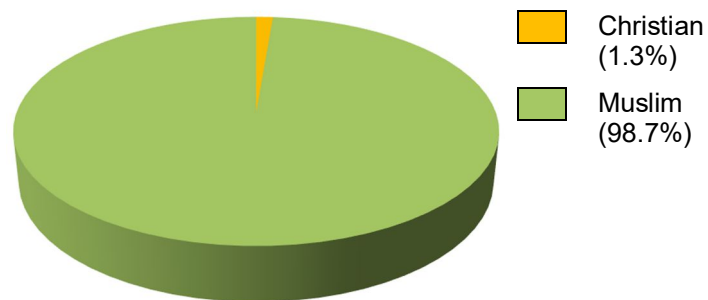


THE PALESTINIAN TERRITORIES



Area ¹ :	Population:	Political system:	Major Language(s):
6,335 km ²	4.4 million	Democracy	Arabic

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.² 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 PLO formally recognised each other. One year later the Palestinian Authority 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 being an integral part of its capital. Several bilateral negotiations between Israelis and Palestinians to effect two states existing side by side have not been successful. In 2005 Israel withdrew from Gaza but continued to control the access to the strip. Hamas took over Gaza in 2007. Several wars have been fought between Israel and Hamas since. Since then the Palestinian Territories are split between the internationally recognised government in Ramallah and Hamas in Gaza. 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.³ Palestinians are mostly Sunni Muslims. But there is an aboriginal Christian community of about 50,000 (including East Jerusalem) and a tiny Samaritan community of around 400 members living near Nablus. Around 500,000 Jewish settlers live in the territories and East Jerusalem in settlements considered to be illegal under international law.

Palestine has no constitution but the Palestinian Basic Law serves as a contemporary one.⁴ Article 4 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 9, "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 92 says that *Shari'a* affairs and personal status shall be assumed by *Shari'a* and religious courts in accordance with law.

On 1st April 2014, the Palestinian Authority (PA) 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 aspects of the freedom of religion.⁵

Conversion from Islam is legally not explicitly forbidden although in practice it would face massive social pressure. Proselytising is forbidden.

By a presidential decree of 2001 the mayors of municipalities like Ramallah, Bethlehem, Beit Jala and seven others are necessarily Palestinian Christians even if there is no Christian population majority in the city. Another Presidential decree from 2005 allocates six seats to Christians in the Palestinian Legislative Council. One seat is reserved for the Samaritan community which lives on the slope of Mount Garizim near Nablus. President Abbas has Christian ministers and advisers. Christians are also represented in the foreign service of the PA 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 personal status affairs like marriage, divorce and inheritance in accordance to church laws. Other churches, mostly Evangelical ones, are not officially registered but can operate freely. However, they don't have the same rights though when it comes to personal status affairs.

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 practice their faith and participate fully in society.⁶ The agreement is the first of its kind in the Arab-Muslim world.

Incidents

In July and August 2014 Gaza's Christian community was heavily affected by the war between Israel and Hamas. Parish priest Father Mario da Silva told Aid to the Church in Need: "Hardly anyone comes to the church at the moment. On Sundays there are never more than five people. Only the very courageous ones come. It's simply too dangerous."⁷ A bombing carried out by the Israeli army near Gaza's Roman Catholic Church of the Holy Family has partially destroyed the adjacent parish school, the pastor's office and some rooms used by the parish. The main target of the bombing was believed to be a house situated a few metres from the parish which was completely destroyed by the raid.⁸ The Catholic community received about 900 Muslim refugees in the school and parish compound. The Greek Orthodox community also received refugees. The Orthodox graveyard suffered damage during an Israeli bombardment.⁹

In October 2014 a mosque was set alight in a suspected arson attack in Aqraba, a village east of Nablus in the West Bank. The name of radical Israeli vigilante group called "price tag" was found daubed on the outside wall. Israeli President Reuven Rivlin condemned the incident and urged Israel's police chief to head an investigation, adding that the case "should be treated as terrorism".¹⁰

