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Freedom in the World 2018 - Gaza Strip

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Freedom Status: Not Free

Aggregate Score: 12 (0 = Least Free, 100 = Most Free)

Freedom Rating: 6.5 (1 = Most Free, 7 = Least Free)

Political Rights: 7 (1 = Most Free, 7 = Least Free)

Civil Liberties: 6 (1 = Most Free, 7 = Least Free)

Quick Facts

Population: 1,870,000

Press Freedom Status: Not Free

OVERVIEW

The political rights and civil liberties of Gaza Strip residents are severely constrained by multiple layers of interference. Israel's de facto blockade of the territory, along with its periodic military incursions and rule of law violations, has imposed serious hardship on the civilian population, as has Egypt's tight control over the southern border. The Islamist political and militant group Hamas governs Gaza without democratic legitimacy, and its unresolved schism with the Palestinian Authority (PA) in the West Bank has contributed to legal confusion and repeated postponement of overdue elections.

Key Developments in 2017:

- Israel imposed tighter restrictions during the year on the movement of people and goods into and out of Gaza, including nongovernmental organization (NGO) and humanitarian workers, pushing the number of crossings to their lowest level since 2014 – the year of the most recent major conflict between Hamas and Israeli forces.
- In June, Israel reduced the power supply to the Gaza Strip after the PA cut back its payments in what was seen as a bid to put political pressure on Hamas. Residents were left with just a few hours of electricity service per day for the remainder of the year, disrupting access to water and sanitation, among other problems.
- Hamas continued to persecute critical journalists and other perceived opponents during the year, and persisted in its application of the death penalty without due process.

- In October, Egypt brokered a reconciliation agreement between Hamas and the PA, raising the possibility of presidential and legislative elections across the Palestinian territories, but implementation of the deal had stalled by year's end due partly to disagreements about control over internal security in the Gaza Strip.
- Confrontations between Palestinian protesters and Israeli troops near the border fence escalated following the U.S. decision to recognize Jerusalem as Israel's capital in December, leading to several Palestinian fatalities.

POLITICAL RIGHTS: 3 / 40

A. ELECTORAL PROCESS: 0 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

The PA has not held a presidential election since 2005, when the Fatah faction's Mahmoud Abbas won with 62 percent of the vote. Hamas seized control of the Gaza Strip in a violent rift with Fatah and the West Bank-based PA in 2007, and it has largely rejected Abbas's authority to date. Abbas's electoral mandate expired in 2009, though he continued to govern in the West Bank.

Under PA laws, the prime minister is nominated by the president and requires the support of the Palestinian Legislative Council (PLC). However, the PLC elected in 2006 was unable to function due to the break between Fatah and Hamas and Israel's detention of many lawmakers, and Hamas did not recognize Abbas's dismissal of Prime Minister Ismail Haniya in 2007. Despite repeated attempts to form new PA unity governments with Fatah, Hamas officials have exercised de facto executive authority in the Gaza Strip since then.

In February 2017, Yahya Sinwar was chosen in a closed election by Hamas members to serve as the head of government in Gaza. In October, Hamas and Fatah signed a renewed reconciliation agreement brokered by Egypt, but implementation remained stalled at year's end amid disputes over security responsibilities and other issues, and no schedule for presidential elections was set.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

The PA has not held elections for the 132-seat PLC since 2006, when Hamas won 74 seats and Fatah took 45. Although the two factions initially formed a unity government headed by Haniya of Hamas, the 2007 schism left that government and the PLC itself unable to function, and the legislature's mandate expired in 2010. Moreover, Israeli forces have repeatedly detained many PLC members since 2006, and up to 13 were in detention during 2017.

The PA held municipal council elections in the West Bank in May 2017, but Hamas refused to participate, and no voting was held in Gaza. The Gaza Strip was also excluded from the last municipal elections in 2012.

The 2017 reconciliation pact raised the prospect of new parliamentary elections, but no timetable had been established by year's end.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

Hamas officials implement the Palestinian Basic Law and PA electoral laws selectively, and no open elections for any office have been held in Gaza since 2006. Hamas refused to participate in the 2017 municipal elections on the grounds that the Fatah-led PA had organized them unilaterally and undermined national unity.

