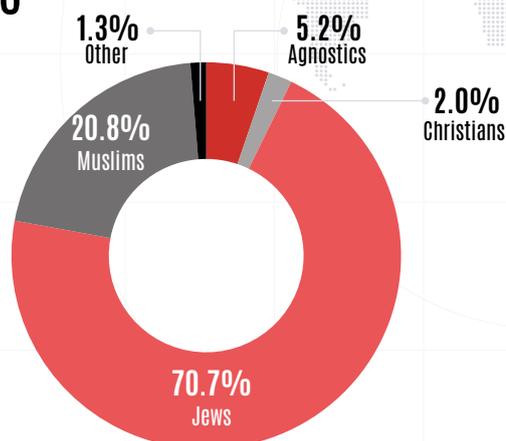




ISRAEL

RELIGIONS



LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

Since its independence in 1948, Israel has defined itself as a Jewish and democratic state.¹ Jews around the world who meet certain criteria are entitled to become citizens of the state.² In 1967, Israel conquered East Jerusalem, the West Bank, Gaza and the Golan Heights. To the present day, these territories are disputed and the UN General Assembly, the UN Security Council, and the International Court of Justice consider them to be under occupation, and Israel's settlements are accordingly deemed illegal.³

Sunni Arab Palestinians are the biggest non-Jewish group in the country. Most Israeli Christians are also Palestinian Arabs. Both groups hold Israeli citizenship. Most Christians belong to the Melkite Greek Catholic and Roman Catholic Churches, followed by the Greek Orthodox Church. Other minorities include the Druze community. In 1957, the Druze were designated as a distinct ethnic community by the government.⁴

Israel has no formal constitution⁵, so it is necessary to refer to the 1948 Declaration of Independence for the provisions relating to religious freedom. According to the Declaration, "The State of Israel will [...] uphold the full social

and political equality of all its citizens without distinction of race, creed, or sex; will guarantee full freedom of conscience, worship, education, and culture; will safeguard the sanctity and inviolability of shrines and Holy Places of all religions; and will dedicate itself to the principles of the Charter of the United Nations."⁶

The Israeli Supreme Court has ruled that the Basic law on Human Dignity and Liberty is the basis of fundamental freedoms such as religion.⁷

In July 2018, the Israeli parliament, the Knesset, passed a controversial law, titled the 'Basic Law: Israel as the Nation-State of the Jewish People',⁸ which says: "The Land of Israel is the historical homeland of the Jewish people, in which the State of Israel was established." Thus, "The State of Israel is the nation state of the Jewish People, in which it realizes its natural, cultural, religious and historical right to self-determination. [...] The exercise of the right to national self-determination in the State of Israel is unique to the Jewish People."⁹

The Catholic ordinaries of the Holy Land have heavily criticised the law. In a statement released in November 2018, they said: "We, as the religious leaders of the Catholic Churches, call on the authorities to rescind this Basic Law and assure one and all that the State of Israel seeks

to promote and protect the welfare and the safety of all its citizens.”¹⁰

Despite the special status for Jews in Israel, Judaism is not the official religion of the state. State institutions are secular and function according to the model of western democracies. Nonetheless, provisions specific to Judaism predominate in social practices, such as the observance of the Sabbath, kosher food, etc. These can create tensions between observant and non-religious Jews.

Non-Jewish citizens have in theory the same civil rights and obligations as Jewish citizens; they can, for example, vote in elections, join political parties, and be elected to the Knesset. Still, their role is insignificant in political life and, with certain exceptions – notably the Druze – they are not drafted into the Israeli Defence Force (IDF). Effectively, this denies Arab Israelis the various benefits that come with military service.¹¹ Prime Minister Benjamin Netanyahu does favour the admission of Arab Christians into the IDF.¹²

Conversions from one religion to another are legal but face considerable negative social pressure. Proselytising is legal for all religious groups. However, the law prohibits offering a material benefit as an inducement to conversion. It is also illegal to convert a person under 18 unless one parent is a member of the religious group seeking to convert the minor.

Matters relating to personal status are governed by the recognised religious communities to which a citizen belongs. There is no civil marriage, though such marriages performed abroad are recognised.

INCIDENTS AND DEVELOPMENTS

Identifying who is a Jew remains a major controversial issue in the Jewish state.¹³ In June 2018, The Times of Israel reported that “the chief rabbis of Israel and some 25 religious Zionist rabbis called on Israeli Prime Minister Benjamin Netanyahu to reject a proposal to overhaul the system of conversion to Judaism in the country, arguing that stripping the Chief Rabbinate of that authority will divide Jewry and facilitate the loss of Jewish heritage.” Jews from the Conservative and Reform movements have been criticising the Chief rabbinates monopoly on conversions for years.¹⁴

According to Israeli media, Prime Minister Benjamin Netanyahu told Knesset Speaker Yuli Edelstein, after a three-

year ban, that Knesset members can resume visiting the Temple Mount, as long as no more than once every three months and that the visits were coordinated in advance with the police.¹⁵ Israeli Agriculture Minister Uri Ariel was the first to visit the site, which is a permanent point of discord between Israel and Muslims.¹⁶

