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Freedom in the World 2010 - Palestinian Authority-Administered Territories

Capital: N/A

Population: 3,933,000

Political Rights Score: 6 *

Civil Liberties Score: 6 *

Status: Not Free

Explanatory Note

The areas and total number of persons under Palestinian jurisdiction changed periodically during the year due to the fluid nature of Israel's military presence and activities in the West Bank and Gaza Strip.

Ratings Change

The Palestinian Authority-administered territories' political rights rating declined from 5 to 6 due to the expiration of President Mahmoud Abbas's four-year term in January 2009, the ongoing lack of a functioning elected legislature, and an edict allowing the removal of elected municipal governments in the West Bank.

Overview

Intense fighting between Israel and Hamas in the Gaza Strip ended with a ceasefire in January 2009, but Gaza residents continued to suffer from infrastructural damage, unexploded ordnance, and ongoing border restrictions. Economic and security conditions improved somewhat in the West Bank, but Palestinians' political rights deteriorated as Palestinian Authority president Mahmoud Abbas continued to govern after the expiration of his mandate in January. Abbas loyalists subsequently removed elected municipal officials from office when their terms expired later in the year.

In the 1967 Six-Day War, Israel occupied the Sinai Peninsula, the West Bank, the Gaza Strip, East Jerusalem, and the Golan Heights. It annexed East Jerusalem that year and the Golan Heights in 1981, though the Sinai was returned to Egypt. In what became known as the *intifada* (uprising), Palestinians living in the West Bank and Gaza began attacking mainly Israeli settlers and military targets in 1987 to protest Israeli rule.

Israel and Yasser Arafat's Palestine Liberation Organization (PLO) reached an agreement in 1993 that provided for Israeli troop withdrawals and gradual Palestinian autonomy in the West Bank and Gaza in exchange for PLO recognition of Israel and an end to Palestinian terrorism. The resulting Palestinian Authority (PA) subsequently obtained full or partial control of up to 40 percent of the West Bank, more than 50 percent of the Gaza Strip, and 98 percent of the Palestinian population, excluding East Jerusalem.

As negotiations on a final settlement and the creation of a Palestinian state headed toward collapse, a second intifada began in September 2000, and violence flared throughout the occupied territories. The Israeli government responded by staging raids into PA territory, targeting Islamist and secular militant groups but also causing the deaths of many civilians.

After Arafat died in November 2004, the PA in January 2005 held its second-ever presidential election, which had been repeatedly postponed; the first voting for president and the Palestinian Legislative Council (PLC) had taken place in 1996. Mahmoud Abbas of Arafat's Fatah faction won the 2005 contest with 62 percent of the vote. In subsequent municipal voting in Gaza, the Islamist group Hamas won 77 out of 118 seats in 10 districts, to Fatah's 26 seats. In a second round of West Bank and Gaza municipal voting, Fatah won most municipalities, but Hamas posted impressive gains. Each group accused the other of fraud, and there was some election-related violence. Later that year, Israel unilaterally removed all Jewish settlers from the Gaza Strip, giving the PA full control within the territory.

Hamas won the January 2006 elections for the PLC, which Abbas had postponed in 2005. It secured 74 of 132 seats, while Fatah took just 45. Israel, the United States, and the European Union (EU) refused to recognize the resulting Hamas-led government, citing the group's involvement in terrorism and its refusal to recognize Israel or past Israel-PA agreements. The United States and the EU, then the largest donors to the PA, cut off assistance to the government.

Armed clashes between Hamas and Fatah supporters escalated in 2007, and in June Hamas militants successfully took over Fatah-controlled facilities in Gaza. Thousands of Gazans, particularly those loyal to Fatah, fled along with most Fatah militants to the West Bank. Abbas subsequently dismissed the Hamas-led government, declared a state of emergency, and accused Hamas of staging a coup in Gaza. He appointed an emergency cabinet led by former finance minister Salam Fayad. This resulted in a bifurcated PA, with Hamas governing Gaza and Abbas and Fayad governing the roughly 40 percent of the West Bank not directly administered by Israel. The two sides later engaged in reciprocal crackdowns in their respective territories, arresting hundreds of partisan supporters, shutting down suspect civic organizations and media, and allegedly torturing some detainees.

