorative activities appropriate for each respective Jewish holiday.

The IDF did not have any Muslim or Christian chaplains because, according to government sources, the frequent home leave accorded all soldiers allowed Muslim and Christian soldiers easy and regular access to their respective clergy and religious services at home. There were discussions between the IDF and the Israeli National Security Council regarding chaplain appointments for non-Jewish IDF soldiers, but no decision had been made by the end of the reporting period.

The Government used private non-Jewish clergy as chaplains at military burials when a non-Muslim or non-Jewish soldier died in service. The Interior Ministry reported that it provided imams to conduct funerals according to Muslim customs. All Jewish chaplains in the IDF are Orthodox.

The IDF sponsored Orthodox Jewish conversion courses for Jewish soldiers who do not belong to Orthodox Judaism and for non-Jewish soldiers seeking to convert to Judaism. The IDF does not facilitate conversion to other religious

groups.

Military service is only compulsory for Jews, Druze, and Circassians. Orthodox Jews could obtain exemptions from service for full-time religious study. Approximately 90 percent of Israeli Arabs chose not to serve in the army. Some Arab citizens, mainly Bedouin, were accepted as volunteers. Israeli-Arab advocacy groups 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 who serve in the military. In December 2004 the Ivri Committee on National Service recommended to the Government that Israeli-Arabs be afforded an opportunity to perform alternative nonmilitary service. On December 13, 2006, the Government announced procedures to offer a civilian service program to citizens not drafted for military service. Beginning in June 2007 Israeli Arabs and ultra-Orthodox Jews are expected to have the opportunity to serve for one to two years as volunteers in health, education, or welfare sectors. After completing service, volunteers would be eligible for the same national benefits accorded military veterans.

Government resources available for religious/heritage studies to Arab and to non-Orthodox Jewish public schools were proportionately less than those available to Orthodox Jewish public schools. According to IRAC, in 2006 approximately 96 percent of all state funds for Jewish religious education were allocated exclusively to Orthodox or ultra-Orthodox Jewish schools. Both public and private Arab schools offer studies in both Islam and Christianity, but the state funding for such studies was proportionately less than the funding for religious education courses in Jewish Orthodox schools.

The Government funded secular schools and Orthodox and ultra-Orthodox Jewish schools; it did not fully fund religious schools for non-Jews. Schools that seek to adopt a non-Jewish, religious curriculum must operate outside of the regular public schools system. Quality private religious schools for Israeli Arabs existed; however, parents often must pay tuition for their children to attend such schools, since little government funding was available. Jewish private religious schools, however, received significant government funding in addition to philanthropic contributions from within the country and abroad, which effectively lowered the tuition costs.

Government funding to the different religious sectors was disproportionate to the sectors' sizes. Civil rights NGOs charged that the Government favored Orthodox and ultra-Orthodox Jewish institutions in the allocation of state resources for religious activities.

In spite of the legal provision for public funding to build non-Orthodox synagogues, the Government did not fund the construction of any non-Orthodox synagogues. In 2003 IRAC petitioned the High Court on behalf of a Reform congregation in Modi'in to require that Modi'in municipality fund construction of a Reform synagogue. The city had already funded eight Orthodox synagogues, but no Conservative or Reform synagogues. The High Court ruled in 2003 that it was permissible to use state funds for the construction of a Reform synagogue in the city of Modi'in and ordered the municipality to repeat the process for determining which congregations would receive funding using criteria that would guarantee equal treatment. Nevertheless, the request for funding stalled in the Modi'in municipality. IRAC again petitioned the High Court to compel the municipality to hold a hearing to consider all available budget requests for synagogue construction in light of the needs of Modi'in residents. IRAC also petitioned the court to freeze all municipal allocations for synagogue construction in Modi'in until such a hearing was held. In 2005 the Government announced that it would build synagogues for non-Orthodox denominations, but it had not allocated any such funding by the end of the reporting period.

The 1996 Alternative Burial Law established the right of any individual to be buried in a civil ceremony and required the establishment of 21 public civil cemeteries throughout the country. However, at the end of the reporting period, only 1 public civil cemetery existed in the country, in Be'er Sheva, and only approximately 15 Jewish cemeteries in the country contained a section for civil burials. Several domestic civil rights and immigrant groups asserted that the Government failed to allocate adequate space or sufficient funds for the establishment of civil cemeteries. Certain Kibbutzim also offered civil burials, but according to some NGOs such burials were expensive. During the reporting period, the city of Jerusalem began construction of a cemetery for use by secular citizens free of charge. When completed, this cemetery would be the first public civil cemetery endorsed by a municipal government in the country.

Approximately 93 percent of land in the country is public domain, the majority of which is owned by the state, with approximately 12.5 percent owned by the Jewish National Fund (JNF). All public lands and that owned by the JNF are administered by the governmental body, the Israel Lands Administration (ILA). JNF representatives occupy 50 percent of the seats in the ILA's governing council. By law public land may only be leased, and the JNF's statutes prohibit land sale or lease to non-Jews. In January 2005 the Attorney General ruled the Government cannot discriminate against Israeli Arabs in marketing and allocation of lands it manages, including lands the ILA manages for the JNF. The Attorney General also decided that the Government should compensate the JNF with land equal in size to any plots of JNF land won by non-Jewish citizens in government tenders.

In March 2004 the Knesset rejected two bills that would have allowed for civil marriage. In July 2004 the chairman of a Knesset committee established to formulate a civil marriage option announced that the committee would not complete its work or issue recommendations due to what was characterized as political interference with the committee's work. In April 2005 the High Court instructed the Government to inform the court within three months of the Government's position on whether to recognize so-called "consular marriages," those conducted by officials of foreign embassies in

the country; at the end of the reporting period, the Government continued to review its policy. Government recognition of consular marriages would enable couples with no religious affiliation, or those of a religion not recognized by the Government, to wed in such civil ceremonies. Consular weddings have not been performed since 1995, when the Foreign Ministry issued a memorandum to foreign embassies instructing them to cease performing consular marriages.

