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ISRAEL

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Introduction

1. ADF International is a global alliance-building legal organization that advocates for religious freedom, life, and marriage and family before national and international institutions. As well as having ECOSOC consultative status with the United Nations (registered name "Alliance Defending Freedom"), ADF International has accreditation with the European Commission and Parliament, the Organization for Security and Cooperation in Europe, and the Organization of American States, and is a participant in the FRA Fundamental Rights Platform.
2. This report explains why Israel must respect and protect the religious freedom of all individual under its jurisdiction, including that of adherents to Judaism who have come to believe in Jesus as the Jewish Messiah and as a result have lost their legal privileges as Jews, including those under the Law of Return. It should also re-examine its policies on marriage in order to properly conform to international law.

(a) Religious Freedom

3. Recent reports estimate that there are around 15,000 Messianic Jews living in Israel. The population of Israel is 75 per cent Jewish and there are a number of areas in which Messianic Jews come under pressure.¹
4. Under the Law of Return, all Jews, and those with Jewish heritage, can immigrate to Israel and become Israeli citizens. The law, as amended, excludes Jews who have converted to another religion. The treatment of Messianic Jews wishing to immigrate under this provision has been varied through rulings of the Supreme Court.
5. In 2016, the Supreme Court refused to admit a Messianic Jew, whose father was Jewish, specifically because of his missionary activity. There have also been cases of those who immigrated but were discovered to hold Messianic beliefs being denied or delayed access to services such as family reunification. Most recently, a family with three young children that had lived in Israel for three and a half years was refused citizenship on the basis of an email which talked about reaching out to Jews.²
6. Members of the Messianic Jewish community report hostility and discrimination in a number of areas of social life, with occasional violence. In 2008, a 15-year-old boy was seriously injured after opening a booby-trapped gift basket sent to his Messianic Jewish family whose name and address had appeared on "warning" flyers distributed in the neighborhood.³ In another incident in 2008, hundreds of copies of the New

¹ Maoz Israel, Persecuted Believers in Israel, 2011, available at: <http://www.maozisrael.org/site/PageServer?pagename=persecution>.

² Jamie Cowen, Kehila News Israel, Persecution of Messianic Jews Rises Again, 15 June 2016, available at: <https://kehilanews.com/2016/06/15/persecution-of-messianic-jews-rises-again/>.

³ Chris Mitchell, CBN News, Suspect Arrest Announced in Ami Ortiz Case, 6 November 2009, available at: <http://www.cbn.com/cbnnews/insideisrael/2009/november/suspect-arrest-announced-in-ami-ortiz-case/>.

Testament, distributed by Messianic Jews, were burned by the Deputy Mayor in Or Yehuda.⁴

7. More recently, in 2015, the Knesset Finance Committee voted to refuse tax benefits to a non-profit group on the basis that it baptizes Jews. The Chairman of the Finance Committee stated that “the state does not need to fund groups that break the law. An organization that baptizes Jews is breaking the law and we certainly do not need to strengthen its activities.”⁵ This attitude of suspicion and intolerance persists with reports this year of disturbances outside meeting places and vandalism of the homes of Messianic Jewish leaders.
8. Other reports have also emerged which state that although many Christians live free of persecution in Israel, those who share their faith have been exposed to the threat of harassment and violence. A high proportion of persecution is at the hands of Islamic extremists, especially within the Palestinian territories outside of Israel’s formal control and jurisdiction, but some also comes from “anti-missionary” Jewish activists, who have been known to spray-paint and graffiti churches and other buildings in Christian areas.⁶
9. Arabic-speaking Christians have also accused the Israeli government of discrimination, including by way of threats by the State to cut funds to Christian schools in retaliation for a refusal to assimilate into the state school system. Christian schools at one point received up to 75% of their funding from the government, but by 2015 this had fallen to 29%, and caps on school fees to make up the shortfall had been imposed.⁷
10. The “recognized but unofficial” status of such schools is shared with a number of ultra-Orthodox Jewish school networks, which have nevertheless retained full state funding despite reportedly not even offering a standard school curriculum in mathematics and science. This discrimination becomes even starker in light of the fact that Christian schools are among the best in the country.⁸
11. Examples of social disdain for religious minorities include that of Haredi Jews spitting at non-Haredim and non-Jews, especially Christian and Muslim clergy, as well as the leader of Lehava, an organisation opposing the Christian presence in the land, stating

⁴ BBC News, Israel hit by Bible burning row, 21 May 2008, http://news.bbc.co.uk/2/hi/middle_east/7413134.stm.

⁵ Jeremy Sharon, Jerusalem Post, Knesset Denies Tax Benefits to Messianic Jewish NGO, 8 July 2015, available at: <http://www.jpost.com/Christian-News/Knesset-denies-tax-benefits-to-Messianic-Jewish-NGO-408400>.