After the split, the Fatah-controlled PA in the West Bank benefited from renewed U.S. and EU aid as well as tax revenues released by Israeli authorities. Peace negotiations between Israel and Abbas accelerated over the next two years, and while they did not yield progress on a final settlement, related confidence-building measures included the release of hundreds of Palestinian prisoners held in Israel, the wider deployment of Palestinian security forces, and the lifting of a number of checkpoints in the West Bank.

Meanwhile, Israel declared the Hamas-led Gaza Strip a "hostile entity" in response to ongoing rocket attacks, and imposed an economic blockade on the territory, granting passage only to food shipments and a restricted list of other humanitarian supplies. However, arms and goods were regularly smuggled through a developing tunnel network between Egypt and Gaza. The blockade was eased after Hamas and Israel declared a six-month truce in June 2008.

War erupted between Hamas and Israeli forces in December 2008, after the six-month truce expired and Hamas ramped up its rocket bombardment of Israeli towns near the border with Gaza. The Israel Defense Forces (IDF) launched near-daily air strikes and an almost three-week ground invasion of the coastal territory. Israel declared a unilateral ceasefire in late January 2009, and Hamas soon did the same. During the conflict, Israeli forces destroyed large portions of Gaza's military, government, and civilian infrastructure; according to the British Broadcasting Corporation, more than 4,000 buildings were destroyed, with 20,000 severely damaged. Tens of thousands of Gazans were left homeless by the fighting. While the Palestinian Centre for Human Rights reported that 1,434 Palestinians were killed, including 960 noncombatants, the IDF reported that 1,166 Palestinians were killed, including 295 to 460 noncombatants. Thirteen Israelis were killed, including three noncombatants. In January, the International Committee of the Red Cross reported that electricity and water were "severely limited" for two-thirds of Gaza's population, and vaccinations were in short supply. According to the UN Relief and Works Agency (UNRWA), some 150,000 Gazans continued to lack access to tap water as of April.

During the fighting, Israel had again tightened its blockade of Gaza to allow only humanitarian goods, and reduced the number of crossing openings. Aid agencies called for a full opening of crossing points; according to the UNRWA, the Israeli authorities in January were permitting only a fraction of the necessary number of trucks to enter Gaza each day. Following the ceasefire, crossings were opened on a limited basis to transfer grains, certain types of fuels, and other authorized goods, as well as international aid workers and individuals with specified medical and humanitarian needs. The Rafah border crossing with Egypt opened on an ad hoc basis. In August, Israel allowed cement and heavy building materials into Gaza for the first time in seven months.

Also in 2009, sporadic violence between Hamas and Fatah continued. In May, five people – two PA policemen, two Hamas members, and a bystander – were killed when PA security officials arrested Hamas members based in the northern West Bank town of Qalqilya. The following month, another two Hamas members and one PA policeman were killed in a similar raid, also in Qalqilya.

Egyptian-brokered negotiations to form a new Palestinian unity government floundered throughout the year. In October, Abbas announced that presidential and parliamentary

elections would be held in January 2010, whether or not an agreement with Hamas was in place by that time. Hamas rejected the announcement, claiming that Abbas – whose term as president had officially expired in January 2009 – was an illegitimate ruler and had no right to call elections. By year's end, the January election date had been canceled and it remained unclear when the polls would be held.

Political Rights and Civil Liberties

The Palestinian Authority (PA) is a quasi-governmental entity that has no real authority over its borders or defense policy. Moreover, its integrity and legitimacy have been undermined in recent years by the 2007 split between the Hamas-controlled Gaza Strip and the Fatah-controlled West Bank, repeated Israeli military incursions, and the breakdown or replacement of its elected political institutions. Laws governing Palestinians in the West Bank and Gaza Strip derive from Ottoman, British Mandate, Jordanian, Egyptian, and PA law, as well as Israeli military orders.

The PA president is elected to four-year terms, and international observers judged the 2005 presidential election to be generally free and fair. The prime minister is nominated by the president. The unicameral, 132-seat Palestinian Legislative Council (PLC) also serves four-year terms. While the January 2006 PLC elections were deemed largely fair by international observers, there were credible reports of PA resources being used for the benefit of Fatah candidates, as well as campaigning by Hamas candidates in mosques, in violation of electoral rules. Some voters reported having difficulty reaching polling stations because of Israeli roadblocks, though Israel was generally credited with allowing relatively free access during the elections.

