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2010 Report on International Religious Freedom - Israel and the Occupied Territories

[Covers the period from July 1, 2009, to June 30, 2010]

A report on the Occupied Territories (including areas subject to the jurisdiction of the Palestinian Authority) is appended at the end of this report.

The Israeli Basic Law on Human Dignity and Liberty (Basic Law) provides for freedom of religion, and the government generally respected this right in practice. While there is no constitution, government policy contributed to the generally free practice of religion, although governmental and legal discrimination against non-Jews and non-Orthodox streams of Judaism continued.

While the Basic Law 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; however, matters of personal status are governed in Israel by the religious law of the parties concerned, and "To the extent that such law is inconsistent with its obligations under the Covenant, Israel reserves the right to apply that law." The declaration describes the country as a Jewish state and promises full social and political equality, regardless of religious affiliation. The Basic Law describes the country as a "Jewish and democratic state." Government policy contributed to the generally free practice of religion.

There was no change in the status of respect for religious freedom by the government during the reporting period. Government allocations of state resources favored Orthodox (including Modern and National Religious streams of Orthodoxy) and ultra-Orthodox (sometimes referred to as "Haredi") Jewish religious groups and institutions, discriminating against non-Jews and non-Orthodox streams of Judaism.

Some individuals and groups committed discriminatory practices against Israeli-Arab Muslims, evangelical Christians, and Messianic Jews at the same elevated level cited in the previous report. 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 during the reporting period.

When engaging the government on the topic of religious freedom, embassy officials raised such issues as the possibility of expanding the list of officially recognized religious

groups, the necessity of investigating religiously motivated acts of violence against minority religious groups including Messianic Jews and Jehovah's Witnesses, and the need to clarify the practice of preventing entry into the country based on the Ministry of Interior's lists of suspected "missionaries."

Section I. Religious Demography

Based on its pre-1967 armistice lines, 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 the 2008 report of the Central Bureau of Statistics, 7 percent of the Jewish population is ultra-Orthodox; 10 percent is Orthodox; 39 percent describes themselves as "traditionally religious" or "traditionally non-religious;" and 44 percent describes themselves as "non-religious/secular" Jews, most of whom observed 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 associated 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; and other religious groups 0.5 percent, including relatively small communities of, among others, Jehovah's Witnesses and Baha'is.

Religious communities were often concentrated in geographical areas according to religious beliefs. According to a 2010 report issued by the Bank of Israel and the Social Security Institution, the country is undergoing a generational demographic shift from a secular society toward a more religious society due to widely divergent birth rates. This demographic shift was a source of growing tension in 2010 between secular and ultra-Orthodox communities, including an allocation of housing, debates over future preparedness of the army, and the increasing burden of transfer payments made to ultra-Orthodox families, who are entitled to receive special government subsidies for families with five or more children.

The government reported that during 2009, it issued nearly 90,000 permits for foreigners to work in the country, and estimated that another 118,000 illegal foreign workers resided in the country. Foreign workers were members of many different religious groups, including Protestant, Roman Catholic, Orthodox Christian, Buddhist, Hindu, and Islamic traditions.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The Israeli Basic Law on Human Dignity and Liberty provides for freedom of religion, and the government generally respected this right in practice. While there is no constitution, government policy contributed to the generally free practice of religion.

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 providing for religious freedom and 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.

At the founding of the country, the government inherited a pre-existing body of law from the British Mandate (1920 to 1948) and Ottoman (1517 to 1917) periods, which was only abrogated by the passing of specific legislation by the Knesset (parliament). The existence of Israel's Shari'a (Islamic Law) courts is therefore a continuation from the late Ottoman period, when its jurisdiction was already confined to issues of personal status, succession, and administration of waqf (religious endowments). The institution of the Chief Rabbinate as the supreme authority on halacha (Jewish law) and personal status issues also continues since the Ottoman period. The jurisdiction of each religious community over its own adherents' personal status issues is a continuation of the 1922 British Mandate which remains applicable today.

The law considers "religious communities" to be those recognized during the British Mandate period. 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 has since recognized three additional religious communities--the Druze in 1957, the Evangelical Episcopal Church in 1970, and the Baha'i Faith 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 this has not limited Muslims from practicing their faith. A collection of 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 to practice their religious beliefs.

Major Protestant denominations that have been in the country for many years, such as the Assemblies of God, Baptists, and Lutherans, among others, were not recognized. Four religious communities have applied for state recognition, but their applications have been pending for years: Ethiopian Orthodox; Coptic Orthodox; Evangelical Lutheran Church; and the United Christian Council in Israel, an umbrella organization for many Protestant churches in the country.

The 15-year-old negotiations between the government and the Holy See continued at the end of the reporting period. These negotiations addressed tax exemptions for Roman Catholic institutions and property (churches, monasteries, convents, and educational and social welfare organizations) and the access of such institutions to Israeli courts. The Fundamental Agreement that was negotiated in 1993 established relations between the Holy See and the government and was ratified by the Knesset in 1994.

