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Freedom in the World 2015 - West Bank

Overview:

In 2014, the Fatah-led Palestinian Authority (PA) in the West Bank continued to operate without an electoral mandate or a functioning legislature. Negotiations aimed at repairing its seven-year-old rift with the Hamas regime in Gaza led to an agreement in April, followed by the announcement of a unity cabinet in June. However, a September pact on the terms by which the unified PA government would take control in Gaza had yet to be implemented at year's end.

Meanwhile, nine months of U.S.-mediated peace talks between the PA and Israel broke off in April, with the Israeli side citing the planned inclusion of Hamas in the PA unity government.

Settlement activity and sporadic violence continued, including the tit-for-tat abduction and murder of Israeli and Palestinian youths before the July–August military conflict between Israel and Hamas in Gaza, known as Operation Protective Edge. The abductions triggered an Israeli military crackdown in the West Bank beginning in June.

Political Rights and Civil Liberties:

Political Rights: 6 / 40 (-1) [\[Key\]](#)

A. Electoral Process: 2 / 12

Most Palestinian residents of the West Bank are citizens of the PA, a quasi-sovereign entity created by the 1993 Oslo Accords. Jewish settlers in the West Bank are Israeli citizens.

The PA president is elected to four-year terms. The prime minister is nominated by the president and requires the support of the unicameral, 132-seat Palestinian Legislative Council (PLC), which also serves four-year terms. Voting in the West Bank during the 2005 presidential and 2006 PLC elections was deemed largely free and fair by international observers. Fatah's Mahmoud Abbas won the presidency with 62 percent of the vote, but Hamas led the PLC balloting with 74 seats, leaving Fatah with 45. The two factions formed a unity government headed by Prime Minister Ismail Haniya of Hamas.

After the violent split of the PA in 2007, Abbas appointed a new cabinet in the West Bank—with Salam Fayyad as prime minister—that lacked the PLC's approval. In 2008, PA security forces arrested hundreds of Hamas

members and supporters. The rift, combined with Israel's detention of many Palestinian lawmakers, prevented the PLC from functioning, and its term expired in 2010.

The Fatah-led Palestine Liberation Organization (PLO) indefinitely extended Abbas's presidential term after his electoral mandate expired in 2009. Abbas issued a law permitting the Fatah-affiliated minister of local government to dissolve municipal councils, leading to the replacement of nearly all Hamas-affiliated municipal officials in the West Bank with Fatah loyalists. Elections were held for more than 90 municipalities in October 2012 amid some accusations of unfairness, with Hamas and Islamic Jihad boycotting. Only half of eligible Palestinians registered to participate, and only 54 percent of those registered actually voted. Fatah won 40 percent of the seats at stake; others were taken by independents, including many former Fatah members.

In June 2013, Abbas appointed Rami Hamdallah to replace Fayyad as prime minister. Hamdallah retained his post in the unity cabinet announced in June 2014.

B. Political Pluralism and Participation: 5 / 16

The PA and Israeli forces in the West Bank have largely suppressed Hamas since 2007. However, a number of smaller Palestinian parties continue to operate, including through membership in the PLO. Despite the unity government deal concluded in 2014, relations between Fatah and Hamas and their respective supporters remained poor.

After Israel annexed East Jerusalem in 1967, Arab residents were issued Israeli identity cards and given the option of obtaining Israeli citizenship, though most have rejected this option. Non-Israeli citizens can vote in municipal and PA elections, but are subject to restrictions imposed by the Israeli municipality. In the 2006 PLC elections, Israel barred Hamas from campaigning in the city. By law, Israel strips Arabs of their Jerusalem residency if they are away for more than three months.

C. Functioning of Government: 2 / 12

The 2007 schism left the West Bank PA with a cabinet that lacked the support of the legislature, and the expiration of the presidential and parliamentary terms in 2009 and 2010 further undermined the government's legitimacy. The PA's ability to implement policy decisions is limited in practice by direct Israeli control over much of the West Bank.

Abbas has overseen some improvements on corruption, and Fayyad was credited with significantly reducing corruption at the higher levels of the PA. Nevertheless, a 2013 report by the Coalition for Accountability and Integrity (AMAN) detailed endemic corruption, especially graft. An April 2014 nonbinding European Parliament resolution also raised corruption concerns.

Discretionary Political Rights Question B: -3 / 0 (-1)

Construction of Jewish settlements and related land seizures in the West Bank continued in 2014, with an especially large Israeli government land appropriation near the Gush Etzion settlement bloc occurring in August.

According the human rights group B'Tselem, Israeli authorities demolished 141 Palestinian housing units in the West Bank (not including East Jerusalem) during 2014 due to lack of building permits, leaving 715 people homeless, including 386 minors. In East Jerusalem, the number of housing units demolished was 47, and 167 people were left homeless, including 77 minors. In addition, four houses were demolished for punitive reasons in 2014, leaving 27 people homeless, 13 of them minors.

Civil Liberties: 25 / 60 (+1)

D. Freedom of Expression and Belief: 9 / 16 (+1)

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. Several small media outlets are routinely pressured to provide favorable coverage of the PA and Fatah. 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 broadcast outlets in the West Bank.

