



Right To Worship

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Summary

As the occupying power, Israel has the responsibility to preserve the rights and freedoms of Palestinians, which includes the right to worship.¹ However, Israel's permit system, the severely restricted access to religious sites, the ban on religious intermarriage, and the systematic neglect and under-resourcing of non-Jewish holy sites demonstrate just a few ways in which the realisation of this right is impeded by Israeli policy. The right to worship is both curtailed as a consequence of the obstruction of other essential rights, such as freedom of movement, while also representing a key manifestation of the Israeli state's project of Judaisation, whereby non-Jewish histories and cultures are effaced.

International Law

Restricting Palestinian access to religious sites is a violation of Article 18.1 of the [International Covenant on Civil and Political Rights \(ICCPR\)](#), which states that the right to freedom of religion includes the right to "manifest [one's] religion or belief in worship, observance, practice and teaching."² According to the [Human Rights Committee](#), a UN body of experts that monitors how the ICCPR is implemented, the rights listed within the ICCPR apply to Palestinians living in the occupied Palestinian territories as well as Palestinians living as citizens in

Israel.³ Article 27 of the [Fourth Geneva Convention](#) also makes special mention regarding the protection of this right for Palestinians living under Israeli occupation.⁴

However, many Palestinians are denied the right to worship due to policies that are directly linked to living under Israel's occupation - such as restrictions on access to religious sites that are often less than 100 kilometers away, bans on religious intermarriage, and preferential treatment of Jewish-Israeli groups. Palestinians living in [Gaza](#) are particularly disadvantaged due to the Israeli-imposed blockade on Gaza which almost entirely prevents freedom of movement of Palestinians into and out of the Gaza Strip, therefore obstructing Palestinians there from visiting places such as the al-Aqsa mosque, the third holiest site in Islam. Although all Palestinians face discriminatory and arbitrary denials for access to religious sites, Palestinians living in Gaza suffer from the most [severe restrictions](#) on their movement.⁵

Significance of the Theme in the Context of Israel-Palestine

As an occupying power, Israel has ultimate control over even quotidian activities in Palestinian life, including religious practices. The violation of Palestinians' right to worship contributes to the denial of Palestinian claims on significant religious and historical sites in historic Palestine, such as al-Aqsa Mosque and the Church of the Holy

1. "BRIEF: Jordan condemns mosque attacks in Palestine" by Omar Obeidat of Tribune Business News in Washington, 6 May 2010.

2. <https://treaties.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf>

3. <http://ccprcentre.org/page/112nd-session-in-brief/israel-the-applicability-of-the-iccpr-to-occupied-palestinian-territory-is-again-a-main-concern-of-the-israel-review>

4. http://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33_GC-IV-EN.pdf

5. <https://www.ochaopt.org/theme/gaza-blockade>



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Sepulcher in Jerusalem. Policies such as the need to obtain Israeli-issued permits to visit religious sites reduce the cultural autonomy of Palestinians and act as an obstacle to the full flourishing of Palestinian religious and cultural life. The Israeli state [discriminates](#) in favour of Jewish Israelis, with such bias making up part of Israel's larger strategy to erase non-Jewish ties to historic Palestine.⁶ The disproportionate amount of taxes placed on non-Jewish holy sites, for example, demonstrates how Israel discriminates against non-Jewish groups, and in fact, quite often this added financial burden can lead to permanent or temporary [closures](#) of non-Jewish holy sites.⁷

Israel's ban on religious intermarriage also impairs Palestinian freedom of religion, which is included in the right to freedom of thought, conscience, and religion in Article 18.1 of the [ICCPR](#).⁸ The ban on religious intermarriage constitutes a form of coercion, since one spouse would inevitably have to change their religion if they wished to marry. This coercion goes against Article 18.2 of the ICCPR, which states that "no one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice," including the freedom to not have religious beliefs.⁹

Historical Development

The denial of the Palestinian right to worship has developed

alongside, and crucially as a necessary effect of, the [establishment](#) of the state of Israel. Since Israel is a self-proclaimed Jewish state, it is a nation that seeks to sustain itself as a Jewish-majority entity. That means it is a state that explicitly benefits Jews at the expense of other ethnic and religious groups, and this includes the realm of religious practice and worship. Israeli policy in Jerusalem is a useful microcosm of broader aims and processes. Although Jerusalem is a holy city in the religious traditions of Islam, Judaism, and Christianity, Jewish groups in this city receive preferential treatment. Through the illegal annexation of East Jerusalem and occupation of the [West Bank](#) in 1967, Israel effectively gained control of all religious sites in historic Palestine. Palestinians who could once roam freely around historic Palestine now find it difficult to visit religious sites due to restrictions on their [freedom of movement](#).¹⁰ These discriminatory policies contribute to a larger Israeli effort to erase non-Jewish heritage in historic Palestine. These policies focused on the Judaisation and occupation of historic Palestine lead to a political climate in which restricted visits to holy sites, banned religious intermarriage, and additional taxes and burdens placed on non-Jewish holy sites rob Palestinians of their right to worship.

