

**Flygtningenævnets baggrundsmateriale**

|                                    |                                        |
|------------------------------------|----------------------------------------|
| <b>Bilagsnr.:</b>                  | <b>256</b>                             |
| Land:                              | Gaza og Vestbredden                    |
| Kilde:                             | Freedom House                          |
| Titel:                             | Freedom in the World 2015 - Gaza Strip |
| Udgivet:                           | 28. januar 2015                        |
| Optaget på<br>baggrundsmaterialet: | 29. april 2015                         |

[EN](#) | [DE](#)

- **Source:**  
Freedom House
- **Title:**  
Freedom in the World 2015 - Gaza Strip \*
- **Publication date:**  
28 January 2015
- **ecoi.net summary:** Gaza Strip: Annual report on political rights and civil liberties in 2014 [ID 298295]
- **Countries:**  
Occupied Palestinian Territory
- **Original link** <https://freedomhouse.org/report/freedom-world/2015/gaza-strip#.VQFHv-FyxyE>

**Recommended citation:**

Freedom House: Freedom in the World 2015 - Gaza Strip \*, 28 January 2015 (available at ecoi.net)  
[http://www.ecoi.net/local\\_link/298295/420772\\_en.html](http://www.ecoi.net/local_link/298295/420772_en.html) (accessed 29 April 2015)



## Freedom in the World 2015 - Gaza Strip \*

Overview:

The Gaza Strip was the focus of fighting in a 50-day conflict in July and August 2014 between Israeli forces and Hamas militants, dubbed Operation Protective Edge by the Israeli military. More than 2,100 Palestinians were killed, including an estimated 1,500 civilians. Sixty-six Israeli soldiers were also killed, as were seven civilians in Israel.

In addition to the devastating effects of the war, Gaza residents continued to face serious restrictions on press freedom and other civil liberties throughout 2014.

Negotiations aimed at repairing the seven-year-old rift between Hamas in Gaza and the Fatah-led Palestinian Authority (PA) in the West Bank made limited progress during the year. While a new unity government was announced in June, at year's end it had yet to take effective control in Gaza or merge the two bureaucracies.

Political Rights and Civil Liberties:

**Political Rights:** 5 / 40 [\[Key\]](#)

### A. Electoral Process: 2 / 12

Residents of Gaza were never granted citizenship by either Egypt or Israel, and are mostly citizens of the PA. The Hamas-controlled government in the territory claimed to be the legitimate leadership of the PA. However, the authority—a quasi-sovereign entity created by the 1993 Oslo Accords—is effectively fractured, and Hamas officials implement PA law selectively.

The PA president is elected to four-year terms, and international observers judged the 2005 presidential election to be generally free and fair. However, PA president Mahmoud Abbas lost control over Gaza after the 2007 Fatah-Hamas schism, and Prime Minister Ismail Haniya of Hamas continued to lead the government in Gaza despite being formally dismissed by Abbas. Other Hamas ministers remained in their posts in Gaza after almost all Fatah-affiliated leaders were expelled or fled to the West Bank. When Abbas's elected term expired in 2009, Hamas argued that the PA Basic Law empowered the head of the Palestinian Legislative Council (PLC)—Aziz Dweik of Hamas—to serve as acting president.

The unicameral, 132-seat PLC serves four-year terms. Voting in Gaza during the 2006 PLC elections was deemed largely fair by international observers. Hamas won 74 seats, while Fatah took 45. The subsequent

Hamas-Fatah rift, combined with Israel's detention of many (especially Hamas-affiliated) lawmakers, has prevented the PLC from meeting since 2007, and its term expired in 2010. No elections have been held since 2006.

In May 2011, Hamas and Fatah agreed to form a national unity government that would organize presidential and parliamentary elections and increase security coordination, but negotiations on implementing the pact soon stalled. After further talks, the two sides reached agreement in April 2014, and a new cabinet was announced in early June. Following the summer conflict with Israel, another agreement in September laid out the terms by which the unity PA government—headed by Abbas and his prime minister, Rami Hamdallah—would merge the administrations and take control of Gaza and its border crossings. However, when the government's initial six-month term expired in December, the plan had yet to be implemented. Hamas was still in de facto control of the territory at year's end.