The state does not recognize conversions to Judaism performed in the country by non-Orthodox rabbis. In 2005 the High Court ruled that, for the purpose of conferring citizenship rights, the Government must recognize those non-Orthodox conversions of non-citizen legal residents that were begun in the country but formalized abroad by acknowledged Jewish religious authorities, even if not of the Orthodox strain. In a separate 2004 ruling, the court determined that non-Jews who move to the country and then convert in the country through an Orthodox conversion were eligible to become immigrants and citizens pursuant to the Law of Return. Previously, non-Jews were entitled to immigrate to the country and obtain full citizenship only if these conversions were conducted entirely abroad and under Orthodox standards. The High Court did not, however, rule on whether the Government must recognize non-Orthodox conversions formalized in the country.

In May 2006 the Chief Rabbinate announced that it had decided two years earlier not to recognize automatically conversions performed by Orthodox rabbis abroad, citing the need for consistency of standards in the conversion process. At the end of the reporting period, negotiations continued between the Chief Rabbinate and the Rabbinical Council of America over the identification of Orthodox tribunals abroad whose conversion rulings would be recognized by Israel's Chief Rabbinate.

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, thousands of women, so-called *agunot*--literally "chained women"--are unable to remarry or have legitimate children because their husbands have either disappeared or refused to grant divorces. Rabbinical tribunals have 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 cannot grant a divorce without the husband's consent. In 2004 a rabbinical court decided for the first time to jail a woman who refused to accept a divorce from her husband. Rabbinical courts also could exercise jurisdiction over, and issue sanctions against, non-Israeli Jews present in the country. On November 3, 2006, the country's Chief Sephardi Rabbi ordered the cancellation without explanation of an international conference on the *agunot* scheduled for the following week in Jerusalem.

Some Islamic law courts have held that Muslim women could not request a divorce but could be forced to consent if a divorce was granted to the husband. One Arab Muslim woman who won a divorce from her abusive husband in a Muslim court subsequently filed a civil suit against the husband with the Magistrates Court in the north. The court set a precedent in 2005 by awarding the woman approximately \$10,000 (42,500 NIS) in compensation for damage to her status and chances of re-marrying. Divorced Arab women were stigmatized in their communities and experienced difficulties remarrying.

Members of unrecognized religious groups, particularly evangelical Christians, sometimes faced problems in obtaining marriage certifications or burial services that were similar to the problems faced by Jews who were not considered Jewish by the Orthodox establishment. Informal arrangements with other recognized religious groups provided relief in some cases.

Most Orthodox Jews believed that mixed gender prayer services violate the precepts of Judaism. As a result, such services were prohibited at the Western Wall, the holiest site in Judaism, and men and women must use separate areas to visit the Western Wall. Women also were not allowed to conduct any prayers at the Western Wall wearing prayer shawls, which were typically worn by men, and cannot read from Torah scrolls. In 2003 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, part of an archeological site. The court ordered the Government to prepare an area at Robinson's Arch where women could read aloud from the Torah and conduct group prayers, and the Government inaugurated a plaza in this area for women's services in August 2004.

Another religious group, the Masorti movement (which represents the Conservative stream in U.S. Judaism) regularly held prayer services at Robinson's Arch according to its own customs, which include men and women praying together, women reading from the Torah, and women wearing a tallit or tefillin. However, they could pray only between seven and eight in the morning without paying. If the members of the Masorti movement wanted to pray after this time, they had to pay the approximately \$6 fee (25 NIS) charged to visit the archeological site. In April 2006 the Masorti movement petitioned the High Court regarding the fee. On February 12, 2007, the Masorti movement withdrew its petition after reaching an agreement with the Government that extended the hours allotted for free access to the Robinson Arch for the purpose of prayer.

The Los Angeles-based Simon Wiesenthal Center began construction in 2004 of a \$150 million Center for Human Dignity and Museum of Tolerance in Jerusalem. The Wiesenthal Center began building on the site of a municipal parking lot, which local officials had built in the 1960s over part of a centuries-old Muslim cemetery. Supporters of the

Wiesenthal Center cited an 1894 ruling by the Shari'a court at the time, which stated that because the cemetery was abandoned, it was no longer sacred. During the reporting period, builders unearthed hundreds of skeletons and skeletal remains. After several Muslim organizations petitioned the High Court to stop construction, the court ordered the sides to arbitration and issued an injunction stopping construction work. The arbitration failed, and in January 2007 the High Court ordered the Wiesenthal Center and the Jerusalem Municipality to explain why they should be allowed to construct a museum on the site of an ancient Muslim cemetery. The case was ongoing at the end of the reporting period.

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

#### Forced Religious Conversion

There were no reports of forced religious conversion, including of U.S. citizen minors 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.

A 1977 anti-proselytizing law prohibits any person from offering or receiving material benefits as an inducement to conversion.

#### Persecution by Terrorist Organizations

During the reporting period, terrorist organizations, including Hamas, Palestinian Islamic Jihad, and Al Aqsa Martyrs Brigades, carried out several attacks against Jewish Israelis. Terrorists sometimes accompanied the attacks with anti-Semitic rhetoric.

#### Improvements and Positive Developments in Respect for Religious Freedom

In December 2006 the National Police promoted Jamal Hakrush, a Muslim, to the position of Assistant Commander, the highest rank ever attained by an Israeli-Arab Muslim. In January 2007 Ghaleb Majadle, a Muslim member of the Labor Party, became the first-ever Muslim cabinet minister during a reshuffling of cabinet posts. In addition, for the first time since the establishment of the state, the appointment of an Arab Christian as a permanent justice of the High Court occurred in 2004.

According to government data, the number of non-Jewish directors on the boards of state-owned companies increased from 5.5 percent in 2002 to 10 percent in 2006. As of November 2006, according to the Government, Arabs comprised 54 of the approximately 550 board seats of 105 state-run companies.

