

Gaza on West Bank (22)



2000 Annual Report on International Religious Freedom: The Occupied Territories (Including Areas Subject to the Jurisdiction of the Palestinian Authority)

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

The Palestinian Authority (PA) has no constitution, and no single law in force protects religious freedom; however, it generally respects religious freedom in practice. Although there is no official religion in the occupied territories, Islam is treated de facto as the official religion.

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

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

Both government policy and the generally amicable relationship among religions in society contribute to the free practice of religion. There were unconfirmed reports that Muslim converts to Christianity were subjected to mistreatment by individual PA officials and in Palestinian society.

The U.S. Government discusses religious freedom issues with the PA in the context of its overall dialog and policy of promoting human rights. The U.S. Consulate General in Jerusalem investigated allegations of harassment and discrimination against Christians in the occupied territories.

Section I. Government Policies on Freedom of Religion

Legal/Policy Framework

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The draft Palestinian Basic Law proposes that Islam be recognized as the official religion; however, under the draft law, freedom of worship is to be provided to adherents of other faiths. The draft law also stipulates that "the principles of Islamic Shari'a are a main source of

legislation."

Churches in Jerusalem, the West Bank, and Gaza can be subdivided into three general categories: 1) churches recognized by the status quo agreements reached under Ottoman rule in the late 19th century; 2) Protestant and evangelical churches that arrived between the late 19th century and 1967, which are fully tolerated by the PA, although not officially recognized; and 3) a small number of churches that became active within the last decade whose legal status is more tenuous.

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

The second group of churches, including the Assembly of God, Nazarene Church, and some Baptist churches, has unwritten understandings with the PA based on the principles of the status quo agreements. They are permitted to operate freely and are able to perform certain personal status legal functions, such as issuing marriage certificates. These churches thus far have been unsuccessful in securing de jure recognition. However, they operate with de facto recognition and maintain cooperation from the PA.

The third group of churches consists of a small number of proselytizing churches, including Jehovah's Witnesses and some evangelical Christian groups. These groups have encountered opposition in their efforts to obtain recognition, both from Muslims, who oppose their proselytizing, and Christians, who fear that the new arrivals may disrupt the status quo. These churches generally operate unhindered by the PA.

The Palestinian Authority does not make overt attempts at encouraging interfaith dialog. However, it supported the Bethlehem 2000 project, which attracted several hundred thousand visitors of many faiths to the city. The project was a symbol of Muslim-Christian cooperation. In March 2000, several thousand persons, including Chairman Arafat and senior PA officials attended a public mass in Bethlehem conducted by Pope John Paul II.

The PA makes an effort to maintain good relations with the Christian community. Within the Ministry of Religious Affairs, there is a portfolio covering Christian Affairs, and Chairman Arafat has a Christian Affairs advisor. The established churches also have formed a legal committee to address issues of religious freedom in the draft Basic Law, and the PA has been willing to consider suggestions made by this committee. Christian leaders participated in the design of a religious

studies curriculum for Christian students in the public schools.

Religious Demography

The great majority of the Palestinian residents of the occupied territories are Sunni Muslims. A majority of Christians are Greek Orthodox, with a significant number of Roman Catholics and smaller groups of Greek Catholics, Protestants, Syriacs, Armenians, Copts, Maronites, and Ethiopian Orthodox. Christians are concentrated in Jerusalem, Ramallah, and the Bethlehem area. In addition, there is a Samaritan community of approximately 550 persons located on Mount Gerazim near Nablus, and two small communities of Jehovah's Witnesses in Bethlehem and Ramallah. Jewish Israelis reside in Jerusalem, the West Bank, and Gaza.

Governmental Restrictions on Religious Freedom

The PA generally does not restrict freedom of religion, and there is no pattern of PA discrimination against or harassment of Christians. However, since the establishment of the PA, there have been periodic allegations that a small number of Muslim converts to Christianity sometimes are subject to societal discrimination and harassment by PA officials, including detention and questioning by security forces. During the period covered by this report, there were several unconfirmed allegations that converts to Christianity were subjected to societal discrimination and harassment by PA officials, including detention and questioning by security forces. In some cases, conversion may have been only one of several factors influencing the mistreatment. In previous years, the PA stated that it investigated similar allegations, but it did not share or publicize the results of these investigations with any outside party.

