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## 2010 Country Reports on Human Rights Practices - Israel and the occupied territories

Bureau of Democracy, Human Rights, and Labor  
April 8, 2011

Israel is a multiparty parliamentary democracy with a population of approximately 7.7 million, including Israelis living in the occupied territories. Israel has no constitution, although a series of "Basic Laws" enumerate fundamental rights. Certain fundamental laws, orders, and regulations legally depend on the existence of a "State of Emergency," which has been in effect since 1948. The 120-member, unicameral Knesset has the power to dissolve the government and mandate elections. The February 2009 elections for the Knesset were considered free and fair. They resulted in a coalition government led by Prime Minister Benjamin Netanyahu. Israeli security forces reported to civilian authorities. (An annex to this report covers human rights in the occupied territories. This report deals with human rights in Israel and the Israeli-occupied Golan Heights.)

Principal human rights problems were institutional, legal, and societal discrimination against Arab citizens, Palestinian residents of the West Bank and the Gaza Strip (see annex), non-Orthodox Jews, and other religious groups; societal discrimination against persons with disabilities; and societal discrimination and domestic violence against women, particularly in Bedouin society. While trafficking in persons for the purpose of prostitution decreased in recent years, trafficking for the purpose of labor remained a serious problem, as did abuse of foreign workers and societal discrimination and incitement against asylum seekers.

### RESPECT FOR HUMAN RIGHTS

#### Section 1 Respect for the Integrity of the Person, Including Freedom From:

##### a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit politically motivated killings.

The petitioners withdrew their appeal to the High Court against the closure of the inquiry by the Department for Investigations against Police Officers' (DIPO) into the 2008 beating and subsequent coma and death of Sabri al-Jarjawi, a Bedouin. Instead, they appealed to DIPO, which denied the petitioners' appeal to reopen the case.

At year's end, an internal Israel Prison Service (IPS) investigation continued into the 2007 killing of a Palestinian prisoner, Mohammed al-Askar, during a riot at Ketziot Prison. Prisoners alleged that security forces improperly used crowd-dispersal weapons, including rubber bullets and beanbag projectiles. The IPS investigation was on hold pending the outcome of legal proceedings in the Beer Sheva Magistrate Court regarding the cause of death.

On July 21, the Supreme Court doubled the manslaughter sentence imposed by a lower court on police officer Shahar Mizrahi to 30 months in prison. The lower court convicted Mizrahi in 2009 of manslaughter in the 2006 shooting death of Mahmoud Ghanayem, who had attacked Mizrahi with a screwdriver when he tried to apprehend Ghanayem for suspected car theft.

Terrorist groups routinely fired rockets and mortars from the Gaza Strip into Israel. According to the government, terrorists fired approximately 235 rockets and mortar shells into the country from the Gaza Strip during the year, an increase from 195 in 2009. On March 19, a rocket fired from the Gaza Strip killed a Thai citizen near the city of Ashkelon.

Israeli Defense Forces (IDF) Military Advocate General Mandelblit investigated all allegations relating to the 2008-09 Operation Cast Lead military incursion into the Gaza Strip, examining over 150 incidents, including those contained in the UN Human Rights Council's 2009 Goldstone report. In January and July, Mandelblit released updates on the majority of investigations, which included details of indictments against several soldiers for manslaughter, improper use of civilians in wartime, and misconduct. As of July the military advocate general launched 47 military police criminal investigations into IDF conduct during Operation Cast Lead and completed a significant number of them (see annex). On August 1, the IDF issued a new order appointing humanitarian affairs officers to each battalion to provide further protections for civilian populations during wartime planning and combat operations.

During the year the Military Investigative Police launched 147 investigations with regard to cases of death, violence, and property damage against residents of the West Bank and the Gaza Strip. In these cases the military advocate general filed 10 indictments against 12 soldiers suspected of committing criminal offenses against Palestinians. There were three convictions of four soldiers, no acquittals, closure of three cases by the military advocate general, and seven cases pending as of year's end (see annex).

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

#### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

A 1999 High Court of Justice ruling held that, although torture and the application of physical or psychological pain are illegal, Israel Security Agency (ISA) interrogators may be exempt from criminal prosecution if they use such methods in extraordinary cases determined to involve an imminent threat, or "ticking bomb" scenario.

During the year nongovernmental organizations (NGOs) filed numerous complaints alleging that security forces tortured or abused Palestinian residents of the West Bank and the Gaza Strip (see annex). On April 26, the Supreme Court rejected a July 2009 appeal by the NGO Public Committee against Torture in Israel alleging authorities use painful shackling during interrogations. The court noted the government's response that shackling was governed by strictly defined procedures and observed that the government had recently made several policy adjustments, including no longer shackling a detainee's hands behind the back.

On October 19, officers from the Ministry of Interior's Oz immigration unit allegedly beat and verbally abused with racial epithets five members of a black noncitizen family living

in Ashkelon who had converted to Judaism and were awaiting a decision on their citizenship request. The immigration unit admitted detaining a family member in error but denied using physical force. The Ashkelon police department refused to allow the family to file a complaint against the officers.

On May 12, due to a police procedural error, the Jerusalem Magistrates Court canceled the indictment and postponed the trial of two Border Guard officers accused in November 2009 of assaulting Muhtaseb Muqtada, an Arab resident of Jerusalem. Officers Maor Malianker and Yossi Dahan allegedly beat Muqtada with a baton after asking for his identification. Malianker was also indicted on two other counts for allegedly using a radio device to hit a Jerusalem resident and falsely reporting he was attacked during a search.

The case of two border guards arrested by police in December 2009 for allegedly beating and stealing NIS 700 (\$197) from a Sudanese man in Eilat remained pending at year's end at the Beer Sheva District Court.

The case of three police officers who reportedly detained and severely beat East Jerusalem resident Tareq Abu Laban in 2008 remained pending at year's end. In November 2009 evidentiary hearings began in the case following a DIPO investigation.

In October evidentiary hearings began at the Beer Sheva Magistrates' Court in the case of police officers Iyad Huzeyl and Dani Havery, who were indicted for assault involving grievous injury against Fadi Darab'i, an undocumented Palestinian laborer, in 2008 in the town of Gan Yavneh.

On June 13, a court acquitted three border police officers of charges of aggravated assault for physically abusing Abd Tareq Ahrub, a West Bank resident detained for being in Jerusalem without a permit in 2006.

#### *Prison and Detention Center Conditions*

The law provides prisoners and detainees the right to conditions that do not harm their health or dignity. While various organizations found deficiencies, conditions in IPS facilities for common criminals and security prisoners generally met international standards according to international and domestic NGOs. (Conditions in four facilities for detainees are covered in the annex.)