Both recognized and unrecognized religious communities complained of difficulties receiving clergy visas for their representatives. While recognized religious communities only needed visa approvals through the Ministry of Foreign Affairs (MFA), unrecognized religious communities' visas had to be approved additionally through the MOI to justify stays longer than five years.

Following Supreme Court rulings since 2002, when the court ruled that the state was obligated to register certificates of conversion from Reform and Conservative congregations both in the country and abroad, the state recognizes conversions to Judaism performed in the country by non-Orthodox rabbis. A petition is still pending and awaiting decision regarding the entitlement of such converts to the rights granted under the Law of Return. Since personal status matters for Jews are controlled by the chief rabbinate, which does not recognize non-Orthodox converts to Judaism as Jews, these converts cannot marry, divorce, or be buried in the country. The government provides funds for Orthodox conversion programs but does not provide support for non-Orthodox (Reform and Conservative) programs. The High Court ruled in May 2009 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 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 government implements some policies based on Orthodox Jewish interpretations of religious law. For example, the only in-country Jewish marriages the government recognizes are those performed by the Orthodox chief rabbinate; the government does not allow civil marriages, such as secular ceremonies performed by state or municipal authorities, or marriages performed by Conservative, Reform or Reconstructionist rabbis. Civil marriages, non-Orthodox marriages of Jews, or interfaith marriages must take place abroad to be recognized by the government.

A new law passed on March 13, 2010, allows for the civil registration of couples only if both partners are recognized as being "of no religion."

The rabbinate also determines who is buried in Jewish state cemeteries, limiting this right to individuals considered Jewish by Orthodox standards.

Members of unrecognized religious groups also faced difficulties in obtaining marriage certifications or burial services.

Proselytizing is legal in the country and missionaries of all religious groups are allowed to proselytize all citizens; however, a 1977 law prohibits any person from offering material benefits as an inducement to conversion. It was also illegal to convert persons under 18 years of age unless one parent were an adherent of the religious group seeking to convert the minor. Despite the legality of proselytism, the government has taken a number of steps that encouraged the perception that proselytizing is against government policy. For example, the MOI has detained individuals suspected of being "missionaries," and required of such persons bail and a pledge to abstain from missionary activity, in addition to refusing them entry into the country. It maintained denunciations of such activity from antimissionary groups like Yad L'Achim in its border control databases. The MOI has also cited proselytism as a reason to deny student, work, and religious visa extensions, as well as to deny permanent residency petitions. The Church of Jesus Christ of Latter-day Saints (Mormons) promised the Knesset in 1986 to refrain from all proselytism voluntarily in conjunction with receiving a building permit for its Jerusalem Center following protests from the Orthodox community.

Some ultra-Orthodox groups that proselytize secular Jews, encouraging them to adopt ultra-Orthodox practices and beliefs, enjoyed government funding. The Ministry of Education funded a special network of schools aimed at promoting Orthodox Judaism to non-Orthodox Jewish children, and funded other organizations that hold similarly motivated activities.

With some exceptions each officially recognized religious community has legal authority over its members in matters of marriage, divorce, and burial. The Islamic law courts have exclusive jurisdiction in matters of personal status concerning Muslims. For unrecognized religious groups, no local religious tribunals exercised jurisdiction over their members in matters of personal status. In general only recognized religious communities received government funding for their religious services, though there are some exceptions, including for Samaritans and Karaites, which were not officially recognized religious communities.

A Muslim woman may petition for and receive a divorce through the Islamic law 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.

Secular and non-Orthodox Jews who married in civil ceremonies or in non-Orthodox ceremonies performed abroad were able to divorce only via the rabbinical courts that

operated according to halacha, or through courts abroad.

The 1967 Protection of Holy Sites Law safeguards the holy sites of all religious groups within the country and in Jerusalem. All holy sites enjoy certain protections under the penal law, which make it a criminal offense to damage any holy site, and historic sites are also protected by the antiquities law; however, the government provided significantly greater levels of government resources to Jewish holy places than to other religious sites.

A government policy since 1967, upheld repeatedly by the Supreme Court and routinely enforced by the police, denies religious freedom at the Temple Mount to all non-Muslims, although the government ensured limited access to the historic site to everyone regardless of religious beliefs. Only Muslims were allowed to pray at the site, although their access has been occasionally restricted due to security concerns. The police accompanied Jewish visitors to the site and removed them if they appear to be praying. Since 2000 the Jordanian Waqf that managed the site restricted all non-Muslims from entering the Dome of the Rock shrine and Al Aqsa Mosque.