⁶ Nicola Menzie, The Christian Post, Christian Persecution in 'Hostile' Israel Highlighted by Evangelical Group; ‘Some May Disagree and Even Take Offense,’ Says Nonprofit, 4 February 2014, available at: <http://www.christianpost.com/news/christian-persecution-in-hostile-israel-highlighted-by-evangelical-group-some-may-disagree-and-even-take-offense-says-nonprofit-113877>.

⁷ Inna Lazareva, Time, Christian Schools Accuse Israel of Discrimination as Students Strike, 16 September 2015, available at: <http://time.com/4036257/christian-schools-israel-discrimination/>.

⁸ Ibid.

in December 2015 that Christians are “blood-sucking vampires” who should be expelled from the country. A Greek Orthodox seminary in Jerusalem was also attacked by arsonists who also wrote graffiti on the walls in February 2015.⁹¹⁰

12. All of these issues constitute violations of the right to freedom of religion or belief under Article 18 of the ICCPR, the prohibition on advocacy of religious hatred constituting incitement to hostility or violence under Article 20 of the ICCPR, and the right to freedom from discrimination based on religion under Article 26 of the ICCPR.

(b) Marriage and Family

13. Following on from the Ottoman *millet* system, marriage in Israel is conducted on a confessional basis, with no institution of civil marriage. In order for a marriage to be validly solemnized in Israel, it must be performed by a registered religious group, which includes the officially-recognized variants of Judaism, Islam, and Druze, as well as a number of Christian denominations, including the Armenian Apostolic, Armenian Catholic, Chaldean Catholic, Greek Orthodox, Maronite Catholic, Melkite Greek Catholic, Roman Catholic, Syriac Catholic, and Syriac Orthodox churches.
14. It is also not possible to enter into an interfaith or non-religious marriage in Israel. In order for interfaith marriages or marriages conducted by a non-religious or an unregistered religious authority to be recognized in Israel, a couple must marry abroad and return to Israel to have their marriage inscribed with the civil authorities.
15. Same-sex unions contracted abroad have also been registered by Israeli judicial authorities for purposes of statistics and divorce, and unmarried couples, both opposite-sex and same-sex, are able to accrue many of the rights, benefits, and privileges of marriage through unregistered cohabitation arrangements, similar to common-law marriage. A civil union bill was passed in 2010 for opposite-sex couples who have no religious affiliation.
16. Like all other States, however, Israel has a duty under Article 23 of the International Covenant on Civil and Political Rights to protect and support the family as the natural and fundamental group unit of society, and the right of men and women of marriageable age to marry and to found a family under the same article is equally important to the fulfilment of this duty.
17. The right to marry under international law is specifically aimed at ensuring that the union of a man and a woman is recognized in order to encourage and incentivize the formation of stable and permanent natural family units. For this reason, rather than

⁹ Times of Israel, Head of extremist Jewish group calls Christians ‘blood-sucking vampires,’ 22 December 2015, available at: <http://www.timesofisrael.com/head-of-extremist-jewish-group-calls-christians-blood-sucking-vampires>.

¹⁰ Jewish Telegraphic Agency, Greek Orthodox seminary in Jerusalem torched in suspected hate crime, 26 February 2015, available at: <http://www.jta.org/2015/02/26/news-opinion/israel-middle-east/greek-orthodox-seminary-in-jerusalem-torched-in-suspected-hate-crime>.

leaving it solely to the discretion of registered religious bodies under the confessional system (even if religious ministers were to remain the sole solemnizers of marriage in the country) Israel should explicitly enshrine a definition of marriage within its own civil law as the union of a man and a woman, regardless of where the marriage occurred.

c) Recommendations

18. In light of the aforementioned issues, ADF International recommends that Israel:

- a. Protect and promote religious freedom and refrain from engaging in discrimination against individuals based on their religion or belief under Articles 18 and 26 of the ICCPR, especially in light of the legal rights privileges of adherents to Messianic Jews being revoked in a number of circumstances;
- b. Ensure that instances of harassment of and violence committed against Messianic Jews and other religious minorities are properly addressed and prevented, whether they are perpetrated by members of society or by the State itself;
- c. Ensure that the right of a man and a woman to marry and to found a family is explicitly recognized and defined under Israeli law in accordance with Article 23 of the ICCPR, and that ministers of religion outside those currently registered under Israel's confessional system have avenues available to properly solemnize marriages for their adherents;
- d. Refrain from further encouraging the utilisation of unregistered cohabitation instead of marriage, and preferably repeal its use in order that marriage can be optimally placed at the centre of Israel's family law and social customs.



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