According to news reports, a classified report in December by the Israel Bar Association (IBA) found that most of the prison service's isolation cells did not meet international standards. The reports stated the IBA study also described many isolated inmates' development of mental and physical health problems such as paranoia, fits of rage, and eyesight loss due to lack of natural light. The government acknowledged the need to improve conditions for Palestinian security prisoners in response to a 2008 IBA report on Sharon and Hadarim prisons that noted, among other points, poor health conditions in those facilities.

The annual report of the Public Defender's Office describing conditions in prisons and detention centers in 2008 found grave deficiencies in the infrastructure of most prison facilities and the living conditions in many of them. In response to the report's claim that convicts in one-third of the prisons visited complained of violent and humiliating treatment, the Warden's Investigation Unit within the National Police (which is independent of the IPS) found complaints to be unfounded.

According to a December 27 *Haaretz* article, there were on average 13 unnatural deaths (from suicide, murder, or neglect) in prisons over the past decade. At year's end both the police and the prison service were conducting separate investigations into the causes of the unnatural deaths that occurred during the year. According to news reports, the state comptroller began an investigation into prison suicides in 2009 to determine their causes.

On April 16, 27-year-old Raed Abu Hammad died while in solitary confinement in a prison in the southern part of the country. Hammad was halfway through a 10-year sentence for attempted murder and suffered from medical conditions. The prison service was investigating the death at year's end.

As of December 14, there were 5,935 Arab security prisoners and detainees, 1,438 Palestinian criminal prisoners, 3,903 Israeli Arab criminal prisoners, 17 Jewish Israeli security prisoners, and 6,462 Jewish criminal prisoners.

Prisoners and detainees had reasonable access to visitors, including through a program of the International Committee of the Red Cross (ICRC) that brought relatives from the West Bank into the country for prison visits. The government stopped a similar program for visitors from the Gaza Strip following the Hamas takeover of the Gaza Strip in 2007. In December 2009 the High Court ruled against a petition from prisoners' family members from the Gaza Strip, finding such visits did not constitute a humanitarian need. Travel restrictions into the country also affected Palestinian administrative prisoners' access to visitors and lawyers.

Prisoners were permitted religious observance.

The law allows prisoners to submit a petition to judicial authorities in response to substandard prison conditions, and the authorities investigated credible allegations of inhumane conditions and documented results of such investigations publicly.

The ICRC regularly monitored IPS facilities, interrogation facilities, and the two IDF provisional detention centers but did not monitor security detainees in military detention centers. The government also permitted the IBA and Public Defenders' Office to inspect IPS facilities, and they did so during the year.

The state comptroller serves as ombudsman and investigates public complaints received through the Public Complaints Commission against government ministries, local authorities, state enterprises and institutions, government corporations, and government employees. It functions as an effective mechanism for handling accusations of discrimination within government and public institutions, and it forwards complaints to the appropriate oversight bodies of nongovernmental entities that serve the public including banks and insurance companies. Any person may make a complaint regardless of citizenship, residency, or visa status.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions for all citizens. Non-Israeli residents of the Israeli-annexed Golan Heights were subject to the same laws as Israeli citizens. Noncitizens of Palestinian origin detained on security grounds fell under military jurisdiction even if detained in Israel (see annex).

##### *Role of the Police and Security Apparatus*

Under the authority of the prime minister, the ISA combats terrorism and espionage in the country and the occupied territories (see annex). The National Police, including the Border Police and the Immigration Police, are under the authority of the Ministry of Internal Security. Civilian authorities maintained effective control over the ISA police forces, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year. The military is responsible for external security and has no jurisdiction over citizens.

DIPO investigates complaints against police officers and has the authority to indict or transfer cases for disciplinary trials. Continuing a plan to replace police with civil investigators, DIPO was staffed by 29 civil investigators and 19 police investigators at

year's end.

The National Police carried out training programs in coordination with academic institutions and human rights NGOs to promote human rights awareness and cultural sensitivity. During the year the National Police also provided mandatory Arabic language and culture classes for all new cadets.

#### *Arrest Procedures and Treatment While in Detention*

The law provides that an arrested citizen is considered innocent until proven guilty and has the right to be represented by an attorney. According to a report by the Public Defender's Office covering 2008-09, many persons arrested by police were informed of their right to consult an attorney only after they were questioned and transferred to a holding facility. Authorities allowed detainees to contact family members promptly. The government may withhold evidence from defense lawyers on security grounds; however, the evidence must be made available to the court. A bail system exists, and a decision denying bail can be appealed. As a general practice, noncitizens of Palestinian origin detained for security violations were not granted bail. An individual suspected of a criminal offense may be held without charge for 24 hours before being brought before a judge, with limited exceptions allowing for up to 48 hours. Authorities respected this right in practice.

Suspects in nonsecurity cases are apprehended openly with warrants based on sufficient evidence and issued by an authorized official and generally were informed promptly of charges against them.

Persons detained on security grounds may fall under one or more of the three legal regimes. First, under a 2006 "temporary law" on criminal procedures that has been renewed three times, the IPS may hold individuals suspected of a security offense for 48 hours before being brought to a judge, with limited exceptions allowing up to 96 hours before being brought to the senior judge of a district court. The law allows the court to authorize holding a detainee for up to 20 days without an indictment in exceptional cases for interrogation. On February 11, the Supreme Court annulled a section of the temporary law that had barred access to a lawyer for up to 21 days and had enabled a court to impose further extensions without the detainee being present or informed of the hearing.

Second, the 1979 Emergency Powers Law allows the Defense Ministry to detain persons administratively without charge for up to six months, renewable indefinitely. Administrative detention was used as an exception when intelligence sources could not be presented as evidence in regular criminal proceedings. Such detainees, almost all of whom were Palestinian residents of the West Bank, were permitted legal representation within seven days, extendable to as long as 21 days in limited cases with the attorney general's approval. If necessary the government provided free legal representation. An administrative detainee has the right to appeal any decision to lengthen detention to a military court of appeals and ultimately to the Supreme Court. The military courts may rely on classified evidence denied to detainees and their lawyers when determining whether to prolong administrative detention.

At the end of the year, according to government figures reported by the NGO B'Tselem, there were 204 administrative detainees in IPS detention centers, including two minors. Most administrative detainees were held for less than one year, with 21 administrative detainees having been held consecutively for more than two years. Administrative detainees constituted 3.4 percent of the 5,954 security-related detainees.