The government observes the following religious holidays as national holidays: Rosh Hashanah, Yom Kippur, Sukkot, Simhat Torah, Passover, and Shavuot. The 1948 Law and Administration Ordinance established Jewish holidays and the Sabbath as days of rest, while also providing non-Jews the right to observe their own Sabbath and holidays as days of rest from work. Arab municipalities often recognize Christian and Muslim holidays. The 1951 Law on Work and Rest Hours provides all workers with the right to a day of weekly rest of at least 36 consecutive hours on Friday, Saturday, or Sunday, allowing workers to choose to adapt their schedules to those of employers who observed different rest days. The law prohibits employers from refusing to hire or firing employees who observed a different day of rest for religious observance; nor can employers make working on a rest day a condition of employment. The Ministry of Labor and Social Services issued permits for exceptions enabling essential workers to work on their days of rest. The law gives municipalities the authority to order the opening or closing of businesses on Sabbath.

Government authorities prohibited mixed-gender prayer services at Jewish religious sites in deference to the belief of most Orthodox Jews that such services violated the precepts of Judaism. At the Western Wall, adjacent to Judaism's holiest site of the Temple Mount, men and women must use separate areas to visit and pray. According to a policy repeatedly upheld by the Supreme Court, women 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 because it violates Orthodox interpretations of Jewish law. There is an additional separate prayer area along the Western Wall, south of the Mughrabi Gate, where women may pray wearing prayer shawls.

Since 2009 signs posted around the Western Wall plaza now request that gender segregation be enforced throughout the plaza, rather than just at the prayer areas. Ultra-Orthodox "modesty patrols" attempted to enforce gender separation and a path designated for "men only" was installed opposite the Western Wall. Mixed-gender ceremonies have been banned in the Western Wall plaza.

According to the NGO Hiddush-Religious Freedom and Equality, the country financially supported over 100,000 yeshiva students over the age 18. According to a report published by the Taub Center for Social Policy Studies, the rate of nonemployment (those who choose not to work) among ultra-Orthodox men had tripled in the last 30 years from 21 percent to 65 percent in 2010. On June 14, 2010, the High Court ruled on a decade-old case that assured income for yeshiva students was illegal as there was no basis for treating them preferentially above all other students. The court ordered the government to remove the clause from the 2011 state budget.

The law permits the government to subsidize 55 to 75 percent of the expenses incurred by ultra-Orthodox Jewish religious schools as long as they teach an equivalent

percentage of the national curriculum, which includes nonreligious subjects.

The government funded 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 allowed 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 were significantly less than those available to Orthodox Jewish public schools. Public and private Arab schools offered studies in both Islam and Christianity, but state funding for such studies was proportionately less than the funding for religious education courses in Jewish schools.

Jewish rabbinical courts do not have the authority to arbitrate in any financial dispute. Although the rabbinical courts have ruled on financial matters since before the establishment of the state, it was done in the framework of arbitration and not as part of their legal jurisdiction on these matters. No religious group possesses legal jurisdiction over financial matters.

The government employs civilian non-Jewish clergy as chaplains at military burials when a non-Jewish soldier dies in service. The Interior Ministry provides imams to conduct funerals according to Muslim customs. All Jewish chaplains in the IDF are Orthodox.

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 19th century). Government policy allows ultra-Orthodox Jews to refuse to serve based on religious reasons; in 2002 the Knesset passed the Tal Law to formalize this policy and set conditions on exemptions from military service. Israeli Arabs--both Muslim and Christian--are also exempted from compulsory service. The majority of Israeli Arabs opted not to serve in the army; however, some Christian and Muslim Arab citizens, mainly Bedouin, voluntarily enlist. Since 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 voluntary national service confers eligibility for similar national benefits accorded military veterans.

The Arrangements Law, drafted annually to guide government spending, exempts recognized religious groups from paying municipal taxes for any place of worship. Exemption from tax payments was also granted to some groups that have not been officially recognized by law. From 2002 until 2009 the government interpreted the exemption from municipal taxes to apply only to the portion of the property of religious organizations actually used for worship, but in 2010 the Knesset amended the law to exempt all portions of the property. Some not-for-profit religious organizations also received tax exemptions.

Secular courts have primacy over questions of inheritance, but parties, by mutual agreement, may also file such cases in religious courts. The rabbinical courts, when exercising these powers in civil matters, apply religious law, which varies from civil law, for instance, in matters relating to the property rights of widows and daughters. Family status matters are normally the purview of religious courts, but Jewish, Druze, and Christian families may ask for some cases, such as alimony and child custody in divorces, to be adjudicated in civil courts. Since 2001 Muslims have the right to bring matters such as alimony and property division associated with divorce to civil courts in family-status cases. In practice Muslims rarely choose this option. Paternity cases are the exclusive jurisdiction of Islamic law courts.

The MOI has jurisdiction over religious matters concerning non-Jewish groups, while the Ministry of Tourism is responsible for the protection and upkeep of non-Jewish holy sites. The Ministry of Religious Affairs has jurisdiction over the country's 133 Jewish

religious councils, which oversee the provision of religious services for Jewish communities. A single non-Jewish religious council exists for the Druze and is overseen by the MOI's Department of Non-Jewish Affairs. Legislation establishing religious councils does not include non-Jewish religious communities other than the Druze to avoid interfering in their religious affairs. The government financed approximately 40 percent of the religious councils' budgets and local municipalities funded the remainder. The MOI provided a limited amount of direct funds for religious services for recognized non-Jewish communities.

