

# Palestine

Palestine has a tumultuous history and disputed territorial boundaries. The region holds a population of approximately 4 million, of which the vast majority are Sunni Muslim. There are small communities of Christians and Jews. In the Israeli-Palestinian conflict religion and ethnicity are often closely linked.

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
<u>State legislation is partly derived from religious law or by religious authorities</u>		<u>Systemic religious privilege results in significant social discrimination</u> <u>It is made difficult to register or operate an explicitly Humanist, atheist, secularist or other non-religious NGO or other human rights organization</u>	<u>'Blasphemy' is outlawed or criticism of religion is restricted and punishable with a prison sentence</u>
<u>There is systematic religious privilege</u>	<u>Religious or ideological instruction is mandatory in at least some public schools (without secular or humanist alternatives)</u>	<u>Some religious courts rule in civil or family matters on a coercive or discriminatory basis</u>	

Legend

## Constitution and government

Freedom of religion or belief and freedom of expression in various parts of the "Palestinian Territories" fall under the jurisdiction of the Palestinian Authority (in much of the West Bank), or Israel, or Hamas (in the Gaza Strip). The Palestinian Authority (PA)—a quasi-sovereign entity created by the 1993 Oslo Accords—is effectively fractured in two halves—the West Bank controlled by the Fatah-dominated PA, and the Gaza Strip controlled by Hamas. Freedom of religion or belief faces significant government restrictions in both territories. Further, Israel controls some of the occupied territories like East Jerusalem.

Palestinian Basic Law states that Islam is the official religion and Sharia is the main source of legislation. The Palestinian Authority nominally recognizes international human rights standards, which include freedom of thought and expression, as well as freedom of association and assembly. However, these are only selectively enforced and are frequently violated by the various governing authorities.

The PA does not recognize certain religious groups, for example Protestants. Religious affiliation is declared on identification papers. Further, there is no official process to gain recognition and consequently, every religious group has to seek agreements with the PA. Proselytizing is restricted and the authorities control Friday sermons, to prevent preaching that encourages violence or anti-

Semitic rhetoric. However, PA official media, as well as street graffiti, sometimes presents messages of religious intolerance or anti-Semitism.

The government pays the construction and maintenance of mosques and the salaries of most imams, and gives some limited support to Christian organizations. However, the authorities do not provide financial support for Jewish institutions. Converts, particularly Muslims and Christians converting to another faith, face societal abuses and discrimination.

The introduction to the Hamas Charter outlines the intention to eliminate the state of Israel within an explicitly fundamental religious paradigm, which states "For our struggle against the Jews is extremely wide-ranging and grave, so much so that it will need all the loyal efforts we can wield, to be followed by further steps and reinforced by successive battalions from the multifarious Arab and Islamic world, until the enemies are defeated and Allah's victory prevails". Article 7 reinforces Hamas' objective to exterminate members of the Jewish faith via quotes from the Islamic hadith: "The time will not come until Muslims will fight the Jews (and kill them); until the Jews hide behind rocks and trees, which will cry: O Muslim! there is a Jew hiding behind me, come on and kill him!"

Hamas has established a morality police to enforce a strict interpretation of Islamic law and moral code. For instance, women were arrested for committing ethical crimes such as illegitimate pregnancy or inappropriate clothing. However, Hamas generally tolerates the small Christian community in Gaza and some Muslims students attend Christian schools.

## **Education and children's rights**

Religious education is compulsory in primary school for all students in PA schools. The religion classes are divided in Muslim and Christian courses.

## **Family, community and society**

### **Family Law**

In matters of personal status law Christians and Muslims are allowed to follow their own religious laws in separate religious courts. These courts handle legal matters of family law, which includes inheritance, divorce, child custody, and marriage. The religious Islamic (Hanafi) family law is based on Jordanian and Egyptian law.

The religious family law discriminates women in general. Women can not marry without the consent of their male guardian. Men can marry Christian or Jewish women, women are not allowed to marry a non-Muslim man. Men are favored in child custody. Women inherit less than men, for instance a daughter inherits only the half of a son. Muslim men are allowed to repudiate their wife, however, it is difficult for women to obtain a divorce and limited to several conditions. Women can obtain a divorce with the Islamic principle of "khula", where the woman forfeits financial support and her dowry, but only under the condition, that her husband agrees.

There are no laws against domestic violence and women would face pressure from their families not to report it in order not to bring shame on their family. Spousal rape is not criminalized. In other cases of rape, the rapist can escape punishment by marrying his victim. There are also no laws prohibiting sexual harassment. It is reported, that some families practice female genital mutilation (FGM) in Gaza, but no numbers exist. So-called honour killings are known to occur. Abortion is criminalized and only acceptable, if the woman's life is in danger.

Interfaith romantic relationships face considerable societal and family opposition. Families sometimes disown Christian and Muslim women, who marry outside their faith. Some Jewish organizations run a hotline to inform on Israeli-Palestinian couples.

## **Freedom of expression, advocacy of humanist values**

The media are not free in the West Bank. Under a 1995 PA press law, journalists may be fined and jailed, and newspapers closed, for publishing “secret information” on PA security forces or news that might harm national unity or incite violence. Journalists who criticize the PA or Fatah face arbitrary arrests, threats, and physical abuse. Since 2007, both the PA and Israeli forces have shut down most Hamas-affiliated radio and television stations in the West Bank. Media outlets that are not under the control of Fatah are routinely harassed, when they are not shut down altogether.

The media are not free in Gaza. In 2008, Hamas replaced the PA Ministry of Information with a government Media Office and banned all journalists not accredited by it. The authorities also closed down all media outlets not affiliated with Hamas.

There is very limited freedom of assembly in the West Bank. The PA requires permits for demonstrations, and those against PA policies are usually denied a permit and forcibly dispersed if they still take place. The Israeli Defense Force also routinely breaks up demonstrations in the West Bank, often with force, occasionally with deadly force. Freedom of association and assembly are severely restricted in Gaza, with the authorities frequently using force to disperse peaceful demonstrations.

### **“Blasphemy”**

The PA Basic Law declares Islam to be the official religion of Palestine and states that “respect and sanctity of all other heavenly religions (Judaism and Christianity) shall be maintained.” In the West Bank territories governed by the Palestinian Authority, the old Jordanian law against “defaming religion” is still in force and may result in a maximum penalty of life imprisonment.

Hamas authorities in Gaza have enforced orthodox Sunni Islamic practices and conservative dress, and have regularly harassed worshippers at non-Hamas-affiliated mosques.

## **Highlighted cases**

On Oct. 31, 2010, a 26-year-old blogger was arrested in the West Bank for posting allegedly blasphemous comments on Facebook and his blog. **Waleed Hasayin**, who used the name Waleed al-Husseini online, described himself as “an atheist from Jerusalem-Palestine” and wrote that God is “a primitive Bedouin and anthropomorphic” and that “people are free to think and believe in whatever suits them.” He was charged with “defaming religion”. Hasayin was released in 2012 and fled to Europe.