International press freedom groups criticize Israel for blocking journalists' access to conflict zones, harming and sometimes killing reporters during armed clashes, and harassing Palestinian journalists. Israel insists that reporters are not targeted deliberately. The Palestinian Center for Development and Media Freedoms (MADA) reported 38 press freedom violations by Palestinian forces in the West Bank in the first half of 2014, half of which involved physical assaults. According to the same report, Israeli forces were responsible for 132 violations in the first half of 2014, an evident increase from 2013, when there were 151 such violations for the whole year.

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." Blasphemy against Islam is a criminal offense. Synagogues are occasionally attacked by Palestinian militants. Some Palestinian Christians have experienced intimidation and harassment by radical Islamist groups and PA officials.

Israel generally recognizes freedom of religion in the West Bank. Mosque vandalism and other attacks by Jewish settlers have increased in recent years. Citing security concerns, Israel occasionally restricts Muslim men under age 50 from praying at the Temple Mount/Haram al-Sharif compound in Jerusalem. For example, authorities imposed such limits for a period in late 2014 amid clashes over increased visits to the site by Jews. However, individuals are generally able to access religious sites.

The PA has authority over Palestinian education. Israeli military closures, curfews, and the security barrier separating most of the West Bank from Israel restrict access to academic institutions, particularly those located between Israel and the barrier. Schools have sometimes been damaged during military actions, and student travel between the West Bank and the Gaza Strip has been limited. Israel accuses the PA of teaching incitement, though a February 2013 report by the Council of Religious Institutions of the Holy Land found that "dehumanizing and demonizing characterizations of the other" are not a major concern in Israeli or Palestinian textbooks.

Israeli academic institutions in the West Bank increasingly face international and domestic boycotts. Primary and secondary education in West Bank settlements is administered by Israel, though religious schools have significant discretion over curriculums. According to the Association for Civil Rights in Israel, East Jerusalem's schools are badly underfunded compared with schools in West Jerusalem.

E. Associational and Organizational Rights: 6 / 12

The PA requires permits for demonstrations, and those against PA policies are generally dispersed. However, in 2012 the authorities allowed the first Hamas rally in several years. Israel's Military Order 101 requires a permit for all "political" demonstrations of more than 10 people; demonstrations are routinely broken up with force, occasionally resulting in fatalities. In 2014, Israeli forces continued to restrict and disperse frequent and sometimes violent demonstrations in opposition to the security barrier, declaring some protest areas to be closed military zones. They regularly used rubber-coated bullets, stun grenades, and tear gas to break up demonstrations. Among other fatalities during the year, PA cabinet minister Ziad Abu Ein died after being struck by Israeli security personnel during protests in December, though the exact cause of his death remained in dispute.

Mass demonstrations, stone throwing, and related clashes with Israeli forces to protest Operation Protective Edge in the summer of 2014 resulted in more than a dozen Palestinian deaths, with Israeli soldiers repeatedly using live gunfire.

A broad range of Palestinian nongovernmental organizations operate freely in the West Bank. Since 2007, however, many Hamas-affiliated civic associations have been shut down for political reasons. Researchers, lawyers, and activists are sometimes beaten by the PA security services, according to Human Rights Watch.

Workers may establish unions without government authorization. Palestinian workers seeking to strike must submit to arbitration by the PA Labor Ministry. No laws in the PA-ruled areas protect the rights of striking workers. Palestinian workers in Jerusalem are subject to Israeli labor law.

F. Rule of Law: 5 / 16

The PA judicial system is partly independent. West Bank laws derive from Ottoman, British Mandate, Jordanian, Israeli, and PA legislation, as well as Israeli military orders. The High Judicial Council oversees most legal proceedings. Israel's Supreme Court hears petitions from non-Israeli residents of the West Bank regarding

home demolitions, land confiscations, road closures, and military tactics. Decisions in favor of Palestinian petitioners, while rare, have increased in recent years. Most applications regarding the security barrier have been rejected, but the Israeli Supreme Court has repeatedly ordered changes to its route after hearing petitions.

The PA also has a military court system that lacks almost all due process, including the right to appeal sentences, and can impose the death penalty. No executions have been carried out since Abbas took power in 2005, however. The PA military courts handle cases on a range of security offenses, on collaborating with Israel, and on drug trafficking. There are reportedly hundreds of administrative detainees in Palestinian jails. Human rights groups regularly document torture complaints, and security officers are rarely punished for such abuses. The Independent Commission for Human Rights, the Palestinian human rights ombudsman, received roughly a dozen torture complaints per month in the West Bank in 2014.

Palestinians accused of security offenses by Israel are tried in Israeli military courts, which grant some due process protections but limit rights to counsel, bail, and appeal. According to B'Tselem, as of the end of December 2014, 5,166 Palestinian security detainees and prisoners from the West Bank were held in Israeli prisons, up from 4,387 a year earlier. Under terms set during Israeli-Palestinian peace negotiations, dozens of Palestinian prisoners were released in the second half of 2013. However, following the abduction and murder of three Israeli teenagers in the West Bank in June 2014, the Israeli military rounded up hundreds of suspected Hamas militants, leading to a sharp increase in the number of administrative detainees.