After the fracturing of the PA in 2007, elected officials on both sides of the split were prevented from holding office and performing their duties. Hamas forcibly expelled Fatah officials from the Gaza Strip, while President Mahmoud Abbas appointed a new cabinet in the West Bank, creating an unelected authority in that territory. In 2008, Hamas forces in Gaza arrested hundreds of Fatah members and supporters and shut down the Fatah office in northern Gaza, while in the West Bank, forces aligned with Abbas arrested hundreds of Hamas members and supporters. The rift, combined with Israel's detention of many Palestinian lawmakers, has prevented the PLC from functioning in recent years, leaving the PA without an elected legislature.

In January 2009, Abbas's term as president officially expired. However, because presidential and legislative elections were tentatively scheduled for 2010, PA officials in the West Bank contended that he was entitled to serve another year under the PA's Basic Law. Hamas rejected this claim, arguing that if the president's term expires before elections can be held, the Basic Law empowers the head of the PLC – Aziz Dweik of Hamas, who was released from an Israeli prison in 2009 – or his deputy to serve as acting president. In December, the indefinite extension of Abbas's term was approved by the Fatah-dominated PLO, and it remained uncertain at year's end whether elections would indeed be held in 2010. In another blow to democratic governance, Abbas issued a law in 2009 permitting the Fatah-affiliated local government minister to dissolve municipal councils after their four-year mandates expired. In October, PA security forces deposed the municipal government of Qalqilya, the largest Hamas-controlled municipality in the West Bank.

Palestinian residents of the West Bank, Gaza, and East Jerusalem do not have the right to vote in Israeli national elections. Arabs in East Jerusalem who hold Israeli identity cards can vote in the city's municipal elections and in PA elections. However, ahead of the 2006 PLC polls, Israeli authorities restricted campaigning in East Jerusalem to parties that registered with the Israeli police, effectively excluding Hamas.

Corruption was rampant during the PA presidency of Yasser Arafat, and after Abbas took over in 2005, he instituted budget controls, ended the old system of cash handouts to political loyalists and security personnel, and launched a widespread corruption probe. While the Hamas-led government that took control following the 2006 PLC elections expressed a willingness to subject itself to budgetary oversight, many foreign governments were reluctant to provide aid out of concern that it would be used for terrorist operations. Prime Minister Salam Fayad, who was appointed by Abbas after the PA schism in 2007, is highly regarded for his commitment to transparent government. Transparency International did not rank Palestine in its 2009 Corruption Perceptions Index.

The media are not free in the West Bank and Gaza. Under a 1995 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, Fatah, or Hamas. Journalists who criticize the PA or the dominant factions face arbitrary arrests, threats, and physical abuse. Hamas has banned all journalists not accredited by its Information Ministry and closed down Gaza outlets that were not affiliated with it, while both the Fatah-led PA and Israeli forces have shut down Hamas-affiliated radio stations in the West Bank. During the Gaza conflict that ended in January 2009, Israel banned foreign journalists from traveling to Gaza through Israeli checkpoints. It also bombed Hamas-affiliated media stations and destroyed

satellite equipment on the roof of a building that housed the local offices of Iran's English- and Arabic-language television networks. In July 2009, the PA banned the Qatar-based satellite television station Al-Jazeera from operating in the West Bank for a week after it aired remarks by an Abbas rival in which he accused Abbas of having collaborated with Israel to kill Arafat.

The PA generally respects freedom of religion, though no law specifically protects religious expression. The Basic Law declares Islam to be the official religion of Palestine and also states that "respect and sanctity of all other heavenly religions (Judaism and Christianity) shall be maintained." Personal status law, which governs marriage and divorce, is based on religious law; for Muslims, it is derived from Sharia (Islamic law), and for Christians, from ecclesiastical courts. Some Palestinian Christians have experienced intimidation and harassment by radical Islamist groups and PA officials. Since the 2007 fracturing of the PA, Hamas-controlled security forces and militants have increasingly harassed Muslim worshippers at non-Hamas-affiliated mosques in Gaza, while Fatah-controlled authorities have directed similar pressure at Hamas-affiliated religious bodies.

The PA has authority over all levels of education. Some Palestinian schools teach hatred of Israel. Israeli military closures, curfews, and the West Bank security barrier restrict access to Palestinian academic institutions. Israeli authorities have at times shut universities, schools have been damaged during military operations, and schoolchildren have periodically been injured or killed during fighting. In September 2009, the UN Office for the Coordination of Humanitarian Affairs reported that at least 280 of Gaza's 641 schools were damaged and 18 were destroyed during the conflict that ended in January, and that many schools lacked essential materials in the aftermath.