Public Hebrew-language secular schools taught Jewish history and Jewish religious texts. These classes primarily covered Jewish heritage and culture, rather than religious belief. Public Arabic-speaking schools with Arab student bodies taught mandatory classes on the Qur'an and the Bible, since both Muslim and Christian Arabs attended these schools. Orthodox Jewish religious schools that are part of the public school system taught mandatory religion classes, as did independent ultra-Orthodox schools that received significant state funding. A few independent mixed Jewish-Arab schools also existed and offered religion classes.

Under the Law of Return, the government grants immigration and residence rights to individuals who meet established criteria defining Jewish identity and also to certain family members. Eligible family members include 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.

The Law of Return established the right for every Jew to immigrate. While there remains much debate within Judaism as to the question of "who is a Jew," with some groups providing varying definitions, the term commonly refers to the physical and spiritual descendants of the Israelites.

The Law of Return, as amended in 1970, opened the door to physical descendants to immigrate to the country without meeting the Orthodox definition of a Jew. Also in the 1968 Benjamin Shalit case, the Supreme Court recognized someone as ethnically Jewish despite not being religiously Jewish. Those born to Israeli Jews therefore remain Jews according to the state, regardless of their religious belief or Orthodox recognition, while non-Israeli Jewish descendants were routinely asked religious questions to determine whether they qualified to become a citizen. In 2009 the Jewish Agency added to a computerized form the specific question of whether one believed Jesus was the Jewish Messiah to determine whether a Jew qualified to immigrate. The Supreme Court has repeatedly upheld the right; however, of Israeli Jews who believe Jesus is the Messiah to retain their citizenship. The immigration exclusion was routinely applied only against Messianic Jews, whereas Jews who were atheists or chose to believe in other religions, including many Hindus and Buddhists, were not screened out.

For religious converts to Judaism, the 1980 Shoshanna Miller case of a Reform convert's right to immigrate ensured state recognition of non-Orthodox conversions performed abroad. The Supreme Court has ruled repeatedly to entitle non-Orthodox converts to Judaism the civil right of return, Israeli citizenship, and registration as Jews in the civil population registry; however they are still not able to marry in the country as they do not meet Orthodox standards. Ethiopian Jews, who practice no rituals relating to the oral tradition of halacha but continued to observe an older form of Biblical Judaism, also had some difficulty getting their marriages and divorces registered due to Orthodox standards, although some Orthodox rabbis had registered their marriages.

Although identification cards no longer carry a religion or nationality designation, until recently the MOI distinguished between Jews and non-Jews by the differing dates printed on identification cards using either the Gregorian calendar with roman numerals or the Hebrew calendar with Hebrew numerals. Documents issued after 2007 carry both dates.

Restrictions on Religious Freedom

Government policy contributed to the generally free practice of religion, although government discrimination against non-Jews and non-Orthodox streams of Judaism continued. For example, the government continued to discriminate against non-Orthodox Jewish citizens through some policies based on Orthodox Jewish interpretations of religious law. A minority of Jews is Orthodox, and the majority of Jewish citizens objected to exclusive Orthodox control over fundamental aspects of their personal lives. Approximately 360,000 citizens who immigrated to the country from the former-Soviet Union under the Law of Return but are not considered Jewish by the Orthodox Rabbinate cannot be buried in Jewish cemeteries, divorce, or marry within the country. A 1996 law requiring the government to establish civil cemeteries remained inadequately implemented.

During the year the MOI refused to renew religious visas for the Foursquare denomination's primary representative and for the director of the Garden Tomb, a major Protestant pilgrimage site in Jerusalem. Despite MFA approvals in both cases, the MOI denied visa renewal to these individuals simply due to the length of time they had lived in the country, although no such regulation regarding period of residence existed.

On November 18, 2009, Israeli police temporarily detained a woman because she donned a Jewish talith (prayer shawl) during a ceremony in the traditional women's prayer area, rather than in the designated area.

While proselytism is officially legal, some missionaries continued to face harassment and discrimination from some local government officials.

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. Following an unsuccessful appeal by the Vatican in advance of Pope Benedict XVI's 2009 visit to the country, the MOI stated that multiple-entry visas for clergy and other religious workers constituted a security threat and would not be issued; however, in March 2010 the MOI approved a list of clergy to receive such visas.

Since the government did not have diplomatic relations with Saudi Arabia, Muslim citizens traveled through another country, usually Jordan, to obtain travel documents for performing the Hajj (pilgrimage to Mecca). According to the government, travel to hostile countries, including travel to Saudi Arabia for the Hajj, may be restricted; however, these restrictions were based on security concerns rather than on religious or ethnic factors.