The PA generally does not prohibit or punish individuals for speaking about their religious beliefs. In September 1999, PA officials issued an order arrogating the establishment of religious radio and television stations to the PA alone. The PA limited speech on religious subjects in some instances. For example, in December 1999, the Ministry of the Interior ordered a Christian television station in Bethlehem to limit its broadcast of Christmas music. The radio station disobeyed the directive, and Ministry officials ordered the station to close. The PA subsequently agreed to drop the issue and allowed the radio station to operate freely.

In practice, the PA requires that individuals be affiliated at least nominally with some religion. Religion must be declared on identification papers, and all personal status legal matters must be handled in either Shari'a (Islamic law) or Christian ecclesiastical courts.

Foreign missionaries operate in Jerusalem, the West Bank, and Gaza. These include a handful of evangelical Christian pastors who seek to convert Muslims to Christianity. While they maintain a generally low profile, the PA is aware of their activities and generally does not restrict them.

Christians participate in Palestinian official life. A number of PLO Chairman Yasir Arafat's senior advisors are Christians. Six Christians and one Samaritan sit on the 88-member Palestinian Legislative Council in seats set aside for representatives of these religions. Occasionally, the PA takes steps to protect Christians.

The PA requires that religion be taught in PA schools. Until recently, only courses on Islam were offered and Christian students were excused from them. In 1998 the PA asked representatives of the Christian community to develop a Christian studies curriculum in order to implement a compulsory religious curriculum for Christian students. According to PA officials, the curriculum for grades one through six are complete and are scheduled to be implemented in 2001. The PA also is formulating its first indigenous school curriculum that will include a civic education component, which will cover issues of religious tolerance. According to PA officials, the curriculum for grades one through six are complete and will be implemented in academic year 2000-2001.

PA officials are not required to swear a religious oath upon taking office. Witnesses in PA courtrooms are required to swear on a religious book, such as the Koran or the Bible.

In July 1999, the PA prevented Jewish settlers from entering Joseph's Tomb in PA-controlled Nablus due to the fact that the settlers brought a cabinet onto the site without coordinating with the PA. The Israeli Defense Forces (IDF) responded by preventing PA officials from entering Nablus. The issue was resolved when the IDF agreed to remove the cabinet and the checkpoint into Nablus.

Palestinians residing outside of the Jerusalem municipal boundary are required to obtain a permit to enter the city, even to visit a holy site; the permits often are denied and Israeli security personnel also sometimes deny permit holders access to Jerusalem. Israel has instituted these permit requirements in order to address its security concerns.

The Israeli Government permits all faiths to operate schools and institutions. Religious publications are subject to the Publications Laws. In accordance with Orthodox Jewish practice, men and women pray separately at the Western Wall, Judaism's most sacred site. Reform and Conservative Jews have challenged this practice and seek to pray at the Western Wall in mixed-gender groups. A group of women from all branches of Judaism continued a long legal battle to pray aloud and to wear prayer shawls at the Western Wall; in May 2000, the Israeli High Court ruled that they may do so. Israeli legislators and the State Prosecutor's office sought to overturn the ruling; however, they were not successful as of mid-2000.

A 1995 ruling by the Israeli High Court of Justice allows small numbers of Jews under police escort to pray on the Temple Mount, which is the location of two Muslim holy places and also the former site of the First and Second Jewish Temples. Other organized Jewish religious activity

on the Temple Mount is prohibited on public safety grounds.

In May 2000, officials in the Israeli Ministry for Religious Affairs reportedly threatened to reevaluate relations with the Jerusalem Greek Orthodox Patriarchate if it did not discipline a Christian cleric for expressing his political views to a group of Christian pilgrims. As of mid-2000, the Patriarchate had not disciplined the cleric.