In November 2014 Palestinian security forces say a group of Israeli settlers set fire to a mosque overnight near the city of Ramallah in the West Bank. The attack took place in the village of al Mughayir, near the Israeli settlement of Shilo. The settlers destroyed the entire ground floor of the mosque.¹¹

In December 2014 Franciscan Custos Pierbattista Pizzaballa told Aid to the Church in Need that 19 Christian families had left Bethlehem in the three months before because of the unstable political and economic situation.¹²

In January 2015 Israel temporarily denied an international group of Catholic bishops temporary entry to Gaza. Only after several hours delay were the bishops from the Holy Land Coordination were allowed in.¹³

In February 2015 a mosque in Jab'a, near Bethlehem in the West Bank, was torched and the phrase "the Redemption of Zion" was scrawled on its walls.¹⁴

In June 2015 in response to rocket fire from Gaza the Israeli government has cancelled some special permits granted to Palestinians for Ramadan. During the night of 23rd June rockets were launched from the Strip into southern Israel. General Yoav Mordechai, head of the Coordination of Government Activities in the Territories (COGAT), confirmed that the ban on entry to Israel for residents of the Gaza Strip who wanted to attend Friday prayers at Temple Mount mosques had been reintroduced.¹⁵

In July 2015 Daesh (ISIS) insurgents accused Hamas, which rules the Palestinian Territories, of being lax in enforcing religious observation. The video statement, which came from a Daesh stronghold in Syria, was a public challenge to Hamas, which has been cracking down on jihadis in Gaza who oppose its truces with Israel and reconciliation with rival Palestinian faction Fatah. In a message addressed to the “tyrants of Hamas” a masked Daesh member said: “We will uproot the state of the Jews (Israel) and you and Fatah, and all of the secularists are nothing and you will be over-run by our creeping multitudes”.¹⁶

In August 2015 Israeli soldiers fired tear gas and stun grenades to disperse a protest in Beit Jala, a Palestinian Christian town near Bethlehem. Dozens of Palestinian and foreign protesters – including former Latin patriarch of Jerusalem Michel Sabbah – took part in the demonstration against renewed work on the West Bank Barrier. Military bulldozers have uprooted olive trees to clear space for the structure. One nun suffered from suffocation. Two protesters were arrested for allegedly throwing stones at soldiers guarding the construction zone.¹⁷ Earlier in August Palestinian Christians were involved in a scuffle with Israeli Border Police near Bethlehem after dozens of demonstrators, including priests, gathered to protest against renewed work on Israel’s West Bank Barrier in a sensitive Christian area. Three Roman Catholic priests tried to pray among olive trees that bulldozers and mechanical diggers were trying to uproot. Police stopped the priests from approaching. One demonstrator was arrested as he tried to plant an olive sapling in front of the excavators.¹⁸

In September 2015 Bethlehem’s Maronite St Charbel Monastery was damaged in an arson attack which, according to the Church, was the work of Islamic fundamentalists. The building, which was under renovation, suffered serious damage. Sobhy Makhoul, chancellor of the Maronite Patriarchate in Jerusalem, said that the fire that broke out was deliberately set. “It was an act of arson, not a fire caused by an electrical problem, an act of sectarian vandalism by radical Muslims.” Police sources said that Muslim extremist groups have been active in the area and the culprits are already known and should “be soon apprehended.” For the chancellor of the Maronite Patriarchate, “The attack is sectarian in nature. It is anti-Christian, like many other incidents across the Middle East. Extremist groups operate in the area, including some Hamas cells. There are also some loose cannons that give vent to their ideology.”¹⁹

In October 2015 Palestinians torched a tomb revered as that of the biblical patriarch Joseph, in the West Bank city of Nablus. The Jewish holy site was badly damaged during the night-time attack, when dozens of Palestinians overran the tomb, pelting it with petrol bombs. Palestinian police dispersed the crowd and firefighters extinguished the blaze before Israeli security forces arrived. Israel’s military spokesman Lt Col Peter Lerner said the attack was “a blatant violation of the basic value of freedom of worship”. He said Israel would “bring perpetrators to justice and restore the site”. Palestinian leader Mahmoud Abbas condemned the arson and said the site would be repaired.²⁰