In June 2006 the 35th World Zionist Congress passed a resolution obligating the Jewish Agency to include Israeli-Arab communities in its development plans for the country. The agency has never been active before in the Arab and Druze communities. The resolution's proponents succeeded through a rare collaborative effort between Reform and Orthodox groups, who combined to overcome the opposition of delegates from some political parties, including Kadima, Herut, and Yisrael Beiteinu. During the summer 2006 conflict with Hizballah, the Jewish Agency provided relief to Muslim and Christian children in the Galilee -- where most of Hizballah's rockets landed -- by sending them to summer camps outside of the conflict zone. In the aftermath of the conflict, the Jewish Agency collaborated with other donors to rehabilitate Israeli-Arab communities in the north.

#### Section III. Societal Abuses and Discrimination

There were reports of societal abuses or discrimination based on religious belief or practice. Relations among religious and ethnic groups--between Jews and non-Jews, Muslims and Christians, Arabs and non-Arabs, secular and religious Jews, and among the different streams of Judaism--often were strained. Tensions between Jews and non-Jews were the result of historical grievances as well as cultural and religious differences, and they were compounded by governmental and societal discrimination against Israeli-Arabs, both Muslim and Christian. These tensions were heightened by the summer 2006 conflict with Hizballah and the ongoing Palestinian-Israeli conflict, which included terrorist attacks targeting Jewish civilians, IDF operations in the Occupied Territories, incidents of Jewish militants targeting Israeli-Arabs, and incidents of Israeli-Arab involvement in terrorist activity.

Numerous NGOs in the country were dedicated to promoting Jewish-Arab coexistence and interfaith understanding. Their programs included events to increase productive contact between religious groups and to promote Jewish-Arab dialogue and cooperation. These groups and their events have had varying degrees of success. Interfaith dialogue often was linked to the peace process between Israelis and Palestinians and between the country and its Arab neighbors. A variety of NGOs existed that sought to build understanding and create dialogue between religious groups and between religious and secular Jewish communities. Several examples were the Geshar Foundation (Hebrew for "bridge"); Meitarim, which operates a pluralistic Jewish-oriented school system; and the Interreligious Coordinating Council, which promoted interfaith dialogue among Jewish, Muslim, and Christian institutions.

Animosity between secular and religious Jews continued during the period covered by this report. Non-Orthodox Jews have complained of discrimination and intolerance by members of ultra-Orthodox Jewish groups. Persons who consider themselves Jewish but who are not considered Jewish under Orthodox law particularly complained of discrimination. As in past years, ultra-Orthodox Jews in Jerusalem and other ultra-Orthodox enclaves threw rocks at passing motorists driving on the Sabbath and periodically harassed or assaulted women whose appearance they considered immodest.

Throughout society, attitudes toward missionary activities and conversion generally were negative. Many Jews were opposed to missionary activity directed at Jews, and some were hostile toward Jewish converts to Christianity. The Messianic Jewish and Jehovah's Witnesses communities accused Yad L'achim, a Jewish religious organization opposed to missionary activity, of harassing and occasionally assaulting its members. In October 2006 the Chief Rabbi of Rehovot's Ethiopian community warned that if a Christian group in the Tel Aviv suburb did not cease its activities, community members would bomb its headquarters. The Rabbi accused the mission of tricking and bribing Ethiopian Jews into conversion. Rehovot's Chief Rabbi joined the Ethiopian Rabbi's demand that the municipality evict the group. Christian and Muslim Israeli-Arab religious leaders complained that missionary activity that leads to conversions frequently disrupts family coherence in their communities.

In May 2006 vandals spray painted approximately 20 swastikas on the ark, Torah scroll, and walls of the great synagogue in the city of Petah Tikva. On January 29, 2007, police arrested six juveniles from the town of Bat Yam and charged them with the Petah Tikva crime and other acts of anti-Semitic vandalism. According to press reports, the youths--new immigrants from the former Soviet Union--admitted to belonging to a neighborhood-based satanic cult. On December 1, 2006, vandals destroyed property and painted swastikas on an ultra-Orthodox Jewish school in Acre.

An observer reported that a group of approximately 200 ultra-Orthodox Jews violently disrupted the religious service of a Messianic congregation in Be'er Sheva on December 24, 2005. According to the account, the group pushed and slapped the congregation's pastor and damaged property. Police dispersed the mob. On December 26, 2005, the observer filed a report with the Be'er Sheva police. Members of the congregation subsequently filed charges against the assailants. The Be'er Sheva District Court scheduled the case for trial on October 8, 2007.

Members of the Messianic Jewish community in Arad reported suffering verbal harassment and physical violence at the hands of ultra-Orthodox Jews. In July 2005 the Messianic congregation in Arad published a letter in Iton HaTzvi that reported harassment by members of an ultra-Orthodox community. In September 2005 the High Court heard a petition by ultra-Orthodox Jews seeking the right to demonstrate at the house of a family of Messianic Jews and reversal of a police decision prohibiting such a demonstration. At end of the reporting period there was no further information on a court ruling. According to Messianic Jews resident in Arad, since 2004 the Gur Hassidim have demonstrated regularly in front of the homes of Christians and Messianic Jews in Arad to protest alleged Christian proselytizing by this group. In interviews with Ha'aretz newspaper on November 14, 2006, the mayor and several officials of Arad objected to Messianic Jews in their city but acknowledged having no legal basis to expel them.

In August 2005 police arrested Shimon Ben Haim and Victoria Shteinman for desecrating a Muslim holy site by throwing a pig's head, wrapped in a Keffiyeh with "Mohammed" written on it, into the courtyard of a mosque near Tel Aviv. Ben Haim and Shteinman were subsequently convicted of insulting a religion. On December 6, 2006, Ben Haim was sentenced to nine months' imprisonment and Shteinman was sentenced to two months' community service.

In May 2006 Israeli youths celebrating the holiday of Lag Ba'Omer, a day traditionally marked by the lighting of bonfires, allegedly attempted to set fire to an abandoned mosque in the northern city of Acre. The individuals claimed they were simply preparing to light a bonfire, but police found indications of attempted arson. The case was closed at the end of 2006 with none of the individuals publicly identified.

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

The U.S. Government discusses religious freedom problems with the Government as part of its overall policy to promote human rights. The U.S. Embassy consistently raised problems of religious freedom with the Foreign Ministry, the police, the Prime Minister's office, and other government agencies.

Embassy officials maintain a dialogue with NGOs that follow human and civil rights problems, including religious freedom, and promote interfaith initiatives. Embassy representatives also attended and spoke at meetings of such organizations, including the Arab Association for Human Rights, the Mossawa Advocacy Center for Arab Citizens in Israel, the Association for Civil Rights in Israel, the Israel Religious Action Center, and Adalah.

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

The Palestinian Authority (PA) does not have a constitution; however, the Palestinian Basic Law provides for freedom of religion, and the PA generally respected this right in practice. The Basic Law states that Islam is the official religion but also calls for respect and sanctity for other "heavenly" religions and that the principles of Shari'a (Islamic law) shall

be the main source of legislation.

There was little change in the status of the PA's respect for religious freedom during the reporting period. On June 17, 2007, PA President Mahmoud Abbas swore in a new PA Government led by Prime Minister Salam Fayyad. President Abbas took steps to eliminate religious incitement, although some incidents of incitement still occurred. There were unconfirmed reports of Christians being targeted for extortion or abuse during the period covered by this report, and the PA did not take action to investigate these injustices allegedly perpetrated by PA officials.

Israel exercises varying degrees of legal, military, and economic control in the Occupied Territories. Israel has no constitution; however, the Basic Law on Human Dignity and Liberty provides for freedom of worship. The Israeli Government generally respects this right in practice in the Occupied Territories. However, Israel's strict closure policies frequently restricted the ability of Palestinians to reach places of worship and to practice their religions.

The construction of a separation barrier by the Government of Israel, particularly in and around East Jerusalem, severely limited access to mosques, churches, and other holy sites, and seriously impeded the work of religious organizations that provide education, healthcare, and other humanitarian relief and social services to Palestinians. Such impediments were not exclusive to religious believers or to religious organizations, and at times the Israeli Government made efforts to lessen the impact on religious communities. The Israeli Government confiscated land belonging to several religious institutions to build its separation barrier. Most Palestinians and religious institutions refuse compensation due to the widespread perception that accepting compensation legalizes the confiscation of land and building of the barrier. According to the Israeli Government, it sought to build the barrier on public lands where possible, and when private land was used, provided opportunities for compensation. In principle, compensation is offered automatically with every confiscation order; however, owners need to go through an appeals process. The value of the compensation is not automatic and is subject to appraisal and verification.

Christians and Muslims generally enjoyed good relations, although tensions existed. Existing societal tensions between Jews and non-Jews remained high during the reporting period, and continuing violence heightened those tensions. The violence that occurred after the outbreak of the second Intifada (or uprising) in October 2000 significantly impacted religious practice in many areas of the Occupied Territories. This violence included severe damage to places of worship and religious shrines in the Occupied Territories.

The U.S. Government had no contact with the previous PA governments led by Hamas and was unable to discuss religious freedom problems with the PA as part of its overall policy to promote human rights. The U.S. Government did have contact with President Abbas.

## Section I. Religious Demography

The Gaza Strip has an area of 143 square miles and a population of 1.3 million. The West Bank (excluding East Jerusalem) has an area of 2,238 square miles, and its population is 2.4 million persons, not including approximately 250,000 Israelis. East Jerusalem has an area of 27 square miles, and its population is 415,000, including approximately 180,000 Israelis.

Approximately 98 percent of Palestinian residents of the Occupied Territories are Sunni Muslims. The total number of Christians is 200,000. Other estimates placed the Christian community between 40,000 and 90,000 persons. A majority of Christians are Greek Orthodox; the remainder consists of Roman Catholics, Greek Catholics, Protestants, Syrian Orthodox, Armenian Orthodox, Copts, Maronites, and Ethiopian Orthodox denominations. Christians are concentrated primarily in the areas of Jerusalem, Ramallah, and Bethlehem, but smaller communities exist elsewhere, including in Gaza. According to municipal officials in Bethlehem, since 2002 approximately 2,800 Christians from the Bethlehem area have left the West Bank for other countries. According to Christian leaders, most left for economic and security reasons. Low birth rates among Palestinian Christians and the impact of the separation barrier 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.

Adherents of several denominations of evangelical Christians, as well as members of the Jehovah's Witnesses, reside in the West Bank. Foreign missionaries operate in the Occupied Territories, including a small number of evangelical Christian pastors who reportedly sought to convert Muslims to Christianity. While they maintained a generally low profile, the PA was aware of their activities and generally did not restrict them.

## Section II. Status of Religious Freedom

### Legal/Policy Framework

The PA does not have a constitution; however, the Basic Law provides for religious freedom, and the PA generally respected this right in practice. The PA sought to protect religious freedom in full and did not tolerate its abuse by either governmental or private actors. In previous years, there were credible reports that PA security forces and judicial officials colluded with criminal elements to extort property illegally from Christian landowners in the Bethlehem

area. Christian landowners in Bethlehem continued to claim that their property was being taken from them illegally.

The Basic Law states that "Islam is the official religion in Palestine," and that "respect and sanctity of all other heavenly religious groups [i.e., Judaism and Christianity] shall be maintained." In 2002 the Basic Law was approved by the Palestinian Legislative Council (PLC) and signed by then-President Yasir Arafat. The Basic Law states that the principles of Shari'a are "the main source of legislation."

Churches in Jerusalem, the West Bank, and Gaza operate under one of three general categories: Churches recognized by the status quo agreements reached under Ottoman rule in the late 19th century; Protestant, including evangelical, churches established between the late 19th century and 1967, which, although they exist and operate, are not recognized officially by the PA; and a small number of churches that have become active within the last decade and whose legal status is less certain.

The first group of churches is governed by 19th century status quo agreements reached with Ottoman authorities, which the PA respects, and that 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 this list. The PA, immediately upon its establishment, recognized these churches and their rights. Like Shari'a courts under Islam, these religious groups are permitted to have ecclesiastical courts whose rulings are considered legally binding on personal status and some property matters. Civil courts do not adjudicate such matters.

Churches in the second category, which includes the Assembly of God, Nazarene Church, and some Baptist churches, have 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 to their efforts to obtain recognition, both from Muslims, who oppose their proselytizing, and from Christians, who fear the new arrivals may disrupt the status quo. However, these churches generally operate unhindered by the PA.

The PA requires Palestinians to declare their religious affiliation on identification papers and strongly enforces this requirement. Either Islamic or Christian ecclesiastical courts must handle all legal matters relating to personal status, if such courts exist for the individual's denomination. In general all matters related to personal status (i.e., inheritance, marriage, and divorce) are handled by such courts, which exist for Muslim and Christians.

All legally recognized individual sects are empowered to adjudicate personal status matters, and in practice most did so. The PA does not have a civil marriage law. Legally, members of one religious group mutually may agree to submit a personal status dispute to a different denomination to adjudicate, but in practice this did not occur. Churches that are not officially recognized by the PA must obtain special permission to perform marriages or adjudicate personal status matters; however, in practice nonrecognized churches advised their members to marry (or divorce) abroad.

Since Islam is the official religion of the PA, Islamic institutions and places of worship receive preferential treatment. In the West Bank and Gaza, the PA has a Ministry of Awqaf and Religious Affairs, which pays for the construction and maintenance of mosques and the salaries of many Palestinian imams. The Ministry also provides limited financial support to some Christian clergymen and Christian charitable organizations. The PA does not provide financial support to any Jewish institutions or holy sites in the West Bank; these areas are generally under Israeli control. The Government of Jordan maintains responsibility for Waqf institutions in Jerusalem.

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. The PA Ministry of Education and Higher Education (MOEHE) revised its primary and secondary school textbooks. A U.S. Government funded review of Palestinian textbooks concluded that the textbooks did not cross the line into incitement but continued to show elements of imbalance, bias, and inaccuracy.

Critics noted the new textbooks often ignored historical Jewish connections to Israel and Jerusalem.

PA President Abbas had informal advisors on Christian affairs. Six seats in the 132-member PLC are reserved for Christians; there are no seats reserved for members of any other faith. The following holy days are considered national holidays: Eid al-Fitr, Eid al-Adha, Zikra al-Hijra al-Nabawiya, Christmas, and the Birth of the Prophet Muhammad. Christians take Easter as a fully paid religious holiday.

Israel exercises varying degrees of legal control in the Occupied Territories. The international community considers Israel's authority in the Occupied Territories to be subject to the 1907 Hague Convention and the 1949 Geneva Convention relating to the Protection of Civilians in Time of War. The Israeli Government considers only the 1907 Hague Convention applicable but maintains that it largely observes the Geneva Convention's humanitarian provisions.

The Israeli Government applies Israeli law to East Jerusalem, which it annexed after 1967; however, the U.S. Government considers Jerusalem a permanent status issue to be resolved in negotiations between Israel and the Palestinians.

#### Restrictions on Religious Freedom

PA government policy contributed to the generally free practice of religion, although problems persisted. The Haram al-Sharif (Noble Sanctuary) contains the Dome of the Rock and the al-Aqsa Mosque, among the holiest sites in Islam. Jews refer to the same place as the Temple Mount and consider it the location of the ancient Jewish temple. The location has been, as with all of East Jerusalem, under Israeli control since 1967, when Israel captured the city (East Jerusalem was formally annexed in 1980, and thus Israel applies its laws to East Jerusalem). The Haram al-Sharif is administered, however, by the Islamic Waqf, a Jordanian-funded and administered Muslim religious trust for East Jerusalem with ties to the PA. The Israeli police have exclusive control of the Mughrabi Gate entrance to the compound and limit access to the compound from all entrances. The Waqf can object to entrance of particular persons, such as non-Muslim religious radicals, or to prohibited activities, such as prayer by non-Muslims or disrespectful clothing or behavior, but lacks effective authority to remove anyone from the site. In practice Waqf officials claimed that police often allowed religious radicals (such as Jews seeking to remove the mosques and to rebuild the ancient temple on the site) and immodestly dressed persons to enter and often were not responsive to enforcing the site's rules. During Passover in 2007, Israeli police escorted more than 100 activists affiliated with the right-wing group "The Temple Mount Faithful" to enter the compound on two consecutive days, the second day while carrying a model of the Second Temple.

Non-Muslims may visit the Haram al-Sharif/Temple Mount, with advance coordination with Waqf officials. The Israeli Government, as a matter of stated policy, has opposed worship at the Haram al-Sharif/Temple Mount by non-Muslims since 1967. Israeli police generally did not permit public prayer by non-Muslims and publicly indicated that this policy has not changed in light of the renewed visits of non-Muslims to the compound. However, Waqf officials contended that Israeli police, in contravention of their stated policy and the religious status quo, have allowed members of radical Jewish groups to enter and to worship at the site, including during Passover 2007. Representatives for these Jewish groups claimed successful attempts to pray inside the compound in interviews with the Israeli media. The Waqf interpreted police actions as part of an Israeli policy to incrementally reduce Waqf authority over the site and to give non-Muslims rights of worship in parts of the compound.

There were several violent clashes during the reporting period between Israeli police and Muslim worshippers on the Haram al-Sharif, which Waqf officials alleged were due to the large police contingent kept on the site. At times Muslim worshippers threw stones at police, and police fired tear gas and stun grenades at worshippers. Muslim worshippers also held demonstrations at the site to protest reported right-wing Israeli nationalist plans to damage the mosques or create a Jewish worship area at the site. Israeli security officials and police were generally proactive and effective in dealing with such threats.

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. These restrictions largely continued during the reporting period and resulted in significantly impeded freedom of access to places of worship in the West Bank for Muslims and Christians.

The Israeli Government prevented most Palestinians from the West Bank and Gaza from reaching the Haram al-Sharif by prohibiting their entry into Jerusalem. Restrictions were often placed on entry into the Haram al-Sharif for Palestinian residents of Jerusalem, especially males under the age of 45. During the clashes surrounding the excavations at the Mughrabi Gate ramp in 2007, males under the age of 50 were prohibited entry to the Haram al-Sharif.

There were also disputes between the Muslim administrators of the Haram al-Sharif/Temple Mount and Israeli authorities regarding Israeli restrictions on Waqf attempts to carry out repairs and physical improvements on the compound and its mosques. Israeli authorities prevented the Waqf from conducting several improvement projects and removing debris from previous restorations to the site, alleging that the Waqf was attempting to alter the nature of the site or to discard antiquities of Jewish origin. Israeli authorities began excavations near the Mughrabi gate, preparing to build a permanent ramp onto the Haram al-Sharif/Temple Mount. Waqf officials were not allowed access to the excavations in early 2007 and claimed they were not consulted in any part of the planning process for either the excavations or the ramp that will be constructed to replace the existing ramp. At the end of this reporting period, the excavations were suspended.

Personal status law for Palestinians is based on religious law. For Muslim Palestinians, personal status law is derived from Shari'a, while various ecclesiastical courts rule on personal status matters for Christians. A 1995 PA presidential decree stipulated that all laws in effect before the advent of the PA would continue in force until the PA enacted new laws or amended the old ones. Therefore, in the West Bank, which was formerly under Jordanian rule, the Shari'a-based Jordanian Status Law of 1976 governs women's status (among other matters). Under that law, which includes inheritance and marriage laws, women inherit less than male members of the family. The marriage law allows men to take more than one wife, although few did so. Prior to marriage, a woman and man may stipulate terms in the marriage contract that govern financial and child custody matters in the event of divorce. Reportedly, few women used

this section of the law.

Women generally are discouraged from including divorce arrangements in a marriage contract as a result of social pressure. The PA personal status law states that child custody for children below the age of 18 is given to the mother. Child support and "divorce benefits" are also guaranteed by law. It is also customary that a sizable sum of a deferred dowry is documented in the marriage contract. Personal status law in Gaza is Shari'a-based as interpreted in Egypt; however, similar versions of the attendant restrictions on women described above apply there as well.

The Israeli Government, citing security concerns, has continued since 2002 to construct a barrier to separate most of the West Bank from Israel, East Jerusalem, and Israeli settlement blocks. Construction of the barrier has involved confiscation of property owned by Palestinians, displacement of Christian and Muslim residents, and tightening of restrictions on movement for non-Jewish communities. There were several reports of land being taken along the barrier's route without compensation under the Absentee Property Statute or military orders. The Israeli Government asserted that it has mechanisms to compensate landowners for all takings, but specific cases document the exceptional difficulty Palestinians had in proving their land ownership to the standards demanded by Israeli courts.

Construction of the separation barrier continued in and around East Jerusalem during the reporting period, seriously restricting access by West Bank Muslims and Christians to holy sites in Jerusalem and in the West Bank. The barrier also negatively affected access to schools, healthcare providers, and other humanitarian services provided by religious institutions, although in some cases the Government made efforts to lessen the impact on religious institutions.

The separation barrier made it particularly difficult for Bethlehem-area Christians to reach the Church of the Holy Sepulchre in Jerusalem, and it made visits to Christian sites in Bethany and in Bethlehem difficult for Palestinian Christians who live on the other side of the barrier, further fragmenting and dividing this small minority community. Foreign pilgrims sometimes experienced difficulty in obtaining access to Christian holy sites in the West Bank because of the barrier and Israeli restrictions on movement in the West Bank. The barrier and checkpoints also impeded the movement of clergy between Jerusalem and West Bank churches and monasteries, as well as the movement of congregations between their homes and places of worship. On November 15, 2005, Israel opened a new crossing terminal from Jerusalem into Bethlehem for both tourists and nontourists. After initial complaints of long lines, the Israeli Government instituted new screening procedures and agreed to ease access into Bethlehem during the Christmas holiday season, with restrictions eased from December 24 to January 19. For example, the PA reported 30,000 visitors to the Church of the Nativity for various Christmas celebrations on December 24-25, 2005, the largest turnout since 2000. Bethlehem business owners estimated tourist numbers near 12,000 for 2006.

The Government of Israel has constructed a barrier around Rachel's Tomb, a shrine holy to Jews, Christians, and Muslims. While Jewish visitors had regular unimpeded access, Palestinian access to Rachel's Tomb remained severely limited.

The barrier in Bethany blocks the annual Orthodox Palm Sunday procession from Lazarus' Tomb in Bethany to the Old City of Jerusalem, but Israel constructed a crossing terminal to allow foreign pilgrims and Christians living on the West Bank side of the barrier to participate in the procession. The terminal allows restricted access through the barrier.

Israeli closure policies 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. The Israeli Government's closure policy prevented several Palestinian religious leaders, both Muslim and Christian, from reaching their congregations. Muslim and Christian clergy reported problems accessing religious sites in Jerusalem and Bethlehem. While the Israeli Government makes special arrangements on religious holidays for both Christians and Muslims, the main complaint remained inadequate free access arrangements in terms of number of permits issued and lack of smooth access.

During the reporting period, Palestinian violence against Israeli settlers prevented some Israelis from reaching Jewish holy sites in the Occupied Territories, such as Joseph's Tomb near Nablus. Since early 2001, following the outbreak of the Intifada, the Israeli Government has prohibited Israeli citizens in unofficial capacities from traveling to the parts of the West Bank under the civil and security control of the PA. This restriction prevented Israeli Arabs from visiting Muslim and Christian holy sites in the West Bank, and it prevented Jewish Israelis from visiting other sites, including an ancient synagogue in Jericho. Visits to the Jericho synagogue have been severely curtailed as a result of disagreements between Israel and the PA over security arrangements.