B. POLITICAL PLURALISM AND PARTICIPATION: 2 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4

Since 2007, Gaza has functioned as a de facto one-party state under Hamas rule, though restrictions on Fatah are sometimes eased depending on the state of reconciliation talks. Smaller factions are also tolerated to varying degrees. In October 2017, not long before the signing of the reconciliation deal, West Bank-based PA prime minister Rami Hamdallah of Fatah was allowed to visit the Gaza Strip. Also during the year, Fatah and other groups were able to hold public demonstrations in support of Palestinian hunger strikers in Israeli prisons.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

The indefinite postponement of elections in Gaza has prevented any opportunities for a change in the political status quo. Implementation of the 2017 reconciliation agreement, which would have eventually led to elections, faltered in part over the issue of control over Gaza's internal security, with Hamas seeking to retain its independent armed wing and a dominant security position in the territory despite a lack of political and legal legitimacy.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 0 / 4

Israel's ongoing blockade of Gaza continued to hamper the development of normal civilian political competition, partly by providing a pretext for most political factions to maintain armed wings, seek patronage from foreign powers with their own political agendas, and neglect basic governance concerns. During 2017, the West Bank-based PA reduced payments for electricity supplies and salaries for government employees in the Gaza Strip as part of an apparent effort to anger the public and increase political pressure on Hamas.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Hamas makes little effort to address the rights of marginalized groups within Gazan society. Women enjoy formal political equality under PA laws, and some women won seats in the PLC in 2006. However, women are mostly excluded from leadership positions in Hamas and absent from public political events in practice. Gazan women do actively participate in civil society gatherings that touch on political issues. There were no meaningful openings in the highly repressive environment for LGBT (lesbian, gay, bisexual, and transgender) people during 2017.

C. FUNCTIONING OF GOVERNMENT: 1 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

The expiration of the presidential and parliamentary terms has left Gaza's authorities with no electoral mandate, and in 2017 Hamas continued to govern unilaterally, including through its own ad hoc executive, legislative, and judicial bodies.

The ability of Palestinian officials to make and implement policy in Gaza is severely circumscribed by Israeli and Egyptian border controls, Israeli military actions, and the ongoing schism with the internationally recognized PA structure in the West Bank. Israel maintains a heavy security presence around Gaza's land and sea perimeters, using live fire to keep anyone from entering buffer zones near these boundaries, which further reduces local control over the territory.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Hamas has been accused of corrupt practices related public services and its controls on the distribution of aid, which is crucial to daily life in Gaza given that about 80 percent of the population depends on international assistance due to the blockade. No new anticorruption safeguards were announced when PA officials deployed to the border crossings in November 2017 as part of the reconciliation deal.

C3. Does the government operate with openness and transparency? 0 / 4

The Hamas-controlled government has no effective or independent mechanisms for ensuring transparency in its funding, procurements, or operations. It relies in large part on opaque foreign patronage, reportedly receiving increased support for its armed wing from Iran during 2017.

CIVIL LIBERTIES: 9 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 4 / 16

D1. Are there free and independent media? 0 / 4

The media are not free in Gaza. The Palestinian Center for Development and Media Freedoms (MADA) documented 35 press freedom violations by Palestinian authorities in Gaza during 2017, including eight arrests, several detentions and interrogations, and at least four physical attacks. In one prominent case, a Gaza court convicted journalist Hajar Abu Samra of libel for a television investigation of corruption in the health sector, issuing a sentence of six months in jail plus fines; she was tried secretly and in absentia while she sought cancer treatment in Jordan, and the verdict was suspended after an appeal. In addition to journalists, Hamas operatives have detained or harassed bloggers and well-known social media users for critical posts. Comedian and singer Adel al-Mashoukhi was detained in January when he posted complaints about Hamas on Facebook.

The Israeli blockade and Egyptian controls on the Rafah crossing generally restricted the movement of journalists into and out of Gaza.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

Freedom of religion is restricted. The PA Basic Law declares Islam to be the official religion of Palestine. Hamas authorities have enforced conservative Sunni Islamic practices and attempted to exert political control over mosques.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Hamas has taken over the education system, aside from schools run by the United Nations, and has reportedly intervened in some cases to uphold its views on Islamic identity and morality. Thousands of teachers have been subject to irregular pay as part of the broader financial problems affecting civil servants. Israeli and Egyptian restrictions on trade and travel limited access to educational materials and academic exchanges, and university students have difficulty leaving the territory to study abroad, due partly to exit-permit requirements imposed by Hamas.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

Intimidation by Hamas militants and other armed groups has some effect on open and free private discussion in Gaza, and the authorities monitor social media for critical content.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 3 / 12

E1. Is there freedom of assembly? 1 / 4

Hamas significantly restricts freedom of assembly, with security forces violently dispersing unapproved public gatherings. In 2017, authorities allowed demonstrations to protest the blockade and other Israeli actions, as well as the U.S. decision to recognize Jerusalem as Israel's capital in December. Hamas tried to suppress protests triggered by the electricity crisis and other governance failures, but about 10,000 people reportedly participated in one particularly large demonstration in January.