According to government figures, the 2009 budget for religious services and religious institutions for the Jewish population was approximately \$390 million (NIS 1.5 billion), of which religious education accounted for more than \$285 million (NIS 1.1 billion.) Religious minorities, which constituted slightly more than 20 percent of the population, received approximately \$14.2 million (NIS 55 million), or less than 4 percent of total funding.

The high Rabbinical Court restricted some individuals' choice to convert to Judaism. In May 2009 the High Court ordered the High Rabbinical Court to explain its retroactive annulment of a Jewish conversion performed by the state-sanctioned Orthodox "Special Conversion" court. The High Rabbinical Court, which disputed the secular High Court's jurisdiction over the issue, had not answered by the end of the reporting period. The validity of about 40,000 similar conversions since 1999 therefore remained in doubt, since the 2008 annulment ruling alleged the Conversion Authority's prior head had allowed lax observance standards. Sephardic Chief Rabbi Shlomo Amar, who also heads the High Rabbinical Court, heads the new Conversion Authority since it was established in 2008. Critics complained that the appointment of Amar to be in charge of the Conversion Authority effectively erased years of progress toward broadening the official definition of Jewishness and solidified the rabbinate's hold on matters of Jewish

identity. Meanwhile, in May 2009 the High Court of Justice ruled on a petition of the Israel Religious Action Center of the Movement for Progressive Judaism (Reform) in Israel that the government, which supports private conversion schools, must fund private conversion classes operated by the reform and conservative movements.

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.

As in previous reporting periods, the Religious Affairs Ministry failed to implement the 1996 Alternative Burial Law that established the right of any individual to be buried in a civil ceremony and did not utilize any of the money allocated in the 2009 state budget for the development of civil, pluralistic, burial plots. There was one regional public cemetery, in Be'er Sheva, and two local cemeteries, in Kfar Saba and Kiryat Tivon, available to the general public. The government contracted with some private cemeteries to provide burial solutions when no other options exist. In 2008 the Jerusalem municipality approved plans to establish a new civil city cemetery for use by those who do not want or cannot be buried according to Orthodox rites. Citizens who seek civil burials in other regions must use private cemeteries located on kibbutzim at high personal cost, while state burials are free of charge.

A public transportation company, Egged, which operated much of the country's public transportation system, continued to operate some sex-segregated buses along inter-and intra-city routes frequented by ultra-Orthodox Jews. Women who refused to sit at the back of such buses risked harassment and physical assault by male passengers. In October 2009 an experts' committee appointed by the Ministry of Transport to review the legality of such practice submitted its finding that enforcing such separation was illegal. A petition submitted to the Supreme Court against the continued existence of these segregated bus lines was pending before the court at the end of the reporting period.

On July 27, 2009, the Knesset amended the National Education Law to require that funding for all unofficial recognized educational institutions be provided from the budgets of local authorities. The schools that benefitted from the new law belonged to the ultra-Orthodox United Torah Judaism and Shas factions. The new law does not apply to high schools, but the High Court warned that the ultra-Orthodox high schools would be ineligible for government funding if they did not implement by the beginning of the 2008-09 school year a governmental requirement that all state-funded schools teach core subjects, such as English, mathematics, civics, and science. The warning followed many years of the failure by state-subsidized ultra-Orthodox Jewish religious schools to implement the core curriculum.

Muslim residents of the Be'er Sheva area continued to protest the municipality's intention to reopen the city's old mosque (1906-1948) as a museum rather than as a mosque for the area's Muslim residents. The building served as a court and prison until 1953, and as an archaeological museum until abandoned in 1992 due to structural problems. The High Court rejected a petition from the Israeli-Arab legal advocacy NGO Adalah to enjoin the municipality from renovating the structure into a museum, and a governmental committee also opposed changing its designation from a museum to a mosque after a thorough review. Both the city and the national police argued that a functioning mosque at that central location would disrupt daily life in the Old City of Be'er Sheva and lead to conflict between Muslim and Jewish communities. In 2006 the High Court proposed a compromise whereby the mosque would be used as a museum of Islamic culture and Eastern Nations, and the city agreed to dedicate the museum to the cultures of the sons of Abraham. In January 2007 Adalah rejected the court proposal, arguing that there was a need to uphold the religious rights of area Muslims who did not have a mosque. In June 2009 the court ordered the parties to reach an agreement within 60 days, but no agreement was reached and 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.

In October 2008 the High Court ruled that the Simon Wiesenthal Center could continue construction at a site in Jerusalem that several Muslim organizations disputed because they argue that it is located on one section of the Mamilla Cemetery, a 1,000-year old Muslim cemetery containing the gravesites of several prominent Palestinian families and, according to Islamic tradition, Prophet Muhammad's companions and thousands of Salah ad-Din's warriors. Supporters of the U.S.-based center had cited an 1894 ruling by the Islamic Law court, which stated that the cemetery was no longer sacred because it was abandoned. The High Court explained in its ruling that the construction site had served as a municipal parking lot for almost 50 years without a single complaint leveled against such use, and Islamic authorities in 1929 had allowed construction in other parts of the abandoned cemetery.

