



January 6, 2017
8 Tevet 5777

Father Thomas J. Reese, SJ, Chairman
Ms. Erin Singshinsuk, Executive Director
United States Commission on International Religious Freedom
732 North Capital Street, NW, Suite A 714
Washington, DC 20401

Dear Commissioners,

We write as the Chair and President of Hiddush – Freedom of Religion for Israel, an organization of Israeli and North American Jewish religious leaders, from across the denominational spectrum, who work to promote religious freedom and diversity in Israel. Our mission is to advocate and educate for full realization of the promise of Israel's Founders, as stated in Israel's Declaration of Independence, to uphold "Freedom of Religion and Conscience" and "Social and Political Equality Regardless of Religion" for all in Israel.

Our colleagues and we have followed the work of the United States Commission on International Religious Freedom with great interest. We know that the work of the Commission in monitoring and reporting on religious freedom has been significant for United State Government officials as well as those who struggle to protect and advance religious freedom throughout the world.

We write at this time, on behalf of Hiddush, to request that the Commission examine the broad issue of religious freedom in Israel. We are deeply committed to the welfare of Israel and recognize that Israel has created a vibrant democracy while coping with severe internal and external challenges during its 68 years. This is and remains a remarkable achievement, as many democracies around the world confront challenges of divergent nature and acuteness even when facing far fewer such internal and external obstacles.

We turn to the USCIRF fully aware of the fact that the serious issues we face in fully achieving religious freedom in Israel are of an entirely different order than those faced by countries identified by UCIRF as Countries of Particular Concern or arguably those listed in Tier 2. We fortunately do not deal with issues of arrest, murder, or deportation in conjunction with the realities of religious freedom and equality. However, as we have reviewed UCIRF's work, we have noted that UCIRF is also monitoring challenges to religious freedom in a range of Western European countries. We believe that review of the state of religious freedom in Israel by the UCIRF will be of great importance both in terms of the Commissions' efforts to expand and deepen religious freedom in the world and, in terms of advancing this mission in Israel, help raise awareness and strengthen the civil society organizations, such as Hiddush, who labor to strengthen religious freedom on the ground in Israel.

In working to expand the scope of religious freedom in Israel, we have advocated on behalf of Jews and non-Jews, Orthodox, secular and non-Orthodox, man and women, and have established Hiddush as a leading voice in this pursuit. Israel faces a broad range of issues in the area of religious freedom and equality, which we carefully and regularly monitor, to the best of our limited team and resources. We describe many aspects of this unfolding challenge in Hiddush's unique website, dedicated to this mission [Hiddush.org]. They range from issues involving freedom of worship [such as



the recent battle over Jewish egalitarian and women's worship rights in the Western Wall plaza] to gender equality and women's exclusion in the public sphere, adversely impacted by religious pressures, from State recognition of proselytizing procedures [especially the controversy over "Who is a Jew"] to discrimination in State funding for religious services and entitlement to State social welfare subsidies, from prohibition of public transportation on the Sabbath to the question of opening businesses on that day, from obstacles to non-religious and non-Orthodox burials in general to religious Orthodox coercion in military burials, from State security in equality in the draft to the refusal to incorporate core-curricular studies in State funded educational institutions for religious reasons etc. etc. They impact on civil rights, human dignity and impinge on the principle of equality.

By way of illustrating the far reaching ramifications of infringement of religious freedom on the rights and dignity of the population as a whole, let us share with you the impact it has on the right to marry;