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6. <http://www.haaretz.com/opinion/palestinians-need-freedom-in-jerusalem-not-israeli-permits-1.423862>

7. <https://www.cnn.com/2018/02/26/middleeast/jerusalem-church-of-holy-sepulchre-lee/index.html>

8. <https://treaties.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf>

9. Hannah Lerner (2011). Making constitutions in deeply divided societies. Cambridge University Press, p. 214.

10. http://www.btselem.org/download/200607_a_wall_in_jerusalem.pdf



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Since Israel prioritises the livelihoods and rights of its Jewish population, people from other faiths, Palestinians or otherwise, experience exclusion. According to a Human Rights Watch [report](#) on human rights developments in Israel and the occupied Palestinian Territories, “in 1998, the [Israeli Ministry of Religious Affairs] allotted 1.86 percent of its budget to the combined Muslim, Christian, and Druze communities, although they comprised close to 20 percent of the population.”¹¹ Systematic underfunding such as this leads to neglect and exclusion. Furthermore, since Jewish people of all nationalities and Christians from around the world

can freely visit religious sites in and around Jerusalem without permits, such restrictions tend to disproportionately impact the Palestinian community living under Israeli control, and this sharply demonstrates how Israeli policy is specifically

targeted towards that demographic whose presence is seen as a threat to its historical claims. Barring the free entry of Palestinians into East Jerusalem [exemplifies](#) this.¹²

Current Developments

With the construction of the illegal Separation Wall in 2000, it has become harder for Palestinians to move in and out of

Jerusalem. Consequently, Palestinian Christians cannot freely visit religious sites such as the Church of the Holy Sepulcher, one of the holiest sites in Christianity, and Palestinian Muslims cannot freely visit Al-Aqsa Mosque, the third holiest site in Islam. Outside of Jerusalem, Palestinian Christians are impaired access to visiting [Bethlehem](#), another important holy site in Christianity, due to checkpoints and the Separation Wall.¹³

West Bank

Hebron, a Palestinian city in the West Bank with a significant Israeli [settler](#) population, is home to the Cave of the Patriarchs/ the Ibrahimi Mosque. This is an important burial site for religious patriarchs in Judaism, Islam, and Christianity. Although this holy site is located in the Palestinian West Bank, Israel’s status as an occupier gives it ultimate authority over this site. Visitors are required to go through an Israeli [checkpoint](#) before either going to the Jewish or Muslim section to worship.¹⁴ Israel’s ultimate authority over the Cave of the Patriarchs/Ibrahimi Mosque and all religious sites in historic Palestine is made clear in cases when the Mosque is placed under lockdown to ensure Jewish access to the holy site. In 2015, various roads and side streets in Hebron, particularly those leading to Ibrahimi Mosque, were closed to allow approximately 50,000 Israelis into Hebron for Passover celebrations. The Israeli Defense Forces (IDF) also placed checkpoints in neighbouring Palestinian cities, placed some Palestinian homes under military control, and closed the Ibrahimi Mosque to Muslims for two days.

11. <http://pantheon.hrw.org/legacy/wr2k/Mena-07.htm>

12. <http://www.meezaan.org/eng/?mod=articles&ID=140>

13. http://www.btselem.org/download/200607_a_wall_in_jerusalem.pdf

14. <https://www.pri.org/stories/2015-11-10/hebron-jews-and-palestinians-share-holy-site-begrudgingly>



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As a result, local Palestinians had to take routes up to [12 kilometers longer](#) in order to go home and those wishing to worship at the Mosque were barred from doing so.¹⁵

The rights to worship and form peaceful assemblies are also violated by the destruction of Palestinian worship sites in the occupied Palestinian territories. Destruction, vandalism, and the burning of Palestinian mosques by Jewish settlers and the Israeli army often go unpunished.¹⁶ In 2010, the [Palestinian Centre for Human Rights](#) “documented 291 attacks by Israeli settlers throughout the West Bank, of which 27 were attacks against religious sites.”¹⁷ The widespread failure of Israeli authorities to investigate such attacks gives license to their continuation.