In October 2018, the cemetery attached to the Catholic Salesian Convent of Beit Jamal, 35 kilometres from Jerusalem, was desecrated once again by persons unknown. This time 28 graves were affected.¹⁷

In the same month, Israeli Prime Minister Netanyahu hailed Israel as the only real protector of Christians in the Middle East while accusing the Palestinian Authority in the West Bank of persecuting local Christians. “Israel is the one country that protects the human rights of all. We protect the religious rights of all. We don’t just protect Christian religious sites – we protect Christian people. Christians should enjoy all the freedom to worship as they please in the Middle East and anywhere else and the only place in the Middle East where they can do so is Israel,” Netanyahu said.¹⁸

In November 2018 dozens of heads of Churches in the United States sent a letter to US Secretary of State Mike Pompeo expressing concern over the ‘Properties Bill’ that was before the Knesset at that time. “Jerusalem Patriarchs and Heads of Churches consider this legislation to be an existential threat”, and this concern “cannot be overstated”.¹⁹ Earlier, the heads of Churches in Israel wrote to Israeli Prime Minister Netanyahu asking him to halt the bill.²⁰

In January 2019 clashes erupted between police and Arab Christians protesting a sculpture deemed blasphemous on exhibit in a Haifa museum. According to the police, the protesters tried to enter the museum to remove a sculpture depicting fast food icon Ronald McDonald on a cross. Three officers were injured.²¹ After protests from Church leaders and Israeli Culture Minister Miri Regev, the city’s mayor announced the removal of the sculpture.²²

In February 2019, Israeli police confirmed that Sheikh Abdelazeem Salhab, from the Jerusalem Islamic Waqf trust, was briefly detained and then released for allegedly opening, without authorisation, the doors of Bab al Rahma Hall on the Haram al Sharif (Temple Mount), thus enabling Muslim prayer there. Jordan strongly protested the detention of its appointee.²³

In March 2019, Israeli prosecutors dropped charges against two Jewish extremists they had indicted for a se-

ries of crimes, including vandalising the Catholic Dormition Abbey in Jerusalem. In 2015, the monks had discovered graffiti scribbled on one of the building's walls and on its door with messages such as "death to Christians," "death to Arabs," and "Jesus is a monkey."²⁴

Israeli police detained four suspects who attempted to smuggle two baby goats into the Temple Mount area for a Jewish Passover ritual sacrifice. Two journalists who wanted to film the illegal sacrifice were also detained.²⁵

In June 2019, clashes erupted on Jerusalem Day between Palestinian worshippers and Israeli forces at Jerusalem's Al-Aqsa Mosque compound. A tour of Jewish visitors on the last days of Ramadan led to the confrontation. "Some 1,179 Jewish extremists stormed the compound since morning," Omar Kiswani, director of Al-Aqsa Mosque, told the Anadolu Agency. "In a massive violation of the holy month of Ramadan, the settlers broke into the compound through Al-Mugharbah gate under the protection of Israeli police," he added.²⁶

In June 2019, Israeli MK Bezalel Smotrich of the Union of Right-Wing Parties (URWP) called for the introduction of a Jewish religious law based on the Torah to replace civil law. Prime Minister Netanyahu criticised the statement.²⁷ Later Smotrich said he did not want to force his beliefs on others.²⁸

In June 2019, Orthodox Jewish extremists disrupted a Jewish messianic gathering in Jerusalem. According to eyewitnesses who spoke to the Israel Today newspaper, dozens of religious Jews rallied to block local believers from attending an annual concert. "They wouldn't let us enter. I was pushed aside violently," said Professor Gideon, a messianic Jew and Dean of the School of Sciences at Tel Aviv Academic College. "There were families with small children and the religious were pushing and cursing," Gideon added. "Police eventually arrived at the site, but the anti-messianic group refused to leave."²⁹

In June 2019, 60 Armenian seminarians were said to have attacked and attempted to lynch two young Jews who were walking on the Armenian Patriarchate Street in Jerusalem's Old City. The victims were severely beaten and required urgent medical treatment.³⁰

Following the incident, the Armenian Patriarchate of Jerusalem issued a press release with a different version of the incident. According to the Patriarchate, on 8th June 2019, a group of Armenian Seminarians and the dean of the seminary were attacked by three extremist Jews and their dog.

"They were verbally and physically attacked by extremist Jews." This has "unfortunately happened [...] thousands of times and still continues to happen. For many years the Armenian clergy [has been] spat on, verbally attacked and also physically attacked by extremist Jews", the statement read.³¹

In June 2019, the Israeli Supreme Court decided in favour of Ateret Cohanim, thus ending a 14-year legal dispute over the lease of a Greek Orthodox Church property in Jerusalem's Old City to a settler group. The Church had tried to overturn the initial lease. A Church official called the Supreme Court's decision "illegal and illegitimate".³²

In July 2019, the Assembly of Catholic Ordinaries of the Holy Land denounced acts of intimidation perpetrated against local Christian communities by extremist Jewish groups. This followed attacks against cars and offensive graffiti against Christians in Jish, a village in Galilee. Prior to the incident, members of St. James Catholic parish in Beit Hanina, a suburb of East Jerusalem, were hit by tomatoes and other objects thrown by provocateurs from the nearby Jewish neighbourhood of Naveh Yaacov.³³