Settler violence against Palestinians prevented some Palestinians from reaching holy sites in the Occupied Territories. Settlers in Hebron have in previous reporting periods forcibly prevented Muslim muezzins from reaching the al-Ibrahimi Mosque/Tomb of the Patriarchs to sound the call to prayer and have harassed Muslim worshippers in Hebron. Settler harassment of Palestinians in Hebron was a regular occurrence in this reporting period. The Israeli Government did not effectively respond to settler-initiated blocking of Muslim religious sites.

While there were no specific restrictions placed on Palestinians making the Hajj, all Palestinians faced restrictions,

such as closures and long waits at Israeli border crossings, which often impeded travel for religious purposes. Palestinians generally were not allowed to use Ben-Gurion Airport. If residents of the Occupied Territories obtained a Saudi Hajj visa, they had to travel by ground to Amman (for West Bankers) or Egypt (for Gazans) and then to Saudi Arabia.

#### Abuses of Religious Freedom

The Israeli Government gives preferential treatment to Jewish residents of the Occupied Territories, including East Jerusalem, when granting permits for home building and civic services. For example, East Jerusalem's 270,000 Palestinian residents, who represent 33 percent of the municipality's population and pay 30 percent of the taxes, receive only 10 percent of the municipal budget. Palestinians do not recognize Israeli control of East Jerusalem and thus generally choose not to vote in municipal elections and are therefore not represented in the municipal council. Many of the national and municipal policies 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 while simultaneously permitting Jewish settlement in predominantly Palestinian areas in East Jerusalem.

Throughout the reporting period, Israeli authorities required that Christian clergy serving in the West Bank or Jerusalem, except some of those covered by the status quo agreement or who are affiliated with recognized nongovernmental organization (NGOs), leave the country every 90 days to renew their tourist visas, disrupting their work and causing financial difficulties to their sponsoring religious organizations. Catholic and Orthodox priests, nuns, and other religious workers, often from Syria and Lebanon, faced long delays and sometimes were denied applications. The Israeli Government indicated that delays or denials were due to security processing for visas and extensions. The shortage of foreign clergy impeded the functioning of Christian congregations.

During Jewish holidays the Israeli Defense Force (IDF) closes to Muslims the Ibrahimi Mosque/Tomb of the Patriarchs in Hebron, the second most important mosque for Muslims in the Occupied Territories after Al Aqsa Mosque/Temple Mount. The IDF reopens the al-Ibrahimi Mosque/Tomb of the Patriarchs in Hebron to Muslim worship for times other than during Jewish holidays. During the reporting period, Israeli officers at times prevented the muezzin at the al-Ibrahimi Mosque/Tomb of the Patriarchs in Hebron from sounding the call to prayer when Jews were praying in their portion of the shrine.

In previous reporting periods, the PA failed to halt several cases of seizures of Christian-owned land in the Bethlehem area by criminal gangs. In many cases criminal gangs reportedly used forged land documents to assert ownership of lands belonging to Christians. Police failed to investigate most of these cases. In two cases police arrested and then released the suspects on bail and allowed them to continue occupying the land in question. There were reports this reporting period that PA security forces and judicial officials colluded with members of these gangs to seize land from Christians. Local religious and political leaders confirmed that no such attempts to seize Muslim-owned land took place.

In September 2006 a Christian resident of Bethlehem claimed unknown assailants threw Molotov cocktails at his home and car. He believed this was in retaliation for his criticism of the stealing of Christian land in the city. He complained that PA officials were not doing anything to apprehend the perpetrators.

The Qalqilya branch of the YMCA closed following a firebombing of its office by local Muslims in April 2006. Local Muslim leaders wrote to the Hamas-led municipal council demanding that the branch office close. During the reporting period, the YMCA offices remained closed as a result of this incident. Various political factions in the city condemned the incident, but no action was taken to reveal and punish the perpetrators.

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.

#### Anti-Semitism

Palestinian media frequently published and broadcast material criticizing the Israeli occupation, including dismissing Jewish connections to Jerusalem. In September 2005 Sheikh Taysir al-Tamimi, the Chief Justice and President of the Higher Shari'a Council, called the Israeli Government's claim of a Jewish connection to the Haram al-Sharif/Temple Mount a "baseless lie" and a provocation to Muslims everywhere. Al-Tamimi also warned against the "Judaization" of Jerusalem. Rhetoric by Palestinian terrorist groups included expressions of anti-Semitism. Some Muslim religious leaders preached sermons on the official PA television station that included expressions of anti-Semitism. However, in October 2005, Israeli media quoted PLO Chief Negotiator Sa'eb Erekat's statement that the Iranian President's

declaration that Israel should be wiped off the map was "unacceptable."

Israeli activists reported numerous examples in which PA television shows invoked messages that activists considered anti-Semitic or that attempted to de-legitimize Jewish history in general. Also, the sermons of some Muslim imams occasionally included anti-Semitic messages, such as a May 13, 2005, sermon delivered by Sheikh Ibrahim Mudayris that ran on PA television, in which he compared Jews (in the context of land conflicts) to "a virus, like AIDS." In May 2005 media quoted PA Minister of Information Nabil Sh'ath as calling for Mudayris' suspension from the PA religious affairs ministry and Muslim Waqf, which employed Mudayris, and banned him from delivering Friday sermons. At the end of the reporting period, Mudayris was no longer delivering Friday sermons.

#### Persecution by Terrorist Organizations

Terrorists did not systematically attack anyone in the Occupied Territories for religious reasons, although criminal activity that might be linked to terrorism affected some Christians in the Gaza Strip. In June 2007 unknown marauders ransacked a Christian book in Gaza during the general disorder following the Hamas take-over of Gaza. Official PA authorities in the Hamas-controlled government often failed to effectively investigate or prosecute religiously driven crimes committed by Muslim extremist vigilante groups in Gaza.

#### Improvements and Positive Developments in Respect for Religious Freedom

The PA does not officially sponsor interfaith dialogue; however, it sends representatives to meetings on improving interreligious relations and attempts to foster goodwill among religious leaders.