Third, the 2002 Illegal Combatant Law permits holding a detainee for 14 days before review by a district court judge, denying access to counsel for up to 21 days with the attorney general's approval, and allowing indefinite detention subject to twice-yearly district court reviews and appeals to the Supreme Court. In 2008 the government extended for an additional four years a temporary provision that exempts law enforcement personnel from the law requiring them to film and audio record all

interrogations of detainees suspected of security offenses. Amendments to the law in 2008 expanded its internment powers, which may be exercised in the event of "widespread hostilities," an occurrence that has not happened to date. At the end of November, authorities held three Palestinian residents of the Gaza Strip in detention under the Illegal Combatant Law.

Human rights groups alleged military commanders in the occupied territories used administrative security detention orders based on "security reasons" even when the accused posed no clear danger. NGOs complained these laws removed the standard procedural safeguards from security suspects.

The law provides that foreign nationals suspected of immigration violations be afforded a hearing within four days of detention. They have the right to, but no assurance of, legal representation. According to the NGO Hotline for Migrant Workers (Hotline), interpreters in Ketziot, where most asylum seekers were detained, were rarely present during hearings despite a 2002 written commitment by the government to the Supreme Court to provide interpreters, and persons held in immigration detention rarely were released prior to judicial determination of their status. Moreover, if the detainee's country of origin had no diplomatic or consular representation, the individual could remain in detention for months.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, and the government respected this provision in practice.

The judicial branch comprises magistrate courts, six district courts, and the Supreme Court, which also sits as the High Court of Justice. Magistrate courts adjudicate misdemeanors and lesser civil disputes. District courts adjudicate felonies, serious civil cases, appeals from the magistrate courts, and several other largely administrative matters. There are also military, religious, labor relations, and administrative courts. The High Court of Justice exercises judicial review over the other branches of government and can exercise power on matters that are not within the jurisdiction of any other court or tribunal. The High Court of Justice is a court of first instance for claims against the government. Its members also sit as the Supreme Court and hear appeals of lower court rulings, Knesset elections, administrative detentions, prisoners' petitions, and rulings of the Civil Service Commission and bar association. Religious courts have jurisdiction over matters of personal status for their adherents; there are no civil courts for marriage or divorce for the hundreds of thousands of citizens for whom religious courts are not a legal option.

#### *Trial Procedures*

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. However, administrative detainee hearings are not trials and do not follow trial procedures.

By law an arrested citizen is considered innocent until proven guilty. There are no trials by jury. Trials are public except when the court determines that a closed trial is required to protect state security, foreign relations, a party's or witness's right to privacy, or a sexual offense victim. At the discretion of the court, security or military trials may be open to independent observers but not to the general public. Defendants have the right to be present and to consult with an attorney in a timely manner. All indigent defendants facing trial and imprisonment receive mandatory representation. According to the government, counsel represented all defendants in district and Supreme Court trials and in approximately 80 percent of cases in the magistrate courts.

Defendants have the right to question witnesses against them, present witnesses on their behalf, access evidence (except when the court determines such access would compromise state security), and appeal.

Military courts provide some, but not all, of the procedural rights granted in civil criminal courts. The 1970 evidentiary rules governing trials of Palestinians and others applicable in the occupied territories under military law are the same as evidentiary rules in criminal cases. According to the Ministry of Justice, the law does not permit convictions to be based solely on confessions. In military trials, prosecutors often present secret evidence that is not available to the defendant or counsel. Counsel may assist the accused in such trials, and a judge may assign counsel to defendants. Indigent detainees do not automatically receive free legal counsel for military trials, but in practice almost all detainees had counsel even in minor cases. The defendant and public are read the indictment in Hebrew and, unless the defendant waives this right, in Arabic. In past years, many indictments were translated into Arabic, but, since according to the government no requests for translations were made, the practice during the year was to provide written translations of indictments into Arabic only upon request. At least one interpreter is present for simultaneous interpretation in every military court hearing, unless the defendant waives that right. Defendants can appeal through the Military Court of Appeals and petition the High Court of Justice.

#### *Political Prisoners and Detainees*

There were no reports of citizen political prisoners or detainees, although NGOs alleged there were noncitizen political detainees (see annex).

#### *Civil Judicial Procedures and Remedies*

An independent and impartial judiciary adjudicates lawsuits seeking damages for, or cessation of, human rights violations. Administrative remedies exist, and court orders were usually enforced. On February 7, former deputy attorney general Yehudit Karp sent a memo to Attorney General Yehuda Weinstein listing 11 contempt of court ordinances and Supreme Court rulings that had not been implemented. On August 1, Attorney General Weinstein issued guidelines noting the need to implement court orders.

#### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The law provides for protection of privacy of the individual and the home. In criminal cases, the law permits wiretapping under court order; in security cases, the Ministry of Defense must issue the order. Under emergency regulations, authorities may open and destroy mail on the basis of security considerations.

The law provides for police officers and other public investigators to request court orders to obtain personal information from private communications companies, including landline and cellular telephones and Internet service providers. To access private communications records, investigators must demonstrate that their goal is to save or preserve life, investigate or prevent crime, or seize property in accordance with the law.

Separate religious court systems adjudicate matters such as marriage and divorce for the Jewish, Muslim, Christian, and Druze communities. Jews can marry only in Orthodox Jewish services, although the great majority of Jewish Israelis are not Orthodox. Civil marriages, marriages of some non-Orthodox Jews, marriages in non-Orthodox ceremonies, or marriage of a Jew to a non-Jew must take place outside the country to be legal. According to the NGO New Family Organization, more than 5,000 couples married in civil ceremonies abroad each year, mostly in Cyprus, and then registered in Israel's population register. The Rabbinical Court presides over divorces if it recognizes both spouses as Jewish; the Family Matters Court grants divorces in all cases outside of the religious tribunal's jurisdiction. The government allows consular marriages as long as both parties have no religion or belong to a religious community that the state does not recognize.

The law prohibits dismissing a worker who becomes pregnant who has worked at least six months for the same employer. However, the law also mandates that foreign workers leave the country no later than three months after giving birth; those who stay lose their legal status. In 2005 several NGOs appealed to the Supreme Court against this



procedure; the appeal remained pending at year's end.

Many Jewish citizens objected to exclusive Orthodox rabbinic control over aspects of their personal lives. Approximately 310,000 citizens who immigrated, either as Jews or as family members of Jews, are not considered Jewish by the Orthodox Rabbinate. They cannot be married, divorced, or buried in Jewish cemeteries within the country. The estimated 20,000 Messianic Jews, who believe Jesus is the Messiah and consider themselves to be Jews, also often experienced this infringement on their personal lives, since the Orthodox Rabbinate did not consider them Jewish. A 1996 law requiring the government to establish civil cemeteries has not been fully implemented, although eight civil cemeteries exist.