In January 2016 the Israeli High Court dismissed the latest petitions in the Cremisan case, which had been submitted by the Salesian Sisters Convent, Beit Jala Municipality, and Christian landowners. The Court stated that although it approves the construction of the Barrier, based on security needs, the landowners have the right to object to any route that does not maintain their right to access their lands. Moreover, the Salesian Sisters were granted the right to object to the final route which could divide their convent and school. The Court granted both parties the right to object to the presented route or any future one, regardless of the current construction of the wall in Bir Onah – Beit Jala.²¹

In February 2016 Gaza's Catholic parish priest Mario da Silva said that "the community is increasingly shrinking. Over the last months, some 30 parish members managed to leave the Gaza Strip."²²

In March 2016, 95 percent of Christians in the Gaza Strip were granted permission by the Israeli authorities to enter Israel so they could take part in Easter celebrations. For the first time, the Catholic Church was directly involved in the process of getting exit permits. This role is usually fulfilled by the Orthodox Church. For Christmas and Easter holidays, requests to get permits must be made from the Israeli military authorities, who hold and watch over entries and exits at Erez check point. Young people, particularly those below 35 years of age, were once again absent from the lists of those authorised to enter Israel.²³ "We had only one day to apply," said Fr Mario da Silva, Gaza's parish priest. On 20th February, "890 people went to apply." Many of them were young people who were applying "without much hope" of getting "an exit permit."²⁴

In April 2016 it was announced that hundreds of young Palestinian Christians would join Pope Francis at World Youth Day in Kraków in July 2016. At least 700 young people from the parishes of the Holy Land will attend the 31st world gathering. They will include five young people from Gaza. They will receive a special permit to leave from Tel Aviv which usually is inaccessible to Palestinians from the West Bank and Gaza.²⁵

In Gaza, in April 2016, the ruins of an ancient Byzantine church, which re-emerged during the building of a shopping centre, have been removed by bulldozers and the local authorities did nothing to protect the archaeological site. The episode provoked strong condemnations from some Palestinian Christians. Father Ibrahim Nairouz, a Palestinian Anglican priest living in Nablus, denounced the incident in two letters sent to the Prime Minister of the Palestinian Authority, Rami Hamdallah, and to the Palestinian Minister of Antiquities and Tourism, Rula Maayah. "If they had found the remains of a mosque or a synagogue or any other ancient structure" wondered Fr Nairouz in statements reported by the Israeli press, "would they have handled the situation in the same way?"²⁶

In May 2016 Palestinian President Abu Mazen stated that the protection of the Christian presence in Palestine and other parts of the Middle East "is for us a duty and a mission". He said this in a message addressed to Christians at Easter (according to the Julian calendar). "It is not a secret that the fate of Christians in the Middle East is full of pitfalls," in a spiral that threatens coexistence, pluralism and religious freedom. He added: "For this reason, we must contrast in every possible way all attempts to weaken the presence of native Christians in the Holy Land."²⁷

In May 2016 it was announced that the area of Qasr al-Yahud, which extends around the western bank of the Jordan River, thought by most churches to be the site of Jesus' baptism, would be cleared of mines and other ordnance that still lie scattered, 50 years after the Six Day War. According to the Israeli press, the area which is about to be cleared covers approximately 100 hectares and has been inaccessible since 1967. The mine clearance project will be implemented under the supervision of the Israeli Ministry of Defence and with the collaboration of the British charity Halo Trust, which specialises in the removal of mines and unexploded ordnance of war. The mine clearance should be finished by the end of 2016.²⁸

Prospects for Religious freedom

There is no religious freedom in the Palestinian Territories controlled by the PA in the sense of citizens having the right to follow a religion or not and to change from one religion to another. But generally there is a high level of individual and collective liberty of cult. The Palestinian leadership appreciates publicly the presence and contribution of Palestinian Christians. Christians are present in the highest ranks of the PA. The situation of Christians is more complicated in Gaza where Islamist group Hamas is ruling. But Hamas is tolerating the small group of Christians and their institutions within certain boundaries that exclude active proselytism. There are very radical groups in Gaza who threaten the Christians in Gaza. Both Palestinian Muslims and Christians from the West Bank and Gaza suffer from the Israeli occupation that also limits the exercise of their

religious freedom. Israel is regulating the access of both Muslims and Christians from the West Bank and Gaza who want to visit their Holy Sites in East Jerusalem. Residents of the PA 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.