The legal defense NGO, Jerusalem Institute of Justice (JIJ), alleged again this reporting period that officials in the MOI denied services to some citizens based on their religious beliefs. The JIJ's legal defense caseload included numerous cases dealing with attempts by the MOI to revoke the citizenship of persons discovered holding Messianic or Christian beliefs, or to deny some national services--such as welfare benefits or passports--to such persons. In other cases the JIJ alleged that the MOI refused to process immigration applications from persons entitled to citizenship under the Law of Return if it was determined such persons held Christian or Messianic Jewish religious beliefs. In May 2009 the JIJ filed a contempt of court petition to the High Court on behalf of three Messianic Jews under the Law of Return whose applications for immigration were blocked by the MOI. They challenged the reluctance of the MOI to carry out an April 2008 High Court ruling, which stated that the government could not deny status to these three persons since they were eligible to immigrate under the Law of Return regardless of their identification as Messianic Jews, provided that they were not also considered Jewish under the Orthodox definition. The case continued at the end of the reporting period.

On July 30, 2009, the Supreme Court overturned the MOI's 2008 decision to revoke the citizenship of a family who immigrated in 1997 under the Law of Return. The court found no evidence of falsified information regarding Jewish identity although the wife was Christian and the husband a Messianic Jew. The MOI's 2008 interrogation had centered on the couple's religious convictions.

There were no reports of religious prisoners in the country; however, numerous tourists were temporarily detained for religious reasons at Ben-Gurion Airport, prevented from entering Israel, and sent back to their source countries because of the MOI's "suspicions of missionary activity," as explained to them by the border control officials at the airport. According to a government report cited in an April 4, 2010, Yediot Aharanot newspaper article, 30 percent of the more than 110,000 tourists detained in 2009 at the airport for rigorous security interrogations were on a watch list of the MOI, while the others were on security watch lists. There are no clearly publicized regulations as to how the MOI places a person on the watch list or upon what grounds, but the questioning of such individuals often relates to their religious beliefs.

On August 18, 2009, a Slovak national who has been married to an Israeli citizen since May 2002, was denied a visa renewal in writing by the MOI because of alleged "missionary activity," though there is no such legal basis for denying an Israeli citizen's spouse from remaining in the country. According to the leadership of the Jehovah's Witnesses, a German national who married an Israeli citizen in May 2009 was also denied a visa extension in Haifa specifically due to being a Jehovah's Witness.

Forced Religious Conversion

There were no reports of forced religious conversion; however, in February 2010 an ultra-Orthodox Jewish man was arrested in Jerusalem after refusing to release his two juvenile half brothers whom he had detained since February 2009 in an effort to convert them to ultra-Orthodox Judaism. Both boys were eventually returned to their parents in the United States after the Jerusalem District Court and Israeli High Court intervened to secure their release.

Abuses by Rebel or Foreign Forces or Terrorist Organizations

During the reporting period, terrorist organizations, including Hamas and Palestinian Islamic Jihad, carried out attacks against Israeli citizens, mostly in the form of indiscriminate rocket and mortar attacks from the Gaza Strip. The attacks were in part religiously motivated and attempts to recruit for and justify the attacks often relied on religious statements and imagery. Terrorists also often issued statements that contained anti-Semitic rhetoric in conjunction with the attacks.

Improvements and Positive Developments in Respect for Religious Freedom

On February 22, 2010, the Tel Aviv-Yafo Peace Court found the Ramat Gan Municipality liable for contract violation and fined it \$6,700 (NIS 25,000) for canceling a contract on the basis of religion. This judgment resulted from a November 28, 2008 incident when Jehovah's Witnesses were prevented from holding the second day of a religious assembly at the Zisman sports hall in Ramat Gan due to threats against the owner from religious activists, including religious politicians in the local municipality.

In 2009, the Education Ministry approved the accreditation of the country's first fully independent Arab higher education institution, Mar Elias College. The college is operated by the Melkite (Eastern rite) Catholic Church and provided a higher education curriculum oriented toward coexistence for a diverse faculty and student body of Muslims, Christians, and Jews.

Section III. Status of Societal Respect for Religious Freedom

Some individuals and groups committed abusive and discriminatory practices against Israeli-Arab Muslims, evangelical Christians, and Messianic Jews with the same frequency cited in the previous report.

Relations among other religious and ethnic groups, including Muslims and Christians, Arabs and non-Arabs, and secular and religious Jews, also continued to be strained. Such religious and ethnic tensions were the result of historical grievances as well as cultural and religious differences.

