



# ne Territories



## Religion

## Population

## Area

- Muslims : **81%**
- Jews : **11.7%**
- Agnostics : **5.7%**
- Christians : **1.4%**
- Others : **0.2%**

4.797.000

6.020 Km<sup>2</sup>

## Legal framework on freedom of religion and actual application

The UN General Assembly, the UN Security Council and the International Court of Justice consider the Palestinian Territories to be under Israeli occupation.<sup>[1]</sup> The territories came into being in June 1967 when Israel seized areas from Jordan and Egypt, including East Jerusalem, the West Bank and Gaza. In 1993, in the course of the so-called Oslo process, Israel and the Palestine Liberation Organisation (PLO) formally recognised each other. One year later, the Palestinian (National) Authority (PA) was established as an institution of Palestinian self-rule in certain areas of the West Bank and Gaza, but not East Jerusalem, which Israel considers an integral part of its capital.

Since then, bilateral negotiations between Israelis and Palestinians to create two states existing side by side have not been successful. In 2005 Israel withdrew from Gaza but continues to control access to the strip. Hamas took over Gaza in 2007. Several armed conflicts have broken out between Israel and Hamas since then. The Palestinian Territories have been split between the internationally recognised government in Ramallah and the Hamas-controlled Gaza.<sup>[2]</sup> In November 2012 the General Assembly of the United Nations recognised Palestine as a non-member observer state. Palestine is currently recognised by 137 states.<sup>[3]</sup>

Fatah, which controls the PA in the West Bank, and Hamas signed a reconciliation agreement on 11th October 2017. Hamas agreed to transfer administrative control of Gaza and the Rafah border crossing with Egypt to the PA. In return, the Palestinian Authority would lift its sanctions to ease Gaza's economic blockade.<sup>[4]</sup>

The US government estimates the Palestinian population to be 2.7 million in the West Bank and 1.8 million in the Gaza Strip.<sup>[5]</sup> Israel's Central Bureau of Statistics (CBS) estimates 536,600 Jewish Israelis live in Jerusalem, i.e. approximately 61 percent of the city's total population of 882,652.<sup>[6]</sup> According to the same source, Jerusalem is home to about 332,600 Palestinians, including approximately 12,000 Palestinian Christians and 2,000 non-Palestinian Christians. According to

the CBS, an estimated 400,000 Jewish Israelis live in Israeli settlements in the West Bank. Around 50,000 Christians live in the West Bank and Jerusalem, with another thousand in Gaza. Most Christians are Greek Orthodox, while the others include Roman Catholics, Greek Catholics (Melkites), Syrian Orthodox, Armenian Apostolic, Armenian Catholics, Copts, Maronites, Ethiopian Orthodox, Episcopalians, Lutherans, and other Protestant denominations. Christians are found mainly in East Jerusalem, Bethlehem, Ramallah and Nablus. There are also some 360 Samaritans (an offshoot of ancient Judaism), plus small groups of Evangelical Christians and Jehovah's Witnesses in Jerusalem and the West Bank.<sup>[7]</sup> The status of East Jerusalem is still disputed and causes recurrent tensions.

According to the Report on Palestine Administration 1922<sup>[8]</sup> issued by British authorities, Christians represented 9.6 percent of the population in 1922 (Palestine and Transjordan). Nowadays, it is estimated that they represent between 1 percent and 2.5 percent of the population of the West Bank<sup>[9]</sup> and less than 1 percent in the Gaza Strip.<sup>[10]</sup>

Palestine has no constitution but the Palestinian Basic Law serves as one.<sup>[11]</sup> Article four states: "Islam is the official religion in Palestine. Respect for the sanctity of all other divine religions shall be maintained. The principles of Islamic Shari'a shall be a principal source of legislation." According to article nine, "Palestinians shall be equal before the law and the judiciary, without distinction based upon race, sex, colour, religion, political views or disability." Article 18 states: "Freedom of belief, worship and the performance of religious functions are guaranteed, provided public order or public morals are not violated." Article 101 says that Shari'a affairs and personal status shall be assumed by Sharia and religious courts in accordance with the law.

On 1st April 2014, the Palestinian Authority signed several human rights treaties, including the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; and the Convention on the Rights of the Child. Previously, in 2007, the PA also ratified the Arab Charter on Human Rights. These treaties all deal with various aspects of freedom of religion.<sup>[12]</sup>

Legally, conversion from Islam is not explicitly forbidden although in practice doing so would cause massive social pressure. Proselytism is forbidden.

By a presidential decree of 2001, the mayors of municipalities – Ramallah, Bethlehem, Beit Jala and seven others – must be Palestinian Christians even if there is no Christian population majority in those cities.<sup>[13]</sup> Another presidential decree from 2005 allocates six seats to Christians in the 132-member Palestinian Legislative Council.<sup>[14]</sup> Up until 2006, one seat was reserved for the Samaritan community, which lives on the slope of Mount Garizim near Nablus.<sup>[15]</sup> President Abbas has Christian ministers and advisers. Christians are also represented in the PA foreign service and its administration.