¹ 5,970 km² (2,305 mi²) for West Bank territories and 365 km² (141 mi²) for Gaza.

² 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. See Iain Scobbie, "Southern Lebanon" in *International Law and the Classification of Conflicts*, ed. by Elizabeth Wilmshurst (Oxford: Oxford University Press: 2012), p. 295.

³ <http://palestineun.org/about-palestine/diplomatic-relations/>

⁴ <http://www.palestinianbasiclaw.org/basic-law/2003-amended-basic-law>

⁵ <http://ijj.org.il/wp-content/uploads/2015/03/Palestinian-Freedom-of-Religion.pdf>;

<http://nadplo.org/userfiles/file/fact%20sheets/Q&A%20Accession.pdf>

⁶ http://en.radiovaticana.va/news/2015/06/26/holy_see,_state_of_palestine_sign_comprehensive_agreement/1154236

⁷ <http://www.churchinneed.org/site/News2?page=NewsArticle&id=7959>

⁸ <http://www.fides.org/en/news/36168->

ASIA_HOLY_LAND_Bombing_near_the_Catholic_parish_in_Gaza_School_devastated#.V0BaePmLSM9

⁹ <http://www.reuters.com/article/us-palestinians-israel-gaza-church-idUSKBN0FR1O520140722>

¹⁰ <http://www.reuters.com/article/us-mideast-israel-palestinians-idUSKCN0I30H020141014>

¹¹ <http://www.asianews.it/news-en/Israeli-settlers-burn-a-mosque-in-West-Bank-32673.html>

¹² <https://aidchurch.wordpress.com/2014/12/03/acn-interview-jerusalem/>

¹³ <https://www.kath.ch/news/d/israel-laesst-nun-doch-alle-bischoefe-nach-gaza-einreisen/>

¹⁴ <http://www.asianews.it/news-en/Arson-attack-against-Greek-Orthodox-seminary-in-Jerusalem-33580.html>

¹⁵ <http://www.asianews.it/news-en/Israel-revokes-Gaza-Palestinians-entry-permits-granted-for-Ramadan-34606.html>

¹⁶ <http://uk.reuters.com/article/uk-palestinians-islamicstate-hamas-idUKKCN0PA2TT20150701>

¹⁷ <https://www.yahoo.com/news/israeli-troops-fire-tear-gas-separation-barrier-demo-170752823.html?ref=gs>

¹⁸ <http://www.timesofisrael.com/palestinian-christians-police-clash-over-barrier-construction/>

¹⁹ <http://www.asianews.it/news-en/Arson-attack-at-Bethlehem%E2%80%99s-St-Charbel-Monastery%2C-probably-the-work-of-Islamic-fundamentalists%2C-says-Maronite-leader-35435.html>

²⁰ <http://www.bbc.com/news/world-middle-east-34547523>

²¹ <http://www.saintyves.org/?MenuId=3&Lang=1&TemplatId=news&id=129&catId=1&full=1>

²² <http://en.ipj.org/2016/03/03/living-lent-with-christians-of-gaza/>

²³ <http://en.ipj.org/2016/03/23/after-8-years-of-waiting-young-christians-get-out-of-gaza-for-easter/>

²⁴ <http://www.asianews.it/news-en/Hundreds-of-Gaza-Christians-can-travel-to-Jerusalem-for-Easter-37029.html>

²⁵ <http://www.asianews.it/news-en/Hundreds-of-young-people-from-the-Holy-Land-%28and-Gaza%29-to-join-Pope-Francis-at-World-Youth-Day-in-Krak%C3%B3w-37177.html>

²⁶ <http://fides.org/en/news/59778->

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²⁷ <http://fides.org/en/news/59941->

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²⁸ <http://fides.org/en/news/60052->

ASIA_HOLY_LAND_Mine_clearance_of_the_area_around_the_site_of_the_Baptism_of_Jesus_has_been_announced#.VzzEavmLSM8