The PA requires permits for rallies and demonstrations and prohibits violence and racist sloganeering. Nevertheless, large rallies, often marked by violent rhetoric, are regular occurrences in Palestinian areas. Hamas has significantly restricted freedoms of assembly and association in Gaza, with security forces dispersing public gatherings of Fatah and other groups and killing a number of people. There is a broad range of Palestinian nongovernmental organizations and civic groups, and Hamas itself operates a large network that provides social services to certain Palestinians. Following the January 2009 ceasefire between Hamas and Israel, Hamas restricted the activities of aid organizations that would not submit to its regulations or coordinate with its relief efforts. Many civic associations have been shut down for political reasons in both the West Bank and Gaza since the 2007 split in the PA.

Workers may establish and join unions without government authorization. Palestinian workers seeking to strike must submit to arbitration by the PA Labor Ministry. There are no laws in the PA-ruled areas to protect the rights of striking workers. Palestinian workers in Jerusalem are subject to Israeli labor law. The Fatah-aligned Palestinian General Federation of Trade Unions (PGFTU) is the largest union body in the territories. In 2007, the PGFTU building in Gaza City was taken over by Hamas militants, and operations generally ceased in the territory. In December 2008, the building was severely damaged in an Israeli air raid.

The judicial system is not independent, and Palestinian judges lack proper training and experience. In 2007, Abbas ordered judges to boycott judicial bodies in Gaza, and Hamas began appointing new prosecutors and judges in 2008. Israeli demands for a crackdown on terrorism have given rise to state security courts, which lack almost all due process rights. There are reportedly hundreds of administrative detainees currently in Palestinian jails. The same courts are also used to try those suspected of collaborating with Israel or accused of drug trafficking. Defendants are not granted the right to appeal sentences and are often summarily tried and sentenced to death. According to the Palestinian Human Rights Monitoring Group, alleged collaborators are routinely tortured in Palestinian jails. These practices are not prohibited under Palestinian law.

While armed factions continued to exercise de facto rule over significant portions of PA-administered areas, PA security forces asserted increased control in Nablus, Ramallah, Jericho, and Jenin in 2009. Frequent and violent clashes occurred between Hamas and Fatah gunmen. Violence between Palestinians and Israeli settlers in the West Bank is also common.

The intifada and Israeli restrictions have exacted a serious toll on the Palestinian economy in recent years. The easing of checkpoints and roadblocks in the West Bank and the wider deployment of PA security forces there led to increased economic activity in 2009, particularly in Nablus, Ramallah, and Jenin. However, despite the removal of six central checkpoints in 2009, Israel maintains about 35 external and 50 internal checkpoints in the West Bank, and has constructed over 450 roadblocks. These measures impose extensive delays on local travel, stunt trade, and restrict Palestinian access to jobs, hospitals, and schools. Israel's security barrier has also cut off many Palestinians from their farms and other parts of the West Bank.

In Gaza, the Israeli blockade in place since 2007 grew even more stringent after a period of eased restrictions during the truce in the second half of 2008. The extensive damage inflicted during the conflict that ended in January 2009 became a major impediment to freedom of movement in the territory. The UN Development Programme reported in August that unexploded ordnance was still a serious hazard and was responsible for at least 17 deaths and 15 injuries, many of them suffered by minors. According to the United Nations, Israel's

campaign destroyed some 1,700 hectares of agricultural land in Gaza, some of which could not be planted in time for the fall harvest. In August, the Rafah crossing on Gaza's border with Egypt was opened for five days, the longest period since June 2007.

While Palestinian women are underrepresented in most professions and encounter discrimination in employment, they have fuller access to higher education. A political quota system was instituted in 2005, guaranteeing women a certain degree of representation on each party's candidate list for PLC elections. Personal status law, derived in part from Sharia, puts women at a disadvantage in matters of marriage, divorce, and inheritance. Rape, domestic abuse, and "honor killings," in which women are murdered by relatives for perceived sexual or moral transgressions, are not uncommon. These murders often go unpunished. Women's treatment in instances of rape or abuse is often determined by tribal leaders or PA-appointed governors, and not by the courts. Legal options for victims of domestic abuse are extremely limited. The UN Development Fund for Women (UNIFEM) and other groups reported an increase in domestic violence and sexual assault in Gaza during and after the war between Hamas and Israel.

**Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom.*

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