A presidential decree from 2008 officially recognises 13 Churches. These include the Roman Catholic, Greek Orthodox and the Armenian Apostolic Churches. Ecclesiastical courts decide on matters of personal status, including marriage, divorce and inheritance in accordance with Church laws. Other Churches, mostly Evangelical ones, are not officially registered but can operate freely. However, they do not have the same rights when it comes to matters of personal status.

In 2015 the Comprehensive Agreement between the Holy See and the State of Palestine was signed by both parties. In January 2016 it came into full force. The Comprehensive Agreement deals with essential aspects of the life and activity of the Catholic Church in Palestine, including the freedom of the Church to operate and of Christians to practise their faith and participate fully in society.<sup>[16]</sup> The agreement was the first of its kind in the Arab-Muslim world.

US President Donald Trump's decision to move the US Embassy from Tel Aviv to Jerusalem, and therefore recognise Jerusalem as the capital of Israel, has sparked tensions, leading to violent demonstrations in the Gaza Strip and Jerusalem.

## **| Incidents**

At Easter 2018, the Coordinator of Government Activities in the Territories (COGAT), a unit in Israel's Ministry of Defence,

decided to restrict the access of Christians to Israel. According to COGAT, this is because in previous years, visitors from Gaza overstayed their permitted time in Israel. Only Christians aged 55 and older and children under age 16 are allowed to enter Israel for Easter.<sup>[17]</sup> Israel usually eases access restrictions during religious holidays in order to allow Palestinians to visit holy sites in Jerusalem. A Christian leader in Gaza, who spoke on condition of anonymity, said that such restrictions actually meant that only about one third of the community's 1,100 members were allowed to enter Israel to celebrate Easter. Wadie Abunassar, spokesman for the Assembly of the Catholic Ordinaries of the Holy Land, said that the restrictions were "very sad" adding that Easter is a family holiday and that it was "not reasonable" to allow parents to enter Israel while "leaving their children back in Gaza."<sup>[18]</sup>

The situation in the Gaza Strip is of grave concern. In an interview published in the June 2017 issue of *pro Terra Sancta*, Tommaso Saltini, Director of the Association *pro Terra Sancta* declared that he had "always been impressed by the richness of the Christian presence in Gaza. It's a small community, but it is full of hope" despite "the great suffering it has experienced. They always help everyone without distinctions."<sup>[19]</sup>

Father Mario da Silva, parish priest of the Holy Family Church, the Gaza Strip's only Roman Catholic parish, said in an interview published in April 2018 that over six years, the number of Christians in the Gaza Strip has dropped from 4,500 to just 1,000.<sup>[20]</sup> Father da Silva works with 12 religious Sisters from different congregations (the Servants of the Lord and the Virgin of Matará, the Missionaries of Charity, and the Sisters of the Rosary).

According to Father da Silva, "the young people who were authorised to visit the holy sites in Jerusalem and Bethlehem last Easter did not return. [...] They remained in the city where Jesus was born and found a job, laying the foundations for a new life. That is why, here, people want to leave. [...] Christians live mainly with debts, buying on credit from the supermarket and promising to pay later. Christian charities help out by paying off the debts. The jobless are forced to beg and count on the generosity of others."<sup>[21]</sup> He added: "With the help of institutions such as the Pontifical Mission or the Latin Patriarchate of Jerusalem, the Church tries to give work to more than 30 young people so they won't leave, because they are mainly the ones who leave."<sup>[22]</sup>

The Brazilian-born priest insisted that the Church is involved in "preserving the integrity of the faith, defending it, and teaching Christians how to live amid hardships and a Muslim majority."<sup>[23]</sup> He added that the local Church also helps members of other religions: "The Christian community is very small and there are 2 million Muslims. They are also in great need. We have always opened the doors of our schools or our church during times of war to take in those seeking refuge."<sup>[24]</sup>

Father da Silva said Gaza's Christians feel abandoned by the international community and would like other Churches and Catholics around the world to pay "more attention" to them.<sup>[25]</sup> "The world pays attention to us only when there is a war. Fortunately, there are some groups and institutions like the Pontifical Mission, Friends of the Holy Land, and a few others who help us", added Father da Silva.<sup>[26]</sup>

Gaza Christians now face new challenges, one of them being the possible infiltration of Daesh (ISIS) militants into the strip as a result of its proximity to the Sinai Peninsula and the Egyptian border at Rafah. Daesh militants have been active in the Sinai Peninsula and have targeted Christians.

## **| Prospects for freedom of religion**

There is no religious freedom in the Palestinian Territories under PA control in the sense of citizens having the right to follow a religion or not and to change from one religion to another. Nevertheless, there is a high level of individual and collective freedom of worship. The Palestinian leadership publicly praises the presence and contribution of Palestinian Christians.

The situation of Christians is more complicated in Gaza. Hamas tolerates the small group of Christians and their institutions within certain boundaries that exclude active proselytism. Gaza is home to some very radical groups who

have threatened the territory's Christians. Both Palestinian Muslims and Christians from the West Bank and Gaza suffer from the Israeli occupation, which also limits the exercise of their religious freedom. Israel regulates the access of both Muslims and Christians from the West Bank and Gaza to their Holy Sites in East Jerusalem. Residents of PA-controlled areas cannot visit East Jerusalem without a permit issued by the Israeli civil administration of the territories. In many cases, permits are not issued or they are issued to some members of a family but not to others. Church leaders regularly denounce the practice as opaque and arbitrary. In most cases, settler violence against Muslim and Christian places in the territories institutions goes unpunished.