## **B. Political Pluralism and Participation: 2 / 16**

Since the 2007 schism, Gaza has effectively functioned as a one-party state, with Fatah largely suppressed and smaller factions tolerated to varying degrees. There is little to no public display of opposition party activities, and negligible party organizing. In January 2013, Hamas authorities allowed a mass rally by Fatah supporters in Gaza for the first time in several years. However, despite the unity government deal concluded in 2014, relations between the two factions and their supporters remained hostile.

## **C. Functioning of Government: 1 / 12**

The expiration of the presidential and parliamentary terms in 2009 and 2010 has left Gaza's authorities with no electoral mandate, and the continued failure to set new election dates in 2014 further undermined their legitimacy. The ability of local officials to make and implement policy is limited by Israeli and Egyptian border controls, Israeli military actions, and the fact that the Palestinian territories remain politically divided.

Humanitarian organizations and donor countries allege that Hamas exerts almost total control over the distribution of funds and goods in Gaza, and allocates resources according to political criteria with little or no transparency, creating ample opportunity for corruption. The September 2014 unity agreement raised hopes that donor funds would flow through an internationally recognized PA structure, but the stability and effectiveness of the pact remained in doubt at year's end.

### Civil Liberties: 10 / 60

## **D. Freedom of Expression and Belief: 5 / 16 (+1)**

The media are not free in Gaza. In 2008, Hamas replaced the PA Ministry of Information with a government Media Office and banned all journalists not accredited by it; authorities also closed down all media outlets not affiliated with Hamas. According to the Palestinian Center for Development and Media Freedoms (MADA), the 2011 political reconciliation deal promised to end Hamas's ban on the import of three West Bank newspapers—*Al-Ayyam*, *Al-Quds*, and *Al-Hayat al-Jadida*—that are generally associated with Fatah. In May 2014, *Al-Quds* was finally allowed back into Gaza. Blogging and other online media activity have reportedly increased in recent years.

During Operation Protective Edge in 2014, 16 journalists, 1 media worker, and 1 "media activist" were killed, according to MADA. The Committee to Protect Journalists found that the deaths of 4 journalists and 3 media workers during the conflict occurred in the course of their work. Israeli forces reportedly targeted buildings housing media outlets associated with Hamas. For the first half of 2014, MADA reported 16 Palestinian violations of media freedoms in Gaza, including physical violence, detentions, prevention of coverage, and threats.

Freedom of religion is restricted in Gaza. 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." Hamas authorities have enforced traditional Sunni Islamic practices and conservative dress, and have regularly harassed worshippers at mosques not affiliated with Hamas. The Christian population in Gaza—which numbers about 1,500, down from some 5,000 in the mid-1990s—has also suffered harassment. Violent attacks have reportedly declined in recent years, though a church in Gaza City was bombed in February 2014.

Hamas has taken over the education system, aside from schools run by the United Nations. A teachers' strike in 2009 led to the replacement of many strikers with new, Hamas-allied teachers. Hamas security officials have confiscated copies of "immoral" novels from (mostly university) bookstores, according to Human Rights Watch. In 2013, Hamas segregated schools by gender for pupils above age nine.

The Egyptian and Israeli blockade has restricted access to school supplies. While university students are ostensibly allowed to leave Gaza, they must be escorted by foreign diplomats or contractors. In practice, Gazans are now mostly absent from West Bank universities.

The 2014 conflict took a toll on educational institutions; the Islamic University was destroyed by Israeli fire, and two other universities were damaged. Twenty-six schools were destroyed, and more than 250 were damaged. By the beginning of the academic year, 20 schools were still being used as shelters for Gaza residents displaced in the fighting. During the conflict, Hamas reportedly hid rockets in some schools, and a UN school being used as a shelter was bombed, apparently by Israeli forces, killing 19 people.

## **E. Associational and Organizational Rights: 3 / 12**

Since 2008, Hamas has significantly restricted freedoms of assembly and association, with security forces violently dispersing unapproved public gatherings of Fatah and other groups. There is a broad range of Palestinian nongovernmental organizations (NGOs) and civic groups, and Hamas operates a large social-services network. However, following a 2009 armed conflict between Hamas and Israel known as Operation Cast Lead, Hamas restricted the activities of aid organizations that would not submit to its regulations, and many civic associations have been shut down for political reasons since the 2007 PA split. In 2011, Hamas began enforcing its 2010 demand to audit the accounts of some 80 international NGOs in Gaza. In late 2014, postwar aid and reconstruction efforts, to be led by UN agencies, were held up in part by disagreements over international and PA access to the territory and control over border crossings.