The authority to grant status (citizenship and residency) to a non-Israeli spouse, including Palestinian and other non-Jewish foreign spouses, resides with the Ministry of Interior. On July 27, the Knesset extended for another year the temporary 2003 Citizenship and Entry Law, which prohibits a citizen's Palestinian spouse from the occupied territories not only from acquiring citizenship by marriage, but also from residing in the country. Palestinian male spouses who are 35 or older and female spouses who are 25 or older may apply for temporary visit permits. The Mossawa Advocacy Center for Arab Citizens in Israel (Mossawa) claimed the law affected more than 21,000 families, including couples with long-standing marriages. The government originally enacted the law following 23 terrorist attacks involving suicide bombers from the occupied territories who had gained access to Israeli identification through family unification.

## **Section 2 Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. Individuals may criticize the government publicly and privately without reprisal. The law prohibits hate speech and incitement to violence, and the 1948 Prevention of Terrorism Ordinance prohibits expressing support for illegal or terrorist organizations.

The independent media were active and expressed a wide variety of views without restriction. The country has 13 daily newspapers, at least 90 weekly newspapers, more than 250 periodicals, and a number of Internet news sites. All newspapers were privately owned and managed. Laws dating from the British mandate require licenses from the Interior Ministry for newspapers and allow the minister, under certain conditions, to close a newspaper.

The state-owned Israel Broadcast Authority controls the Hebrew-language Israel Television and an Arabic-language channel, as well as Kol Israel (Voice of Israel) radio, which broadcasts news and other programming in Hebrew, Arabic, and other languages. The Second Television and Radio Authority, a public body, supervises the two privately owned commercial television channels and 14 privately owned radio stations.

The government prohibited all citizens, including journalists, from entering the Gaza Strip; those who entered were subject to legal penalties such as fines and restraining orders, but no journalists were fined during the year. All foreign journalists operating in the country require accreditation from the Government Press Office.

All media organizations must submit to military censors any material relating to specific military issues or strategic infrastructure issues, such as oil and water supplies. The censor's decisions may be appealed to the High Court of Justice, and the censor cannot appeal a court judgment. The Interior Ministry has no authority over the military censor.

News printed or broadcast abroad is subject to security censorship. The government did not fine newspapers or other mass media for violating censorship regulations during the

year. On June 6, the Supreme Court commuted to community service a sentence of two months in prison and six-month suspended sentence imposed by a district court on journalists Khader Shaheen and Muhammad Sarhan for breaching the military censorship law during the Gaza Strip offensive. Police had charged the two men in January 2009 with divulging secret information and transmitting information to the enemy in wartime. The charges were filming and broadcasting live to Iran the IDF movements toward the Gaza Strip a half hour before the start of the ground offensive.

#### *Internet Freedom*

There were no government restrictions on Internet access. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail, although the government monitored cellular and landline telephones and Internet service providers for security purposes. The International Telecommunication Union reported that approximately 63 percent of the country's inhabitants were Internet users in 2009.

#### *Academic Freedom and Cultural Events*

There were no government restrictions on academic freedom or cultural events.

Universities are required to justify to the IDF acceptance of Palestinian students from the occupied territories. According to revised government criteria submitted in response to a 2007 High Court of Justice order, no more than 70 students from the West Bank may pursue graduate studies in Israeli universities at any given time, provided there is no practical alternative and the chosen program is not in a field that could provide knowledge or skills that could be employed to harm the country. Students from the Gaza Strip are not eligible to apply (see annex).

### **b. Freedom of Peaceful Assembly and Association**

#### *Freedom of Assembly*

The law provides for freedom of assembly, and the government generally respected this right in practice.

Throughout the year weekly protests in the East Jerusalem neighborhood of Sheikh Jarrah took place against the implementation of court decisions regarding property ownership. On January 15, police arrested 17 activists, including Association for Civil Rights in Israel (ACRI) Executive Director Hagai El-Ad, when they held a protest after being denied a permit. Two days later the Jerusalem Magistrate's Court ordered the protesters released and ruled that the police could not require a permit for the protests.

Police have the authority to declare protests illegal and disperse them to uphold public safety. On November 17, police in Tel Aviv allowed a peaceful demonstration of students protesting a bill providing stipends solely to yeshiva students but declared the gathering illegal following protesters' use of smoke grenades and attempts to disrupt traffic. The students then violently clashed with police, resulting in 12 injured students.

At year's end, a DIPO investigation continued into a complaint by NGOs Adalah and the Arab Association of Human Rights concerning police behavior during clashes with 15,000 Arab-Israeli demonstrators in 2008 in the former Arab village of Safouriya, now a Jewish community. There were conflicting claims about responsibility for violence during the "Nakba" (catastrophe in Arabic) demonstration that marked the anniversary of the establishment of the State of Israel. Adalah released video footage that reportedly showed police beating or kicking some demonstrators in the head and face as they sat handcuffed on the ground. According to press and NGO reports, police attacked several local and international journalists, including a CNN correspondent, and in some cases confiscated cameras and erased footage.

*Freedom of Association*

The law provides for the right of association, and the government generally respected this right in practice.

Under the 1980 Law of Associations, NGOs must register and pay annual fees. Some registered NGOs were eligible to receive funding from government ministries. According to government figures, such funding amounted to approximately NIS 2.5 billion (\$703 million) per year. Government funding for NGOs disproportionately favored Jewish NGOs, especially those that promote "traditional and religious Jewish activities."

**c. Freedom of Religion**

For a complete description of religious freedom, please see the Department of State's *2010 International Religious Freedom Report*.

**d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government respected them in practice for citizens (see annex). The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to some refugees, asylum seekers, and other persons of concern.

Citizens generally were free to travel abroad and to emigrate, provided they had no outstanding military obligations and no administrative restrictions. The government may bar citizens from leaving the country based on security considerations. In addition no citizen is permitted to travel to any state officially at war with the country without government permission. All citizens required a special permit to enter area A (the area, according to the Interim Agreement, in which the Palestinian Authority exercises civil and security responsibility), although the government allowed Arab citizens some access without permits. Arab citizens regularly complained of discrimination and degrading treatment by airport security officials. A Supreme Court decision in a 2007 petition by ACRI and Adalah regarding alleged ethnic profiling was still pending at year's end. The court postponed a December hearing on the government's comparative legal analysis of its security screening methods.

The law prohibits forced exile of citizens, and the government respected this prohibition in practice.