Governmental Abuses of Religious Freedom

In January 2000, members of the Preventive Security Organization (PSO) seized a Jericho church compound, which was under the auspices of the American-based Russian Orthodox Church Outside Russia (ROCOR). The PSO handed control of the church to members of the Moscow Patriarchate (MP) of the Russian Orthodox Church. Although the church compound had been under the control of the ROCOR for decades, members of the MP disputed the ROCOR's property claim, maintaining that the MP is the true owner of this compound. The PSO security forces seized the church without first conducting legal proceedings to determine the question of ownership. Two nuns affiliated with the ROCOR held a vigil inside the compound to protest the PSO seizure of the property; PSO personnel allegedly harassed the nuns. Following negotiations, the PSO allowed the MP and ROCOR temporarily to divide the compound between them until legal ownership can be determined in the courts.

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

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

Forced Religious Conversion of Minor U.S. Citizens

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

Section II. Societal Attitudes

Generally, there are amicable relations between Christians and Muslims. Both Christians and Muslims state that when tensions do surface, it is because of provocative actions by one side or the other aimed at undermining current social arrangements. Palestinians say that if Christians try to demand a change in status quo arrangements, tensions may result. Likewise, Muslims who disregard Christian sensitivities may trigger social tension. Relations between Jews and non-Jews, as well as among the different branches of Judaism, often are strained. Tensions between Jews and non-Jews exist primarily as a result of the Arab-Israeli conflict, as well as Israel's control of access to sites holy to Christians and Muslims. Animosity between secular and religious Jews increased during the period covered by this report.

Non-Orthodox Jews have complained of discrimination and intolerance. On June 24, 2000, unidentified persons set fire to a conservative synagogue in Jerusalem; eyewitnesses reportedly stated that the perpetrators were Orthodox Jews. On June 25, 2000, unidentified persons attempted arson and looted Torah scrolls at the Messianic Shepherd of Israel congregation in Jerusalem; police personnel arrested two Orthodox Jewish youth for this incident.

Periodically, there are incidents of Christian-Muslim tension in the occupied territories. Tensions have arisen over Christian-Muslim romantic relationships or when Christians have erected large crosses in the public domain. Christians in the Bethlehem area also have complained about Muslims settling there and constructing homes illegally on land not zoned for building.

During the period covered by this report, there were periodic reports that some Christian converts from Islam who publicize their religious beliefs have been harassed. Converts complained that they were mistreated and threatened. The draft Palestinian Basic Law specifically forbids discrimination against individuals based on their religion; however, the PA did not take any action against persons accused of harassment.

Instances of ultra-Orthodox Jewish groups verbally or physically harassing Jewish citizens for "immodest dress" or other violations of their interpretation of religious law occurred during the period covered by this report.

Section III. U.S. Government Policy

The U.S. Consulate in Jerusalem maintains an ongoing, high-level dialog with PA officials, including Chairman Arafat, on human rights issues, including issues of religious freedom and the circumstances of Christians in the West Bank and Gaza. PA officials worked cooperatively with the U.S. Consulate on a number of issues, including PA treatment of Christian converts from Islam; how religious minorities are to be represented in the new school curriculums; and how the draft Basic Law addresses Shari'a and the issue of a national religion.

The U.S. Consulate plays a reinforcing role in the PA's dialog with local Christian groups on minority religion representation in the new curriculums.

The Consulate also maintains contacts with the representatives of both the Islamic Waqf--an Islamic trust and charitable organization that owns and manages large amounts of Muslim land including the Al-Aqsa mosque in Jerusalem--and the various Christian churches in Jerusalem. In January 2000, the Consulate intervened in a dispute involving the ROCOR, the MP, and the Palestinian Security Organization. U.S. Consulate officials stated numerous times to PA officials that competent legal authorities should resolve the issue of ownership of the Jericho church compound seized by the PSO.

The Consulate continues to investigate allegations of unequal treatment of religious minorities. It made inquiries to try to ascertain the facts of a land dispute case in which the PA allegedly acquiesced to the confiscation of Christian-owned land by Muslims; there was no basis found for these allegations during the period covered by this report.

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