#### Section III. Societal Abuses and Discrimination

There were reports of societal abuses or discrimination based on religious belief or practice, primarily between Christians and Muslims. 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 different branches of Judaism were also strained. Some non-Orthodox Jews in Jerusalem have complained of discrimination and intolerance on the part of some Orthodox 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. Muslim-Christian tension was minimal during this reporting period, and the few instances of Muslim-Christian violence usually appeared related to social or interfamily conflicts rather than religious disputes. Both Muslim and Christian Palestinians accused Israeli officials of attempting to foster animosity among Palestinians by exaggerating reports of Muslim-Christian tensions.

The PA has not taken sufficient action to remedy past harassment and intimidation of Christian residents of Bethlehem by the city's Muslim majority. The PA judiciary failed to adjudicate numerous cases of seizures of Christian-owned land in the Bethlehem area by criminal gangs. PA officials appear to have been complicit in property extortion of Palestinian Christian residents, as there were reports of PA security forces and judicial officials colluding with gang members in property extortion schemes. Several attacks against Christians in Bethlehem went unaddressed by the PA, but authorities investigated attacks against Muslims in the same area.

On September 16 and 17, 2006, seven churches in the West Bank and Gaza were attacked in protest against remarks Pope Benedict XVI made about Islam and the Prophet Mohammad. Palestinian leaders across the political spectrum condemned the attacks against churches, calling for unity among all Palestinians--Christian and Muslim.

There were numerous attacks in the Gaza Strip by extremist groups who went by variations of the name "Swords of Right, Swords of Justice, and Swords of Islam." PA police blamed Swords of Right for April 2007 attacks on five internet cafes, two music shops, a Christian bookstore, and the Gaza City American International School. Gunmen reportedly associated with a Salafist Muslim group attacked a Gazan elementary school sports festival sponsored by the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), citing the school's mixed-gender activities as contrary to Islamic teachings.

Israeli settler radio stations often depicted Arabs as subhuman and called for Palestinians to be expelled from the West Bank. Right-wing, pro-settler organizations such as Women in Green, and various Hebron-area publications, have published several cartoons that demonize Palestinians. Jewish settlers, acting either alone or in groups, engaged in assaulting Palestinians and destroying Palestinian property. Most instances of violence or property destruction reportedly committed against Palestinians did not result in arrests or convictions.

Interfaith romance was a sensitive issue. Most Christian and Muslim families in the Occupied Territories encouraged their children--especially their daughters--to marry within their respective religious groups. Couples who challenged this societal norm encountered considerable societal and familial opposition.

In March 2005 a dispute over the sale of property in Jerusalem's Old City owned by the Greek Orthodox Church to investors led a Holy Synod meeting in Istanbul to depose the Greek Patriarch of Jerusalem, Irineos I, in May 2005. Irineos I claimed that proceedings against him were illegal and refused to resign. While Greece, Jordan, and the Palestinian Authority recognized the ousting of Irineos and the appointment of Theophilus III as his successor, the Government of Israel did not. In November 2005 Theophilus appealed this issue to the Israeli High Court, and at the same time a ministerial committee was established to deal with the situation. At the end of the reporting period, the committee had not resolved the issue, and the Government of Israel continued to recognize the deposed Patriarch. The High Court was scheduled to hear the case in November 2007.

In general, established Christian groups did not welcome less-established churches. A small number of proselytizing groups, including Jehovah's Witnesses and some evangelical Christians, encountered opposition to their efforts to obtain recognition, both from Muslims, who opposed their proselytizing, and from Christians, who feared the new arrivals might disrupt the status quo.

Settlers from the Hebron area and the southern West Bank severely beat and threatened several international activists, including individuals from the Christian Peacemaker Teams that escort Palestinian children to school and protect Palestinian families from settler abuse. While the motives of the attackers were not clear, the activists believed that local Israeli police did not actively pursue the suspects and opposed the Christian Peacemaker Teams' presence in Palestinian villages.

There were instances of right-wing Israeli nationalists harassing Muslims. On several occasions, a group known as the Temple Mount Faithful attempted to force their way inside the wall enclosing 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, an act that Muslims considered provocative and offensive. Members of this organization were allowed access to the Haram al-Sharif/Temple Mount, including access to the Dome of the Rock, during Passover 2007.

The strong correlation between religion, ethnicity, and politics in the Occupied Territories at times imbues the Israeli-Palestinian conflict with a religious dimension.

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

Prior to the establishment of the Hamas-led PA Governments in January 2006, U.S. officials discussed religious freedom matters with the PA as part of its overall policy to promote human rights. In March 2007 the Hamas-led PA Government resigned and was replaced by a National Unity Government comprised of Hamas, Fatah, and independents. In June 2007, in the aftermath of the Hamas takeover of the Gaza Strip, President Abbas appointed Salam Fayyad as prime minister and Fayyad formed a new government. U.S. officials resumed contact with PA officials near the end of the reporting period. Contact has remained consistent with PA President Abbas and officials in the Office of the PA President and other officials in agencies directly under the authority of the PA President.

The U.S. Consulate regularly meets with religious representatives to ensure their legitimate grievances are reported and addressed. The Consulate maintains a high level of contact 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. U.S. officials had frequent contact with Islamic leaders throughout Jerusalem, the West Bank, and Gaza. The Consulate also maintained regular contact with leaders of the Christian, Baha'i, and Jewish communities in Jerusalem and the West Bank. During the reporting period, the Consul General and Consulate officers met with the Greek, Latin, and Armenian Patriarchs, leaders of the Syrian Orthodox, Russian Orthodox, Coptic, Anglican, and Lutheran churches, as well as members of the Church of Jesus Christ of Latter-day Saints (Mormons). U.S. officials also met with members of the Baha'i religious group and held frequent consultations with rabbis and other central figures from the Ultra-orthodox and other Jewish communities.

During the reporting period, the Consulate investigated a range of charges, including allegations of damage to places of worship, incitement, and allegations concerning access to holy sites. Consulate officers met with representatives of the Bethlehem Christian community and traveled to the area to investigate charges of mistreatment of Christians by the PA. The Consulate raised the issue of seizure of Christian-owned land in discussions with PA officials.

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