*Protection of Refugees*

The government has not enacted legislation implementing the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. NGOs criticized new asylum regulations released on December 13 that require applicants to submit claims within one year of arriving in the country; authorize the Ministry of Interior to reject applications without appeal even at the registration stage; and, in various accelerated procedures, exclude "enemy nationals" from receiving asylum in the country; and lack an independent appeal process. The government arrested a number of persons immediately following rejection of their refugee status claims, causing a decrease in new applications. A number of formal and informal arrangements provide for the protection of some asylum seekers.

The Interior Ministry's Authority for Immigration and Border Crossings implements government policy and is responsible for foreign nationals and population issues. The authority consolidates all relevant bodies dealing with immigration issues, including asylum seekers. In July 2009 the government assumed from the UNHCR the process of registering and conducting determinations of refugee status for all asylum seekers;

however, domestic NGOs argued that the new regulations and procedures for the registration and status determination of asylum seekers were flawed. According to the Tel Aviv University Refugee Rights Law Clinic, the government failed to provide asylum seekers copies of their interview transcripts or sufficient explanations of their determinations. After an appeal by the Refugee Rights Law Clinic and other NGOs, the Supreme Court issued a temporary injunction mandating that asylum seekers be accompanied by legal representatives in interviews, but the government continued to bar paralegals, and most asylum seekers could not afford counsel for hearings.

The National Status Granting Board (NSGB), composed of four members from the ministries of interior, justice, and foreign affairs, processes asylum applications. It makes a recommendation that is sent to the minister of interior for final approval. Between 2008 and 2009, the NSGB reportedly reviewed 3,211 cases and provided positive recommendations in three. The UNHCR participated informally in NSGB sessions.

The government issued three-month "conditional release visas" for asylum seekers waiting for a decision from the NSGB and Sudanese and Eritreans who were not reviewed for refugee status. The visa did not provide for the right to work or social benefits such as health insurance or housing subsidies, but in practice the government generally allowed refugees to work. The government generally gave Eritreans and Sudanese, who constituted the majority of asylum seekers, conditional release visas with deferred deportation status and temporary protection, and it did not require or allow them to undergo refugee status determinations. Asylum seekers of other nationalities must report to the Ministry of Interior's Refugee Status Unit for determination of their refugee claim.

On November 17, the Ministry of Interior instituted a new procedure of marking conditional release visas "this is not a work visa." The new procedure led to many asylum seekers being fired, according to NGOs. In August, following a government decision to enforce a prohibition on employment, the Refugee Rights Law Clinic petitioned the Supreme Court on behalf of eight human rights organizations, asking the government to clarify the right to work for asylum seekers and persons who are provided deferred deportation status. The case was pending at year's end.

Refugees recommended by the UNHCR or the Ministry of Interior and recognized by the NSGB received six-month renewable visas, with status evaluated after one year. Asylum seekers at the appeal stage were not provided with this visa but were protected from detention and deportation by the letter informing them of the rejection of their claim.

No legal option exists for a refugee to become a naturalized citizen. In 2009 the Refugee Rights Law Clinic petitioned the Jerusalem Administrative Court on behalf of an Ethiopian refugee who had been in the country as a recognized refugee for more than 10 years. The petitioners argued that under the 1951 Refugee Convention, a state is obliged to facilitate the naturalization of refugees. The case was pending at year's end.

In 2009 the Ministry of Interior opened an office in Lod for asylum seekers to register to receive documents allowing legal residence without which they would be subject to arrest. The NGO Hotline reported that many refugees and asylum seekers complained about discriminatory treatment, inefficiency, refusal to renew papers, and lost documents at the Lod office, but noted some improvements in operation during the year.

In practice the government provided some protection against the expulsion or return of refugees to countries where their lives or freedom could be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. At year's end the Supreme Court had not ruled on the question put to it in 2007 of whether it was safe to return asylum seekers to Egypt. Domestic and international NGOs and the UNHCR continued to be concerned with the practice of "coordinated returns" or "hot returns" of some asylum seekers to Egypt because of allegations that those individuals were later returned to their countries of origin in violation of their right to seek asylum and protection against such return. The government stated that through October 10, it had summarily returned to Egypt 136 persons who had crossed

the country's border. This was a decrease from 517 persons who returned to Egypt after crossing the border in 2008-09. In its petition Hotline submitted to the Supreme Court the testimony of an IDF soldier describing alleged incidents of "hot returns" he had witnessed at the Egyptian border. According to the testimony, while officially Egypt refused to accept asylum seekers returned to its territory, there was a field-level understanding between the border forces that the Egyptians would receive persons captured at the border or soon after crossing. NGOs asserted that these arrangements were temporary conditional agreements between Egyptian and Israeli border commands and not a uniform policy.

The government did not grant asylum to persons from states with which it was officially at war, such as Iraq, but stated that it attempted to find a third country to accept them. Sudanese, while also originating from an "enemy state," in practice received conditional release visas. On December 13, the government, with NGO assistance, carried out a voluntary return to Sudan of 150 refugees residing in the country.

Refugees and asylum seekers were targets of violence. On December 18, an unknown arsonist threw a burning tire at the apartment door of five Sudanese refugees in Ashdod, setting the apartment on fire. The Sudanese refugees escaped by breaking through the barred glass window and were treated for smoke inhalation. Local residents and storeowners claimed they were attacked because they were refugees from Sudan. Ashdod police began an investigation that continued at year's end.

Also on December 18, a group of approximately 20 teenagers severely beat three 16-year-old daughters of African asylum seekers in the Hatikva neighborhood of Tel Aviv. The victims reportedly did not file a police report because they feared retribution.

Rhetoric by government officials and community protests concerning asylum seekers also intensified during the year. On March 22, Knesset member Yaakov Katz issued a letter that called for the establishment of an "infiltrator" city to hold asylum seekers and stated that in 10 years the "infiltrators" could "ruin" the country. On July 19, Minister of Interior Eli Yishai called for IDF soldiers to "block infiltrators" coming from the southern part of the country and stated, "This is an existential threat to the State of Israel." On September 2, Minister of Justice Yaakov Neeman stated that the "infiltrators at the southern border create a real danger to the existence of the state of Israel, and Israel has to fight this phenomenon in every possible way." In July the mayor of Eilat called on city residents to demonstrate against the large community of "infiltrators" who had taken over the city, created a climate of fear, and lowered real estate value. Candidates for the October Eilat municipality elections also used anti-asylee campaigns as part of their platforms.