Israeli forces regularly fire on demonstrations near the border fence, often resulting in casualties. In December 2017, Israeli fire killed at least seven people amid protests that included stone-throwing.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

There is a broad range of Palestinian NGOs and civic groups, and Hamas operates a large social-services network. However, Hamas has restricted the activities of aid organizations that do not submit to its regulations, and many civic associations have been shut down for political reasons since the 2007 PA split. Aid and reconstruction efforts after the 2014 conflict with Israel have been held up in part by disagreements over international and PA access to the territory and control over border crossings. In April 2017, Human Rights Watch released a report detailing tighter Israeli restrictions on access to Gaza for human rights researchers and NGO staff in recent years.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

Independent labor unions in Gaza continue to function, and PA workers have staged strikes against Hamas-led management. The Fatah-aligned Palestinian General Federation of Trade Unions, the largest union body in the territories, has seen its operations curtailed. It still negotiates with employers to resolve labor disputes, but workers have little leverage due to the dire economic situation, extremely high unemployment, and the dysfunctional court system, which impedes enforcement of labor protections.

F. RULE OF LAW: 0 / 16

F1. Is there an independent judiciary? 0 / 4

The laws applied in the Gaza Strip derive from Ottoman, British Mandate, Jordanian, Egyptian, PA, and Islamic law, as well as Israeli military orders. Hamas maintains an ad hoc judicial system that is separate from the PA structures. The system is subject to political control, and Palestinian judges lack proper training and experience.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Hamas security forces and militants continued to carry out arbitrary arrests and detentions in 2017. The court system overseen by Hamas generally failed to ensure due process, and in some cases civilians are subject to trial by special military courts.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

The Hamas-led authorities persisted in their application of the death penalty without due process or adequate opportunity for appeals, and without the legally required approval from the PA president. A total of 16 death sentences were issued during 2017, and three suspects in the assassination of a Hamas commander in March were executed in May after a short military trial.

There were 320 Palestinian security detainees and prisoners from Gaza in Israeli prisons as of November 2017, according to the Israeli human rights organization B'Tselem, which notes that transporting prisoners outside of occupied territory is a breach of international law. The inmates' contact with family members is extremely limited.

B'Tselem reported that Israeli forces killed a total of 22 Palestinians in Gaza during 2017, including civilian protesters near the border fence and at least one fisherman in coastal waters. Some deaths also resulted from Israeli air strikes and exchanges of fire with Gaza-based militants, who launch rockets into Israel sporadically.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

The legal system operating in Gaza offers few protections against harassment and discrimination for women and other vulnerable groups, including LGBT people. Laws dating to the British Mandate authorize up to 10 years in prison for sexual acts between men.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 2 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 0 / 4

Freedom of movement for Gaza residents is severely restricted, and conditions have continued to worsen in recent years. Both Israel and Egypt exercised tight control over border areas in 2017, and Hamas imposed its own restrictions, for example by temporarily shutting down the Erez crossing point in response to the assassination of a Hamas commander in March. Hamas allowed PA officials to deploy to Gaza's border crossings in November, but this apparently did not lead to any change in freedom of movement in practice. Overall in 2017, the average number of people crossing between Gaza and Israel each month fell to its lowest level since 2014 – the year of the most recent major conflict between Hamas and Israeli forces. The Rafah border crossing with Egypt was opened only sporadically during 2017.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Roughly 20,000 homes were destroyed or rendered uninhabitable, and nearly 500,000 people were displaced during the 2014 conflict. Only a fraction of the damaged or destroyed homes had been reconstructed by the end of 2017. Agricultural exports via Israel increased during the year, aiding local producers, but Israeli bans on imports of many raw materials continued to impair other forms of private enterprise in Gaza.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Palestinian laws and societal norms, derived in part from Sharia (Islamic law), put women at a disadvantage in matters such as marriage and divorce. Rape and domestic violence remain underreported and frequently go unpunished, as authorities are allegedly reluctant to pursue such cases. So-called honor killings reportedly continue to occur, though information on the situation in Gaza is limited. The Hamas authorities have enforced restrictions on personal attire and behavior that they deem immoral.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 0 / 4

The blockade of the Gaza Strip's land borders and coastline has greatly reduced economic opportunity in the territory. The unemployment rate, at about 43 percent, remained among the highest in the world in 2017. Israel's intermittent restrictions on the entry of construction materials have hampered the economy. Israeli forces also prevent farming near the border fence and limit Gazan fishermen's access to coastal waters. Hamas has imposed price controls and other rules that may further dampen economic activity. A report released by the United Nations in July 2017 found that the deterioration of living conditions in Gaza was accelerating. In June, Israel reduced the power supply to the Gaza Strip after the PA cut back its payments; residents were left with just a few hours of electricity service per day for the remainder of the year, disrupting access to water and sanitation, among other problems.

Explanatory Note:

The numerical ratings and status listed above do not reflect conditions in Israel or the West Bank, which are examined in separate reports. Prior to its 2011 edition, *Freedom in the World* featured one report for Israeli-occupied portions of the West Bank and Gaza Strip and another for Palestinian-administered portions.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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