In August 2019, a poll conducted by the NGO Hiddush found that 68 percent of adult Jews in Israel supported the introduction of civil marriage; if introduced, it would include state recognition of marriages performed by Reform and Conservative rabbis.³⁴

In August 2019, the Israeli High Court overturned a lower court decision allowing a gender-segregated concert, but the ruling came too late to stop the event from going ahead amidst celebrations from ultra-Orthodox officials.³⁵

Reversing an earlier decision, Israeli police in August 2019 allowed Jews to enter the Temple Mount area to mark the Jewish holiday of Tisha B'Av. Their initial ban followed clashes with Muslim worshippers celebrating the Muslim holiday of Eid al-Adha. According to some media reports, 61 worshippers were wounded; four police officers were also slightly injured.³⁶

In January 2020, Sephardic Chief Rabbi Yitzhak Yosef questioned the Jewishness of some immigrants from the former Soviet Union. He was heavily criticised for the remarks.³⁷

On 25th March 2020, Israeli authorities ordered the closure of the Basilica of the Holy Sepulchre in Jerusalem in order to combat the COVID-19 pandemic.³⁸

In April 2020, Jerusalem's Al-Aqsa mosque compound

was closed to Muslim worshippers throughout the fasting month of Ramadan due to the pandemic. The Jerusalem Islamic Waqf called the decision “painful”.³⁹

An Israeli court decided to temporarily stop construction of a homeless shelter in Jaffa on the site of an 18th century Muslim cemetery. This did not stop clashes between residents and police. A number of protesters were arrested for disturbing the peace, trying to break into the cemetery, throwing rocks and spraying tear gas at police.⁴⁰

In a statement released in July 2020,⁴¹ the Patriarchs and Heads of the Churches of Jerusalem called on the Israeli government to safeguard the integrity of the Christian heritage and patrimony in the Old City of Jerusalem, as well as the Holy Sites and the rights of the residents of the Christian Quarter of Jerusalem. The statement followed a court decision upholding the contested sale in 2004 by the Greek Orthodox Patriarchate of three buildings near the Jaffa Gate to the Jewish organisation Ateret Cohanim.⁴² For those opposed, the transfer of property threatens the status quo in Jerusalem.

In July 2020, an Israeli court ordered the closure of Bab al-Rahma, the eastern gate of Jerusalem’s Al-Aqsa mosque. The Waqf that runs the Muslim holy place reported: “Al-Aqsa is superior to be subject to any court or political decision by the Israeli authorities,” the Muslim spokesman said in a statement.⁴³

The Haaretz newspaper reported that if Israel’s Interior Ministry had its way, group conversions performed in so-called “emerging” Jewish communities would no longer be recognised by the state. This would effectively mean that Jews who freely choose to undergo conversions in remote communities will not be allowed to immigrate to Israel under the Law of Return. “The ministry was responding to a suit filed five years ago by two converts from an emerging Jewish community in Peru who had been ordered to leave the country after their requests to obtain immigrant status were denied,” the article said. The Israeli Supreme Court has yet to issue its final ruling in the case.⁴⁴

In September 2020, a spokesperson for the Jerusalem Islamic Waqf told Al-Monitor that it had rejected a request by Israeli police to open the door to the Bab al-Asbat minaret to allow officers to cross from it to the roof of the northern Al-Aqsa Mosque wall to install loudspeakers. The spokesperson explained that the police used ladders to reach the roof and then would forcibly install them, thus increasing its surveillance of the Islamic holy place.⁴⁵

In September 2020, Jewish ultra-orthodox members of Jerusalem’s City Council criticised the planned project of a cable car running to Dung Gate, close to the Temple Mount area. The proposed route would pass over a Karaite cemetery, thus desecrating it.⁴⁶

In September 2020, an Israeli court issued a demolition order for a mosque in Silwan, a neighbourhood in East Jerusalem, for a “lack of a construction permit,” residents told the Anadolu news agency.⁴⁷

PROSPECTS FOR FREEDOM OF RELIGION

Israeli law protects the freedom of religion of its citizens regardless of their creed – a condition that has remained unchanged. However, at a societal level, religion can often cause tensions.

Given Israel’s Jewish majority and its unresolved political conflict with the Palestinians, it is often hard to know whether conflicts between Israeli Jews and Palestinian Muslims are motivated solely by religion or by other factors.

Both Muslims and Christians are regularly exposed to threats and attacks by Jewish extremists that sometimes go unpunished.

The Temple Mount or Haram esh-Sharif (Noble Sanctuary) in Jerusalem is a constant source of tensions between Israel and Muslim worshippers.

In such an environment where religion is of primary legal, political, and social importance, interreligious relations are precarious. While the right to religious freedom is generally respected, each and every incident involving religious freedom is fraught and invites close scrutiny by Israeli, Jordanian, and Palestinian civil and religious authorities, and is equally monitored by the international community.

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