The government did not grant temporary status to persons with disputed nationalities, and prolonged detention of some of these persons continued throughout the year. According to Hotline and IPS, at year's end the government was holding at least 1,000 asylum seekers for longer than 60 days in violation of the Entry of Israel Law. In addition authorities detained over 200 women and children in the Saaronim prison in cloth tents, with limited education services provided to the children for the detention period and insufficient health and medical treatment, according to NGOs. While authorities allowed the UNHCR full access to asylum seekers and refugees in detention, authorities curtailed access by NGOs to Saaronim prison following a 2008 petition by Hotline charging the IPS with inhumane treatment of prisoners. Hotline and a private law firm challenged the legality of several detention cases. In some decisions the district court ordered the release of asylum seekers with disputed nationalities and criticized the prolonged detention. According to an August 13 report in *Haaretz*, 17 appeals were filed in the district court with regard to detention of refugees, and all of the asylum seekers were released. The UNHCR noted the country does not provide an adequate appeals procedure for asylum seekers, and many persons with disputed nationality remain in prison for long periods of time if their country of origin cannot be confirmed by the Ministry of Interior.

According to the African Refugee Development Center, dozens of pregnant asylum

seekers and single mothers were referred to the organization by authorities upon their release from prisons in the country. Despite many of them having been the victims of sexual and gender-based violence in Sinai and some allegedly having been held for ransom and forced labor there, the government did not provide health insurance, pregnancy or postnatal related services, or trauma counseling to these women, according to Physicians for Human Rights-Israel. Authorities sent some female victims of trafficking in persons to government shelters during the year, but many others were not properly identified in prison as having been trafficking victims.

For a monthly fee of NIS 185 (\$52), health services were provided for minors who stayed continuously in the country for a period of six months and were not insured by the National Health Insurance Law. Those services do not apply to previous health conditions or to children of parents who are residents of the Palestinian territories. Physicians for Human Rights-Israel (PHR-I) estimated that one-third of families with children who are not legal residents were able to purchase medical insurance. Although the law provides for emergency medical care for every resident, 16 migrant workers and asylum seekers reportedly stated that they were denied access to emergency medical treatment in hospitals between September 2009 and September due to lack of health insurance and inability to pay the required fees.

By law the government should provide education to all children living in the country, regardless of their status in the Ministry of Interior's population registry. NGO and media reports cited instances in which children of asylum seekers allegedly were not provided access to the country's educational system due to decisions by local school and government officials. For example, according to Hotline, children of asylum seekers in Eilat were not accepted into the local school system during the year.

### **Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government**

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

#### *Elections and Political Participation*

The country is a parliamentary democracy with an active multiparty system. Relatively small parties, including those primarily supported by Arab-Israelis, regularly win Knesset seats. The law requires that a party obtain 2 percent of the vote to win Knesset seats. In 2008 Prime Minister Ehud Olmert resigned after declining to run in a Kadima Party primary election. When Kadima Party head Tzipi Livni was unable to form a government, Olmert remained as caretaker prime minister until a government was formed following February 2009 elections that were considered free and fair. In March 2009 following protracted negotiations, Benjamin Netanyahu became prime minister of a Likud-led coalition government.

The Basic Law prohibits the candidacy of any party or individual that denies the existence of the State of Israel as the state of the Jewish people or the democratic character of the state, or that incites racism. Otherwise political parties operated without restriction or interference. In January 2009 the Supreme Court overturned a Central Elections Committee decision to ban the Knesset's two Arab political parties, the United Arab List-Ta'al and Balad, from participating in the February 2009 elections on the grounds that they did not recognize the state and called for armed conflict against it.

At year's end the Knesset had 23 female and 14 Arab members. The 30-member cabinet included two women, but no Arabs; three women were deputy ministers. Five members of the 15-member Supreme Court, including its president, were women. One Arab was on the Supreme Court.

### **Section 4 Official Corruption and Government Transparency**

The law provides criminal penalties for official corruption, and the government implemented the law effectively. There were reports of government corruption during the year, although impunity was not a problem. Media routinely reported on corruption. The National Police, the state comptroller, the attorney general, and the accountant general were responsible for combating official corruption. Senior officials were subject to comprehensive financial disclosure laws.

During the year the government investigated and prosecuted several senior political figures for alleged misconduct.

On July 13, a court found Knesset Member and former minister of justice Tzachi Hanegbi guilty of perjury in a case related to political appointments. In November the judges ruled that the perjury involved "moral turpitude," thereby forcing him to leave the Knesset immediately; he was also assessed a fine of NIS 10,000 (\$2,813).

In September the minister of defense appointed an IDF ombudsman to investigate allegations of corruption surrounding IDF appointment processes, widely known as the "Galant Document" affair.

On December 30, the Tel Aviv District Court convicted former president Moshe Katsav of rape and obstruction of justice, as well as of sexual assault and sexual harassment of three government employees in 2006.

On May 24, police recommended indicting Foreign Minister Avigdor Lieberman for breach of trust based on evidence that he received classified information about an ongoing corruption investigation against him. The attorney general did not decide whether to issue an indictment by year's end. In August 2009 police recommended the attorney general indict Lieberman on bribery, money laundering, obstruction of justice, and other charges. The attorney general had yet to make a decision at year's end.

On April 14, police arrested former Jerusalem mayor Uri Lupolianski on suspicion of accepting NIS three million (\$844,000) in bribes. On August 23, the police recommended indicting him and a list of individuals for taking a bribe, bribery mediating, and breach of trust in connection with Jerusalem's Holyland residential construction project. The list included former prime minister Ehud Olmert for receiving a bribe while he was mayor of Jerusalem; Bank HaPoalim Directorate Chairman Danny Dankner for bribery and tax offenses; former Israel Land Administration head Yaakov Efrati for fraud and breach of trust; former deputy mayor Yehoshua Polak for bribery, fraud, breach of trust, money laundering, and tax offenses; Holyland developer Hillel Cherney; and Olmert's former bureau chief, Shula Zaken. At year's end state prosecutors had yet to decide whether to indict those whom the police recommended.

In August 2009 Attorney General Menachem Mazuz indicted former prime minister Olmert along with his former chief of staff Zaken on three charges involving breach of trust, falsifying corporate documents, and fraudulent conduct. Mazuz also charged Olmert with tax evasion and Zaken with illegal eavesdropping. Olmert and Zaken both pled not guilty to all charges. At year's end the investigation regarding Olmert's political appointments was completed and notification letters were sent to the suspects, but a hearing had not been scheduled. An additional six persons were indicted on related charges, including former tax authority chief Jacky Matza, three tax authority officials, and two businessmen.

The government did not effectively implement its 1998 Freedom of Information Law. Many government bodies did not disclose their internal regulations as required, and others failed to publish annual reports. The 2008 state comptroller's report found that approximately half of governmental authorities did not make available to the public their administrative directives or procedures for requesting information or services.