Christians are caught between camps, and for many of them, the situation is getting increasingly difficult.

## Endnotes / Sources

[1] Gaza is a more complicated situation. Israel claims to no longer occupy Gaza, but it nevertheless controls six of its seven land crossings, and its maritime zones and airspace. Iain Scobbie, "Southern Lebanon", in Elizabeth Wilmshurst (ed.), *International Law and the Classification of Conflicts*, Oxford, Oxford University Press, 2012, p. 295.

[2] 5,970 km<sup>2</sup> (2,305 sq miles) for West Bank territories and 365 km<sup>2</sup> (141 sq miles) for Gaza.

[3] "International recognition of the State of Palestine", Wikipedia, [https://en.wikipedia.org/wiki/International\\_recognition\\_of\\_the\\_State\\_of\\_Palestine](https://en.wikipedia.org/wiki/International_recognition_of_the_State_of_Palestine) (accessed 4th July 2018).

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[5] Bureau of Democracy, Human Rights, and Labor, *International Religious Freedom Report for 2017 – Israel, Golan Heights, West Bank, and Gaza*, U.S. Department of State, [https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?dynamic\\_load\\_id=280988&year=2017#wrapper](https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?dynamic_load_id=280988&year=2017#wrapper) (accessed 5th July 2018).

[6] Ibid.

[7] Ibid.

[8] "British Report on Palestine Administration to the League of Nations – 1922", Institute for the Study of Modern Israel – EMORY College for Arts and Sciences, 2017, <http://ismi.emory.edu/home/resources/primary-source-docs/1922report.pdf> (accessed 6th July 2018).

[9] "The World Factbook – West Bank", The Central Intelligence Agency, 4th June 2018, <https://www.cia.gov/library/publications/the-world-factbook/geos/we.html> (accessed 6th July 2018).

[10] "The World Factbook – Gaza Strip", The Central Intelligence Agency, 4th June 2018, <https://www.cia.gov/library/publications/the-world-factbook/geos/gz.html> (accessed 5th July 2018).

[11] "2003 Amended Basic Law", The Palestinian Basic Law, 2003, <http://www.palestinianbasiclaw.org/basic-law/2003-amended-basic-law> (accessed 5th July 2018).

[12] "Freedom of Religion – A Human Rights-Based approach to discrimination against Religious Minorities in the Palestinian Authority", Jerusalem Institute of Justice, <http://www.jij.org.il/wp-content/uploads/2015/03/Palestinian-Freedom-of-Religion.pdf> (accessed 4th July 2018).

[13] Bureau of Democracy, Human Rights, and Labor, *op. cit.*

[14] Ibid.

[15] Jim Ridolfo, *Digital Samaritans: Rhetorical Delivery and Engagement in the Digital Humanities*, Digital Culture Books, <https://quod.lib.umich.edu/cgi/t/text/idx/d/drc/13406713.0001.001/1:11/-digital-samaritans-rhetorical-delivery-and->

engagement?g=dculture;rgn=div1;view=fulltext;xc=1, (accessed 8th July 2018).

[16] Jo-Anne Rowney, "Vatican recognises Palestine state as historic treaty comes into force", Catholic Herald, 4th January 2016, <http://www.catholicherald.co.uk/news/2016/01/04/vatican-recognises-palestine-state-as-historic-treaty-comes-into-force/>, (accessed 3rd July 2018).

[17] "Gaza Christians dismayed as Israel restricts entries over Easter", The Times of Israel, 30th March 2018, <https://www.timesofisrael.com/gaza-christians-dismayed-as-israel-restricts-entries-over-easter/> (accessed 4th July 2018).

[18] Ibid.

[19] "'Help us bring light to the Christians in Gaza": the appeal of the Parish Priest Fr. Mario Da Silva", Pro Terra Santa, June 2017, <https://www.proterrasancta.org/en/help-us-bring-light-to-the-christians-in-gaza-the-appeal-of-the-parish-priest-fr-mario-da-silva/> (accessed 3rd July 2018).

[20] María Ximena Rondón, "As Palestinian Christians flee Gaza, priest expresses grave concern", Catholic News Agency, 10th April 2018, <https://www.catholicnewsagency.com/news/as-palestinian-christians-flee-gaza-priest-expresses-grave-concern-57321> (accessed 4th July 2018).

[21] "For Gaza priest, a forgotten people sees hope in war to receive aid", AsiaNews, 28th February 2017, <http://www.asianews.it/news-en/For-Gaza-priest,-a-forgotten-people-sees-hope-in-war-to-receive-aid-40063.html>, (accessed 5th July 2018).

[22] Ibid.

[23] "For Gaza priest, a forgotten people sees hope in war to receive aid", op. cit.

[24] María Ximena Rondón, op. cit.

[25] Ibid.

[26] Ibid.