Jerusalem

In July 2017, Israeli forces installed metal detectors and high resolution security cameras on entrances to Al-Aqsa compound in Jerusalem after two Israeli guards were killed by Palestinians near the compound. As a response to the closure of the holy site, Palestinian Muslims in various towns protested the new [security measures](#), claiming that this was another step toward Israel's ultimate goal of altering the status quo and asserting its control

over Al-Aqsa Mosque, and Jerusalem more broadly.¹⁸ Palestinians refused to enter the Al-Aqsa compound and prayed outside on the streets each day instead until the metal detectors and security cameras were [removed](#).¹⁹ As a response to the protests, Israeli forces [shot](#) several unarmed protestors with rubber bullets, threw tear gas and used stun grenades, ultimately wounding more than [1,000](#) Palestinian civilians.²⁰ Although the security cameras remained, on 24 July 2017, the metal detectors around the compound were [removed](#).²¹ The protests and anger surrounding the security measures put in place around Al-Aqsa Mosque speak to deeper issues, with these measures seen to be representing Israel's securitisation of, and dominance over, Palestinian people's daily lives. On May 16, 2018, the United States officially moved the US

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15. <http://imemc.org/article/71169/>

16. Omar Obeidat [2010]. BRIEF: Jordan condemns mosque attacks in Palestine. Tribune Business News in Washington.

17. <http://www.pchrgaza.org/files/2012/un/Briefing%20Note%20SR%20religion%20or%20beliefs%2012%20Nov12.pdf>

18. <http://www.aljazeera.com/news/2017/07/israel-removing-metal-detectors-al-aqsa-compound-170724214814179.html>

19. <http://www.independent.co.uk/news/world/middle-east/israel-removing-metal-detectors-al-aqsa-mosque-temple-mount-smart-cameras-violence-riots-deaths-a7858256.html>

20. <http://www.aljazeera.com/news/2017/07/israel-removing-metal-detectors-al-aqsa-compound-170724214814179.html>; <http://www.aljazeera.com/news/2017/07/al-aqsa-prayers-pass-peacefully-weeks-unrest-170728145643875.html>

21. <http://www.independent.co.uk/news/world/middle-east/israel-removing-metal-detectors-al-aqsa-mosque-temple-mount-smart-cameras-violence-riots-deaths-a7858256.html>



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Embassy in Israel from Tel Aviv to Jerusalem. This move went along with US President Donald Trump's [statement](#) in December 2017 of Jerusalem being the undivided capital of Israel.²² This effective recognition of annexation works to both accept and support Israel's denial of the Palestinian claim to the city, which is grounded in international law, further normalising its rights violations.

Gaza

Gaza has been considered a "hostile entity" by Israel and some members of the international community since September 2007, shortly after the Israeli blockade of Gaza. Palestinians are still not able to freely travel between the West Bank and Gaza, which prevents Palestinians living in Gaza from visiting holy sites in the West Bank, including East Jerusalem. Palestinian Christians living in Gaza are also more likely to be granted travel permits to visit religious sites in East Jerusalem than their Muslim [counterparts](#).²³ This preferential treatment violates Article 2.1 of the [UDHR](#), which states that religion should not be a reason for discrimination.²⁴ The [permit](#) system that gives Israel the power to deny entry into Jerusalem to visit holy sites on a whim also gives it the power to limit the number of Palestinians residing in Jerusalem.²⁵ This is in line with Israel's historical attempts to illegally annex East Jerusalem and make Jerusalem the undivided capital of

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Although the right to worship is listed multiple times in the [UDHR](#) and other international human rights documents, Israel does not respect Palestinians' access to this right.²⁶ Through the permit system placed on Palestinians to prevent their free movement and visits to religious sites, bans on religious intermarriage, preferential treatment based on religion, discriminatory policies placed on non-Jewish holy sites, and the destruction of places of worship, Palestinians experience a loss of their right to worship freely. This should also be seen as an exercise of Israeli domination which makes true Palestinian freedom impossible.

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22. <https://www.aljazeera.com/news/2018/05/jerusalem-lockdown-moves-israeli-mission-180514112733896.html>

23. <http://www.pchrgaza.org/files/2012/un/Briefing%20Note%20SR%20religion%20or%20beliefs%2012%20Nov12.pdf>

24. http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf

25. <http://www.haaretz.com/opinion/palestinians-need-freedom-in-jerusalem-not-israeli-permits-1.423862>

26. http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf