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Freedom in the World 2016 - Gaza Strip

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Freedom Status: Not Free

Aggregate Score: 12

Freedom Rating: 6.5

Political Rights: 7

Civil Liberties: 6

OVERVIEW

In 2015, residents of the Gaza Strip were still struggling to recover from 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. Promises of aid failed to materialize in the form of quick reconstruction, and the economy remained on the verge of collapse.

In addition to the devastating effects of the war, Gaza residents continued to face serious restrictions on press freedom and other civil liberties throughout 2015, and there was no movement toward long-overdue elections during the year.

Negotiations aimed at repairing the rift between Hamas in Gaza and the Fatah-led Palestinian Authority (PA) in the West Bank yielded an agreement on a new unity government in 2014, but it had yet to take effective control in Gaza or merge the two bureaucracies at the end of 2015.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 3 / 40 (-2)

A. Electoral Process: 0 / 12 (-2)

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 has 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; Gaza did not participate in 2012 local elections in the West Bank.

After lengthy negotiations, Hamas and Fatah agreed in April 2014 to form a national unity government that would organize presidential and parliamentary elections, and a new cabinet was announced in early June of that year. Following the summer 2014 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, the plan had yet to be implemented at the end of 2015. Abbas made unilateral changes to the cabinet in July and December, which Hamas rejected, dealing another setback to the reconciliation effort. Hamas was still in de facto control of the Gaza Strip at the end of 2015, and there were no indications that elections would be held in the near future.

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 in 2015.

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 2015 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 2014 unity agreement raised hopes that donor funds would flow through an internationally recognized PA structure, but the pact had yet to be implemented at the end of 2015.

Partly as a result of the continued disunity, tens of thousands of public workers in Gaza remained without regular pay during the year, threatening basic government functions. Hamas has suffered in recent years from a decline in funding from foreign patrons as well as a crackdown on economically important smuggling routes from Egypt, while the Ramallah-based PA has been reluctant to recognize and pay civil servants hired by the Hamas government since 2007.

Civil Liberties: 9 / 60 (-1)*D. Freedom of Expression and Belief: 4 / 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. Some of those restrictions have since been eased. In 2014, Hamas lifted a ban on the distribution of three West Bank newspapers – *Al-Ayyam*, *Al-Quds*, and *Al-Hayat al-Jadida* – that are generally associated with Fatah; it has also allowed the transmission of PA-controlled Palestine TV. Blogging and other online media activity have reportedly increased in recent years.

However, journalists, bloggers, and social-media users faced a rise in harassment and arrests by Hamas authorities in 2015. The Palestinian Center for Development and Media Freedoms (MADA) reported 76 Palestinian violations of media freedom in Gaza, up from 24 in 2014, though that year had also featured a number of journalist deaths associated with Israel's Operation Protective Edge. According to the same report, Israeli authorities were responsible for 407 violations in both the West Bank and Gaza. The 2015 violations largely consisted of arrests, interrogations, physical assaults, and denial of coverage. One journalist, Kamal Mohamad Ali Abu Nahel of Palestine TV, died under suspicious circumstances.

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 attempted to exert political control over mosques.

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. Thousands of teachers are subject to irregular pay as part of the broader financial problems affecting civil servants. Hamas security officials have reportedly confiscated "immoral" books from (mostly university) bookstores in recent years. In 2013, Hamas segregated schools by gender for pupils above age nine. Israeli and Egyptian restrictions on trade and travel have limited access to educational materials, and university students have difficulty leaving the territory to study abroad. Gazans are now mostly absent from West Bank universities. Nearly 300 schools were damaged or destroyed during the 2014 conflict, and not all had been reconstructed by the beginning of the school year in August 2015.

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

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. Israeli forces repeatedly fired on demonstrations near the border fence in 2015.

There is a broad range of Palestinian nongovernmental organizations (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, led by UN agencies, have been 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. Unresolved PA-Hamas staffing redundancies and compensation problems linked to the unity government plan led to further strikes and protests by civil servants during 2015.

F. Rule of Law: 0 / 16

Laws governing Palestinians in the Gaza Strip derive from Ottoman, British Mandate, Jordanian, Egyptian, PA, and Sharia (Islamic 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 2015, and torture of detainees and criminal suspects was reported. The Palestinian human rights ombudsman agency, the Independent Commission for Human Rights, receives complaints from Gaza residents but has limited access to Hamas detention centers and Gaza's central prison. Hamas authorities continued to issue death sentences in 2015, though unlike in previous years, there were no reported executions.

As of December 2015 there were 342 Palestinians from Gaza being held in Israeli prisons. Israeli troops killed a total of 23 Gaza residents in 2015, in many cases shooting protesters or stone throwers who approached the border fence, according to the Israeli human rights group B'Tselem. Some deaths also resulted from Israeli air strikes and exchanges of fire with Gaza-based militants, who launched rockets into Israel sporadically during the year.

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

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. Only a fraction of the damaged or destroyed homes had been reconstructed by the end of 2015. Unexploded ordnance also presented a lingering obstacle to internal movement.

Both Israel and Egypt exercised tight control over border areas, and Hamas imposed its own restrictions, for example by requiring exit permits for outgoing travelers. The Rafah border crossing with Egypt was opened only sporadically during 2015, contributing to a sharp drop in the number of Gazans entering and exiting the strip compared with the previous year. A limited number of people were allowed to cross into Israel for humanitarian or business reasons. As many as 50,000 Gaza residents lack identity documents that are recognized by Israel, severely curbing their ability to travel.

Under Hamas, personal status law is derived almost entirely from Sharia, which puts women at a stark disadvantage in matters of marriage, divorce, and inheritance, and domestic abuse. Rape and domestic violence remain underreported and frequently go unpunished, as authorities are allegedly reluctant to pursue such cases. An increase in the number of so-called honor killings has been reported in recent years. The Hamas authorities have enforced restrictions on women's attire and behavior that is deemed immoral.

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 has facilitated much economic activity and is also used to transport weapons. However, the tunnels are sometimes

bombed by Israel, and since the 2013 coup in Egypt, authorities there have made an aggressive effort to shut them down. In 2015 Egypt began flooding the tunnels with seawater, which also threatened drinking water and farmland.

Israel's security-related restrictions on the entry of construction materials through Gaza border crossings have hampered the economy and rebuilding after the 2014 conflict. Israeli forces also prevented farming near the border fence and barred Gazan fishermen's access to coastal waters beyond six miles from shore during 2015. Hamas has imposed price controls and other rules that may further dampen economic activity. The unemployment rate was among the highest in the world in 2015, reaching well over 40 percent before slipping to 38 percent in the fourth quarter. Youth unemployment remained above 60 percent.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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