- A. The only marriages that may be conducted in Israel are granted legal recognition under Israeli law, for Jews and non-Jews alike, are those that are carried out in compliance with religious law and performed by recognized religious clergy. Ironically, in this field [as in some other areas] non-Jews fare much better than Jews, because whereas most Christian denominations are given equal recognition, the only Jewish denomination recognized under the law for the purpose of marriage and divorce is Orthodox. This legal state of affairs has been analyzed by the former Chief Justice, Prof. Aharon Barak, who concluded that the sole control of religion over the right to marry is a violation of civil liberties, human dignity, religious freedom and equality [see: <http://marriage.hiddush.org/about/right-family-and-marriage-israel>].
- B. Hiddush has researched and compared the issue of the right to marry in 194 countries in the world, and uploaded its findings to a special site we created, that provides a visual image of our findings as well as their breakdown and details [see: marriage.hiddush.org]. This comparison has demonstrated that Israel is the only western democracy in the world that denies its citizens the freedom to marry, and is one of 45 countries in the world that impose severe restrictions on the rights of their citizens to marry, some 65% of which are countries that force Sharia law on their citizens.
- C. Hiddush has calculated and concluded that as a result of the religious exclusive control over marriages in Israel, and the granting of monopoly to the Orthodox State Rabbinate over marriage of all Jews in Israel, over 600,000 citizens are denied the right to marry in Israel altogether. [see: : http://hiddush.org/article-16805-0-Hiddush_presents_Marriage_freedom_by_the_numbers.aspx].
- D. Furthermore, our polling has indicated that many more are denied, for reasons of religious coercion alone, the ability to celebrate their marriages in accordance with their beliefs and lifestyle. For instance, 4 out of every 5 Israeli secular Jews [secular Jews make up app. 50% of the Jewish population, numbering more than 3 million] would have preferred to marry in ways other than via the Orthodox Rabbinate had this legal option been recognized under Israeli law. Moreover, we have repeatedly demonstrated that the overwhelming majority of the public in Israel support marriage freedom and objects to the laws and policies limiting marriage in the country to solely religious rituals, laws and officiants. [see: http://hiddush.org/article-17022-0-Hiddushs_2016_findings_and_data_on_marriage.aspx]

It should be stressed, in addition, that the main reason to the prevailing violations and infringements on religious freedom and equality in Israel is political, and is directly linked to the nature of Israeli politics, the need for a coalition government and hence the excessive power of the Orthodox religious parties over the rights and dignity of the population as a whole. The general [Jewish] population is strongly opposed to this state of affairs, is critical of Governmental policies, laws and regulations [whether discriminatory towards secular and non-Orthodox, or preferential towards Orthodox] and supports

the full implementation of Israel's founding vision and promise for religious freedom and equality. [see, for instance, Hiddush's 2016 Israel Religion and State Index: http://hiddush.org/article-16968-0-The_2016_Israel_Religion_State_Index.aspx]. Ironically, as a result of this state of affairs regarding religious freedom, one of Israel's leading columnists has suggested that whereas the common democratic discourse focuses on the protection of minority rights from the tyranny of the majority, in Israel we find it reversed, and focuses on the need to protect the majority from the tyranny of the minority...

We have reviewed the chapters regarding religious freedom in Israel and the Occupied territories published annually by the State Department. Having reviewed, we feel it is important to emphasize the needed distinction between incidents of violations of religious freedom and/or civil liberties emanating from religious coercion and/or discrimination from those that are caused or motivated by issues emanating from the Israeli-Palestinian conflict which have little or nothing to do with the pursuit of religious freedom. These other issues should surely be addressed as well, but in their appropriate context and not in the context of religious freedom. We recognize and appreciate the mission of the Commission to advance global religious freedom and fear that conflating these issues can confuse and divert focus on the urgent need to resolve challenges to religious freedom.

It is in this broad contexts that we write to request that the United States Commission on International Religious Freedom conduct a serious review of religious freedom issues in Israel--those that impact non-Orthodox Jews and those that impact all Israelis. We would ask that the standards and principles used to monitor religious freedom issues throughout the world be used as you study and review these issues in Israel.

The United States Commission on International Religious Freedom has achieved a unique position in the field of religious freedom because of its bi-partisan composition and the quality of its work. We trust that you will bring these same qualities to a review of religious freedom issues in Israel. Clearly, as the challenges of religious freedom and equality in Israel address both Jewish and non-Jewish [primarily Arab/Palestinian] citizens and residents of Israel [and some may even include in it the state of religious freedom in the Occupied Territories], we believe that such examination should be carried out in a way that provides context and comparison to the neighboring countries, and especially the Palestinian Authority, even if the PA is not within the formal mandate of the Commission. Such context and comparison would be of great importance for both the Commission itself and for better presentation and understanding of its findings by its potential audiences.

If there is anything contained in this note that prompts further questions or if you would like to discuss this issue further, please don't hesitate to be in touch.

Many thanks for your consideration and we look forward to hearing from you.



Stanley P. Gold, Chair



Rabbi Uri Regev, President & CEO