A temporary order dating from 2006 permits the detention of suspects accused of security offenses for 96 hours without judicial oversight, compared with 24 hours for other detainees. Most convictions in Israeli military courts are based on confessions, sometimes obtained through coercion. Israel outlawed torture in 2000, but milder forms of coercion are permissible when the prisoner is believed to have vital information about impending attacks. Human rights groups criticize Israeli interrogation methods, which include binding detainees to a chair in painful positions, slapping, kicking, and threatening violence against detainees and their relatives.

According to Defence for Children International (DCI) Palestine, as of December 2014, 152 Palestinian youths were held in Israeli jails, including 10 youths aged 12 to 15, though for the last few years there have been no Palestinian youths held in Israeli administrative detention. Most imprisoned youths were serving sentences of less than a year for throwing stones at Israeli forces in the West Bank, handed down by a special court for minors; acquittals on such charges are very rare. A 2014 DCI report found that in 96 percent of cases the group documented in 2013, detained children were questioned alone and "rarely informed of their rights." The same report noted that most detained children are taken from their homes in the middle of the night, and that the process of detention tends to involve threats as well as physical and verbal abuse. East Jerusalem Palestinian minors are tried in Israeli civil juvenile courts.

Militant Jewish settlers escalated attacks on Palestinian individuals and property in 2014 as part of their "price tag" campaign, launched as a response to Israeli policies aimed at limiting settlement. In April 2014, a spike in attacks followed Israel's demolition of "illegal outposts" in Yitzhar. Most perpetrators of such activity enjoy impunity. A 2014 report by the human rights watchdog Yesh Din revealed that of 246 reported incidents of vandalism to Palestinian fruit trees from 2005 to September 2014, only four led to indictments, while 223 cases were closed due to what the group termed "investigative failures." Settlers also occasionally face violence from Palestinians. In the year's most high-profile acts of violence between the two sides, the June abduction and murder of three Israeli teenagers was followed in early July by the abduction and murder of a Palestinian youth from East Jerusalem in an apparent revenge attack; several Israelis were arrested for the latter crime.

Israeli soldiers accused of harassing or assaulting Palestinian civilians are subject to Israeli military law, though convictions typically result in light sentences. Citing B'Tselem figures, an August 2013 report by Yesh Din showed that some 5,000 Palestinians had been killed by Israeli forces in the occupied territories since September 2000. Of 179 criminal investigations opened against soldiers for the deaths of Palestinians from 2003 to 2013, only 16 led to indictments. According to B'Tselem, Israeli security forces killed a total of 46 Palestinians in the West Bank in 2014, compared with 27 in 2013 and 8 in 2012. Human Rights Watch criticized Israel's June 2014 crackdown on suspected militants in the West Bank as collective punishment, noting property destruction and the unlawful use of deadly force against local residents and protesters during raids.

Although LGBT (lesbian, gay, bisexual, and transgender) people in the West Bank do not face prosecution for same-sex activity, they are reportedly subject to harassment and abuse by PA authorities and members of society.

G. Personal Autonomy and Individual Rights: 5 / 16

The easing of checkpoints and roadblocks along with PA security force deployment has improved freedom of movement in recent years. B'Tselem cites a UN count of 256 "flying checkpoints" (which are set up unexpectedly) as of December 2013, down from the previous year, and notes that as of February 2014 there

were 99 “fixed” checkpoints, including 59 well within the West Bank, and 40 representing the last point before entry into Israel. These obstacles continue to stunt trade and restrict Palestinian access to jobs, hospitals, and schools.

Israel’s West Bank security barrier, which the International Court of Justice declared illegal in 2004, has meant that 150 Palestinian communities need special permits to access their land. The barrier was about 62 percent complete by late 2014. Some 11,000 Palestinians currently live in the zone between the barrier and the pre-1967 border, or Green Line.

All West Bank residents must have identification cards to obtain entry permits to Israel and East Jerusalem. While most roads are open to both Israelis and Palestinians, 65 kilometers are open only to Israelis.

Palestinian women are underrepresented in most professions and encounter discrimination in employment, though they have full access to universities. Palestinian laws and societal norms, derived in part from Sharia (Islamic law), disadvantage women in marriage, divorce, and inheritance. For Christians, personal status issues are governed by ecclesiastical courts. Rape, domestic abuse, and so-called honor killings are not uncommon. These murders often go unpunished.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

[Full Methodology](#)

Explanatory Note:

Whereas past editions of *Freedom in the World* featured one report for Israeli-occupied portions of the West Bank and Gaza Strip and another for Palestinian-administered portions, the five latest editions divide the territories based on geography, with one report for the West Bank and another for the Gaza Strip. As in previous years, Israel is examined in a separate report.

2015 Scores

Status

Not Free

Freedom Rating

(1 = best, 7 = worst)
5.5

Civil Liberties

(1 = best, 7 = worst)
5

Political Rights

(1 = best, 7 = worst)
6