Independent labor unions in Gaza continue to function, and PA workers have staged strikes against Hamas-led management. However, the Fatah-aligned Palestinian General Federation of Trade Unions, the largest union body in the territories, has seen its operations greatly curtailed. Its main Gaza offices were taken over by Hamas militants in 2007, and the building was severely damaged in a December 2008 Israeli air raid. Unresolved PA-Hamas staffing redundancies and compensation problems linked to the unity government plan led to further strikes and protests by civil servants during 2014.

## **F. Rule of Law: 0 / 16**

Laws governing Palestinians in the Gaza Strip derive from Ottoman, British Mandate, Jordanian, Egyptian, PA, and Islamic (Sharia) law, as well as Israeli military orders. The judicial system is not independent, and Palestinian judges lack proper training and experience. Hamas security forces and militants continued to carry out arbitrary arrests and detentions during 2014, and torture of detainees and criminal suspects were reported. The Palestinian human rights ombudsman agency, the Independent Commission for Human Rights, is banned from Hamas detention centers and Gaza's central prison. As of the end of 2014, 362 Palestinians from Gaza were being held in Israeli prisons, plus 17 detained for illegal presence in Israel.

In addition to the fatalities linked to Operation Protective Edge in July and August 2014, Israeli forces killed 18 Palestinians in Gaza during the year, according to B'Tselem. Meanwhile, Hamas-controlled courts in Gaza issued four death sentences, and two Palestinians were executed by Hamas.

Rocket fire from the Gaza Strip into Israel greatly increased in 2014, with more than 4,000 rockets reportedly launched. During Operation Protective Edge, Human Rights Watch criticized both Hamas's use of indiscriminate rocket fire and Israel's failure to adequately distinguish between military and civilian targets.

Vulnerable groups including LGBT (lesbian, gay, bisexual, and transgender) people reportedly face societal discrimination and official harassment in Gaza. 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 (-1)**

Freedom of movement in Gaza is severely restricted, and conditions worsened in 2014 as civilians were displaced within the territory by fighting between Israel and Hamas. Roughly 20,000 homes were destroyed or rendered uninhabitable, and nearly 500,000 people were displaced. Unexploded ordnance presented a lingering obstacle to internal movement.

Both Israel and Egypt exercised tight control over border areas. Although Egypt had opened the Rafah border crossing to women, children, and men over 40 in mid-2011, it was closed again soon after the country's July 2013 military coup. The crossing was opened only sporadically during 2014, contributing to a sharp drop in the number of Gazans entering and exiting the strip compared with the previous year.

About 35,000 Gaza Palestinians lack identity cards, severely limiting their ability to travel. Human rights groups such as B'Tselem have urged Israel, as the state controlling the Palestinian Population Registry, to rectify the problem.

Under Hamas, personal status law is derived almost entirely from Sharia, which puts women at a stark disadvantage in matters of marriage, divorce, inheritance, and domestic abuse. Rape, domestic violence, and so-called honor killings are not uncommon, and these crimes often go unpunished. The government has barred women from wearing pants in public and declared that all women must wear hijab in public buildings, though these and other such controls on women's behavior have been enforced less frequently in recent years. At the end of 2013, Hamas appointed its first female spokesperson for international media.

The blockade of Gaza's land borders and coastline has greatly reduced economic opportunity in the territory. A dense network of tunnels beneath Gaza's border with Egypt facilitates much economic activity and is also used to transport weapons. The tunnels are routinely bombed by Israel, and after the 2013 coup in Egypt, authorities there made a serious attempt to shut them down. By mid-2014, the number of tunnels was thought to have been cut by two-thirds.

Israel loosened restrictions on the entry of some construction materials through Gaza border crossings in January 2014, and again in September after the conflict, though shipments remained far short of the total need. Israeli forces reduced the coastal waters open to Gazan fishermen from 6 to 3 nautical miles from shore in July, then reinstated the 6-mile limit under the terms of the truce that ended the fighting. As of the second quarter of 2014, the unemployment rate in Gaza stood at 45 percent, up from less than 19 percent in 2000.

**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)

6.5

### Civil Liberties

(1 = best, 7 = worst)

6

## Political Rights

(1 = best, 7 = worst)

7

---

published on