Expressions of animosity between secular and religious Jews grew significantly during the reporting period. In particular, members of Orthodox Jewish groups treated non-Orthodox Jews with manifestations of discrimination and intolerance. 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. Unlike other years several Haredi (ultra-Orthodox) demonstrations against nonobservance of the Sabbath turned violent. Ultra-Orthodox protesters threw stones and dirty diapers at police officers and called them "Nazis," set fires in the streets, and vandalized private property and traffic lights. According to a poll published by Hiddush, the Religion and State Index, 42 percent of Jewish adults rated the tension between secular and ultra-Orthodox as the most serious internal tension in society.

During the reporting period, the secular and Haredi sometimes struggled over the character of neighborhoods, particularly in Jerusalem. Due to demographic pressures and limited growth in the supply of new housing in Jerusalem, Haredi communities sometimes bought inexpensive apartments and attempted to transform secular neighborhoods into ultra-Orthodox neighborhoods. Secular residents of the Kiryat Yuval

neighborhood objected to the sale of two university owned dormitory buildings to ultra-Orthodox owners and the sale was stopped. Ultra-Orthodox community members tried to overtake a local, non-Haredi synagogue and reportedly used violent tactics against the local rabbi.

On June 17, 2010, 62 parents were ordered to serve a two-week jail term for contempt of court rather than reintegrate newcomers into an ultra-Orthodox school. Slonimer Hassidim, of Ashkenazi origin, ignored a Supreme Court decision requiring their schools to include Jewish pupils of Mizrahi (Sephardic) descent. The ultra-Orthodox community challenged the authority of Supreme Court decisions. The Slonimer Hassidim justified their refusal to include the pupils with the claim that they were "not religious enough." Over 100,000 ultra-Orthodox protested peacefully in the streets of Jerusalem and Bnei Brak, a suburb of Tel Aviv, against the court's decision, which they saw as interference in religious issues and a mislabeling of the dispute as ethnic discrimination.

Society's attitudes toward missionary activities and conversion generally were negative. Most Jews opposed missionary activity directed at Jews, and some were hostile to Jewish converts to Christianity. While proselytism is officially legal, missionaries continued to face harassment and discrimination by some Jewish activists and organizations. The Messianic Jewish and Jehovah's Witnesses communities, among others, accused groups such as Yad L'Achim and Lev L'Achim, Jewish religious organizations opposed to missionary activity, of harassing and occasionally assaulting their members. According to JIJ attorneys and representatives of affected religious communities, Yad L'Achim pressured landlords, employers, and MOI officials to assist its campaign against groups it deemed "dangerous cults."

On June 29, 2009, the Supreme Court ordered the Ashdod Rabbinat and the Chief Rabbinat Council to restore the kosher license that rabbinical authorities had torn down from the Pnina Pie Bakery in Ashdod in June 2006 after seeing a Yad L'Achim sign warning that the owner of the bakery was a Messianic Jew. The court noted that the removal of the license, which drastically affected the bakery's business, was solely due to the owner being a Messianic Jew and had nothing to do with Kashrut law. In spite of the Supreme Court ruling, the Chief Rabbinat Council had not restored the kosher license and a contempt of court lawsuit filed on December 21, 2009, was still pending at the end of this reporting period.

On June 9, 2010, the Omar Bin Khattab mosque in the village of Ibtin in northern Israel was vandalized and defaced, with graffiti that included the Star of David and called for the destruction of the holy site.

On May 24, 2010, the Be'er Sheva Magistrate's Court ruled against a Messianic congregation in Be'er Sheva, Nachalat Yeshua, in a long-delayed case against Yad L'Achim's antimissionary director, Alex Artovsky, and the city's Chief Sephardic Rabbi, Yehuda Deri, for the riot they allegedly incited that disrupted a service and damaged property in 2005. Internet video of the riot shows hundreds of Orthodox Jews ransacking the congregation, assaulting people, and taking over the site after Yad L'Achim publicized false rumors that the congregation was going to baptize busloads of Jews. Deri earlier said a special network of volunteers had been set up that uses every legitimate means to stop missionary activity. Despite riot police being dispatched to calm the situation, no one was arrested. The court also prevented the Messianic congregation from entering evidence from the prior attack by the same two defendants in 1998. Following the five-year legal battle, the congregation was considering whether to appeal the decision to the Supreme Court. However, in a related case in June 2009, the Be'er Sheva District Court sentenced two defendants charged with assaulting the pastor and damaging property during the riot.

During the reporting period, members of Jehovah's Witnesses reported assaults, threats of violence, and other crimes against their members and noted the difficulties their members faced convincing the police to investigate or apprehend the perpetrators. They filed police reports in Ashdod, Haifa, and Bat Yam detailing accounts of religiously motivated physical assaults and death threats accusing them of "missionary" activity and

telling them to leave.

On May 1, 2010, about 200 ultra-Orthodox Jews illegally gathered and disrupted a religious assembly by shouting, blocking the road, throwing stones, smashing windows, and attempting to break through the police line. The police protected the assembly of Jehovah's Witnesses, but no one was arrested. Members of Jehovah's Witnesses claimed that verbal assaults and threats were so common that many members ceased reporting them because authorities failed to follow up on past complaints.