On January 13, the High Court of Justice dismissed ACRI's 2005 freedom of information petition to require the government to provide timely public access to the ministries' unclassified archives. The court awarded legal expenses to ACRI, however, as it found

the government had adjusted its policies in the interim in response to the petition. In August the government published the new archives' regulations shortening the limitation periods on archival materials and ensuring their public availability.

### **Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

Numerous domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Human rights NGOs have standing to petition the Supreme Court directly regarding governmental policies and can appeal individual cases to the Supreme Court. Government officials were cooperative to varying degrees, and routinely invited domestic NGOs, including those critical of the government, such as ACRI, Mossawa, Adalah, the PHR-I, and Gisha, among others, to participate in Knesset hearings on proposed legislation. A unit in the foreign ministry maintained relations with certain international and domestic NGOs. The government responded publicly to criticisms that it believed to be unfounded.

The state comptroller also served as ombudsman for human rights issues. The ombudsman investigates complaints against statutory bodies that are subject to audit by the state comptroller, including government ministries, local authorities, state enterprises and institutions, government corporations, and their employees. The ombudsman is entitled to use any relevant means of inquiry and has the capacity to order any person or body to assist in the inquiry.

During the year the Ministry of Interior, operating under a 2002 order, barred entry to foreign nationals affiliated with certain Palestinian human rights NGOs and solidarity organizations (see annex). The government stated this was done on an individual basis, not according to the activities or platform of the NGOs with which they were affiliated.

On September 22, the UN Human Rights Council released the report of a fact-finding mission that accused security forces of summarily executing six of the nine passengers killed on a Turkish NGO-organized flotilla of ships intending to reach the Gaza Strip. Prime Minister Netanyahu's office dismissed the report as "biased" and "distorted." On July 12, the IDF investigation into the May 31 events concluded that the use of live fire was justified, although it criticized organizational and intelligence failures for not being prepared for the level of violence committed by some of the flotilla's passengers. The Turkel Commission, appointed by the government on June 14 as an independent public commission of inquiry with international observers, concluded that the blockade was legally imposed and enforced according to international law; it found no instance of excessive use of force.

On November 22, the UN Children's Fund criticized the government for not having a comprehensive strategy to protect the rights of children and for excluding the West Bank and the Gaza Strip from the application of the UN Convention on the Rights of the Child.

The government made several policy changes in response to criticism from NGOs and international organizations, including the UN Goldstone Report, regarding the protection of human rights during the 2008-09 Operation Cast Lead incursion into the Gaza Strip. Following IDF investigations, changes included new limitations on the use of white phosphorus in urban settings; the introduction of population assistance officers into combat brigades and battalions to focus on minimizing civilian casualties and hardship; new written procedures for planners to provide for civilian safe havens, evacuation routes, medical treatment, and humanitarian access; and new written policies governing the destruction of private property and civilian infrastructure.

During the year the government introduced several programs to spur economic development in Arab towns and to encourage greater hiring of minorities. On March 21, the government allocated NIS 778 million (\$219 million) for the economic development of 13 Arab towns to raise employment, improve transportation, encourage housing



development, and improve security and law enforcement.

## Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the basis of race, gender, marital status, political beliefs, disability, or age, and the government effectively enforced these prohibitions.

### *Women*

Rape, including spousal rape, is a felony, punishable by 16 years in prison. The law doubles the penalty if the perpetrator assaults or rapes a relative. The government reported 727 cases opened due to rape complaints through October. The government effectively enforced rape laws during the year.

On December 30, the Tel Aviv District Court convicted former president Moshe Katzav of two counts of rape (see section 4).

NGOs supporting victims of sexual abuse reported a 13 percent rise in requests for assistance during the first half of the year in comparison with the same period in 2009. The NGOs reportedly received 4,250 requests for assistance. More than 40 percent of applicants said they were victims of rape or attempted rape, and two-thirds said they were sexually assaulted before the age of 18. The law prohibits violence against women, but domestic violence against women was a problem. As of September women filed 11,123 domestic violence complaints with police, of which at year's end 2,688 were still being investigated, 4,364 were transferred to the State Attorney's Office, 340 were heard by courts, and 3,741 were closed.

The Ministry of Social Affairs operated a battered women's shelter and an abuse reporting hotline. The police operated a call center to inform victims about their cases. Women's organizations provided counseling, crisis intervention, legal assistance, and shelters.

Women's rights NGO Kayan Feminist Organization (Kayan) and PHR-I petitioned the Supreme Court to require the Ministry of Health to provide health care to battered women living in shelters and to those who were without legal status in the country. The case was still pending at year's end.

Several "honor killings" occurred within the Arab-Israeli community. On October 20, police arrested Ramadan and Khaled Musrati on suspicion of involvement in four "honor killings" in Lod. The victims were alleged to be two men and two women believed to be in relationships with each other that their families viewed as inappropriate.

Sexual harassment is illegal but remains widespread. The law requires that suspected victims be informed of their right to assistance. Penalties for sexual harassment depend on the severity of the act and whether blackmail is involved; range from two to nine years' imprisonment.

According to a survey by the Ministry of Industry published in June, 35 to 40 percent of women reported experiencing sexual harassment at work, one-third of whom experienced it in the previous 12 months. Among the women who reported harassment, 69 percent said they had received "proposals," 47 percent reported comments of a sexual nature, 22 percent cited physical violation, 10 percent reported humiliation, and 7.7 percent reported extortion and threats.

In November DIPO opened an investigation into allegations by a Public Security Ministry employee that police commander Uri Bar-Lev sexually harassed her. The investigation continued at year's end.

"Modesty patrols" continued to harass women in Haredi neighborhoods. An article in *Yediot Ahranot* on March 3 reported that police arrested two Haredi men at the Western

Wall compound on suspicion that they threw chairs at a group of praying women from the Woman of the Wall organization, a group occasionally targeted by religious groups for exercising their religion at holy sites.

In March 2009 the Jerusalem District Court sentenced Elhanan Buzaglo to four years' imprisonment and required him to pay NIS 10,000 (\$2,813) in compensation to a woman who had divorced her husband and abandoned her religious way of life. Buzaglo and four other persons beat the woman at her home and threatened to kill her if she did not move out of the house.

Couples and individuals had the right to decide the number, spacing, and timing of children, and had the information and means to do so free from discrimination. Access to information on contraception and skilled attendance at delivery and in postpartum care was widely available, although women in Haredi communities often had to seek approval from a rabbi to use contraception. According to data from the UN Population Fund for 2008, the maternal mortality rate in the country was seven per 100,000 births. Women and men were given equal access to diagnostic services and treatment for sexually transmitted diseases.