On January 6, 2010, the Tel Aviv District Court convicted Eliyahu Aharoni of conspiracy to commit arson from a racist motive, and producing and carrying a weapon. Aharoni was one of six Jewish men in Tel Aviv arrested by police in 2009 for firebombing three Arab homes in an attempt to spread anti-Arab incitement to Jaffa and other mixed neighborhoods around Tel Aviv. The other five men were not indicted due to lack of evidence.

On December 31, 2009, the Jerusalem Post reported on Haredi Jews insulting and spitting at priests and nuns, and defacing with graffiti and throwing garbage and dead cats at monasteries in Jerusalem. Haredi representatives agreed to curb the attacks in a meeting with Christian representatives, and the Jerusalem municipality and started putting up notices discouraging such behavior.

On December 23, 2009, small groups of Haredi youth damaged police cars in attacks while the police were responding to a break-in, they did so again on December 24 when police responded to a Haredi woman's complaint regarding harassment by a Haredi "modesty" patrol.

On December 19, 2009, during a demonstration by social activist group Lemallah in downtown Jerusalem, Yossi Yomtov was approached and struck by a man chanting anti-Christian slogans and foul language. Despite many calls to the police station, police never came.

On December 2, 2009, Beit She'an police arrested two ultra-Orthodox suspects for burning the car of Eliav Levine, a Messianic Jewish leader; on December 1, Levine had changed his residence to avoid repeated harassment by ultra-Orthodox men. The JIJ reported that in April 2008 Levine's 11-year-old daughter was summoned to her school principal's office, where the principal allowed a rabbi and two Yad L'Achim anti-missionary activists to elicit information about her family and congregation. Two weeks later, the girl's father's car was firebombed for the first time. Fearing the interrogation at school was linked to the bombing, the girl revealed the details of her interrogation, contrary to her principal's instructions. The police were notified, but no investigation took place. Following a public complaint filed with the Ministry of Education, the school dismissed the principal.

On November 14, 2009, approximately 1,500 ultra-Orthodox demonstrators protested against the Jerusalem office of the firm Intel for conducting business on the Sabbath, which it had been doing for 20 years. By year's end a police investigation resulted in several indictments for violence and vandalism. On November 28 several thousand religious and secular Israelis protested against Haredi violence and protests. On December 27 Haredi protesters threw stones and firecrackers, injuring two police officers in front of the Intel office.

On August 9, 2009, dozens of ultra-Orthodox demonstrators threw stones at Jerusalem mayor Nir Barkat, following large ultra-Orthodox protests in June and July against the opening of a free parking garage on Saturdays near the Old City. Following police investigations, several indictments were served.

On May 15, 2009, ultra-Orthodox residents of the Tel Aviv suburb of Rehovot attacked and beat a group of Messianic Jews who were handing out New Testament pamphlets on the street. According to press reports, secular residents joined in the beating before police intervened to stop them.

Numerous NGOs in the country remained dedicated to promoting Jewish-Arab coexistence and interfaith harmony. Their programs included events to increase productive contact between religious groups and to promote Jewish-Arab dialogue and cooperation. For example, the "House of Hope" in the Galilee town of Shfaram near Haifa, founded by Elias Jabbour, engaged Christian, Muslim, and Jewish communities in dialogue. Also, Father Elias Chacour, a Greek Catholic priest, gained state accreditation in 2009 for the first Israeli higher education institution established by the Arab community. The Nazareth-Galilee Academic Institution had Christian, Muslim, and Jewish students and faculty members and a central academic focus on Peace Studies.

Interfaith dialogue often was linked to ongoing peace efforts between Israelis and Palestinians and between the country and its Arab neighbors. A number of NGOs sought to build understanding and create dialogue among religious groups and between religious and secular Jewish communities. These organizations included the Gesher Foundation; Meitarim, which operated a pluralistic Jewish-oriented school system; the Interreligious Coordinating Council, which promoted interfaith dialogue among Jewish, Muslim, and Christian institutions; and the Council of Religious Institutions of the Holy Land, comprising the chief religious authorities of the area's Jewish, Muslim, and Christian establishments.

Section IV. U.S. Government Policy

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights. The U.S. embassy consistently raised concerns of religious freedom with the MFA, the police, the prime minister's office, and other government agencies.

Embassy officials maintained a dialogue with NGOs that promoted human and civil rights, including religious freedom, and promoted interfaith initiatives. Embassy representatives also attended and spoke at meetings of such organizations and encouraged religious leaders to advance regional peace and calm local tensions. The embassy conducted programs that exposed Israelis to U.S. models of religious diversity and civil society.

The embassy also raised such issues with the government regarding the possibility of expanding the list of officially recognized religious groups, the necessity of investigating religiously motivated acts of violence against minority religious groups including Messianic Jews and Jehovah's Witnesses, and the need to clarify the practice of preventing entry into the country based on the MOI's lists of suspected "missionaries."