In the secular judicial system, women and men enjoyed the same rights, but religious courts restricted the rights of Jewish and Muslim women. A Jewish woman is allowed to initiate divorce proceedings, but her husband must give his consent to make the divorce final. Because some men disappear or refuse to grant the divorce, thousands of so-called "agunot" (chained women) may not remarry or give birth to legitimate children. Rabbinical tribunals may, and sometimes did, sanction a husband who refused divorce but still did not grant a divorce without his consent.

A Muslim woman may petition for and receive a divorce through the Sharia courts without her husband's consent under certain conditions, and a marriage contract may provide for other circumstances in which she may obtain a divorce without her husband's consent. A Muslim man may divorce his wife without her consent and without petitioning the court.

Christians may seek official separations or divorces, depending on the denomination, through ecclesiastical courts. During the year Kayan criticized the Episcopal Ecclesiastical Court in Nazareth, which is not under the jurisdiction of the Ministry of Justice, for lack of transparency, unnecessary delays, and a judge's refusal to rule in an alimony case.

On September 28, the Supreme Court outlawed public gender segregation in Jerusalem's Haredi Mea Shearim neighborhood, in response to a petition submitted by NGOs and a Knesset Member asking the court to prevent enforcement of gender separation after conservative men physically and verbally assaulted women for walking on a designated men's only road. Dozens of women protested on September 29 to demand immediate enforcement of the court decision.

According to its Web site, the Yad L'Achim's antiassimilation department receives approximately 1,000 calls per year identifying Jewish women who become involved with foreign workers or Arab men. Yad L'Achim responded in some cases by what it termed "launching military-like rescues from hostile Arab villages and setting the women up in 'safe' houses around the country, where they could build new lives for themselves." A December 2009 "rescue" from the Gaza Strip of Oshrit Ohana and her four children, reportedly coordinated with the IDF and Interior Minister Eli Yishai, was widely popular among the public, but critics claimed such "rescues" sometimes disregarded the will of the women involved.

Although the law prohibits discrimination based on gender in employment and wages and provides for class action suits, complaints of significant wage disparities between men and women persisted.

A May 2009 *Yediot Achronot* article described a new regulation in the ultra-Orthodox

Shas' Maayan Torah education network that prohibits female workers from working without a head covering that completely covers their hair. Many Haredi women expressed disagreement with the new regulation that also bans the use of wigs as head coverings.

The government enacted a number of programs to improve the status of women in the work place and society. The Authority for the Advancement of the Status of Women in the Prime Minister's Office approved 289 scholarships for higher education for Druze, Bedouin, and Circassian female students in the north. The authority held professional training courses in Arab, Druze, and Circassian localities.

### *Children*

Citizenship is derived by birth within or outside of the country to at least one citizen parent.

On August 1, the cabinet established guidelines mandating that children of foreign workers may remain in the country with their parents only if they meet the following five criteria: the child studied the preceding year in the state school system; the child is enrolled for the current school year in the first grade or higher; the child has lived for at least five consecutive years in the country; the child's parents entered the country on a valid visa; and the child speaks Hebrew. According to government statistics released in August, 20,000 children of foreign workers were residing in the country illegally during the year, 6,000 under the age of five. The Ministry of Interior threatened to deport hundreds of children who did not meet the established criteria, and some deportations began during the year. The government ensured at least one parent was deported with a child.

Education is compulsory through the ninth grade. The government operated separate school systems for Hebrew-speaking children, Arabic-speaking children, and Orthodox Jews. Ultra-Orthodox Haredi political parties continued to oppose government regulation of their government-funded school systems. Large Haredi demonstrations were held in Jerusalem throughout the year following the Supreme Court's August 2009 ruling that outlawed discrimination between Ashkenazi and Sephardic students in a religious girls'school in the Emmanuel Settlement.

According to a National Council of the Child (NCC) report, in 2009 hospitals and clinics identified 2,907 children who had suffered violence within the family and sexual abuse, in comparison with 1,989 in 2000, a rise of 46 percent.

The NCC received more than 10,000 complaints during the year covering issues of physical and sexual abuse of children, child pornography, and poor educational, health, and welfare services.

According to the Ministry of Welfare, there were many cases of children with disabilities who were sexually assaulted that awaited investigation during the year.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

### *Trafficking in Persons*

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report*.

### *Persons with Disabilities*

The law prohibits discrimination against persons with disabilities in employment,

education, access to health care, or the provision of other state services. Legislation mandates access to buildings and transportation, as well as accommodations for persons with disabilities in services and the work place. The government enforced the laws with limited success but did not formulate specific regulations. Societal discrimination and lack of accessibility persisted in employment and housing. Television channels include subtitles or sign language, and the courts accommodate testimony from persons with intellectual disabilities or mental illness. The law mandates accessibility to urban public transportation, but not interurban buses; as of September 2009, approximately 40 percent of buses did not have such access. Most train stations maintained access for persons with disabilities.

There are an estimated 120,000 to 160,000 persons with severe mental illness, and very few receive rehabilitation services, according to research published by the Myers-JDC-Brookdale Institute.

Various ministries and agencies maintained responsibility for persons with disabilities. The Commission for Equal Rights of People with Disabilities within the Ministry of Justice is responsible for protecting the rights of persons with disabilities. It receives public inquiries, provides legal advice, represents clients, and educates and promotes best practices. It took legal action in the areas of accessibility and employment, and issued regulations to provide access to services and public sites. However, improvements were slow, according to Bizchut, a domestic NGO that advocates for the rights of persons with disabilities. On December 20, the commission released a report which stated that, of approximately 1.5 million citizens who consider themselves disabled, 43 percent of those with severe disabilities and 29 percent with moderate disabilities went without food at some stage over the past year, while more than one-third of those with severe disabilities and 23 percent with moderate disabilities could not afford essential medicine during at least one period in the year. In addition according to the report, 60 percent of persons with severe disabilities and nearly half of those with moderate disabilities could not afford heat, and 41 percent had their phone disconnected in the reporting period.

During the year Bizchut's public inquiries hotline received 2,400 calls from individuals alleging that their rights had been violated due to their disability. The main complaints focused on national insurance, education, housing, hospitalization, and legal assistance.

In response to a petition to the Supreme Court submitted by NGOs including Bizchut, the Ministry of Education began a pilot program in one town to award each child with special needs a personal education budget. Bizchut continued to claim throughout the year that the education system did not provide adequate support to children with special needs.

The Division for Integrating Persons with Disabilities in the Labor Market within the Ministry of Industry examines and promotes employment for persons with disabilities. In August 2009 an amendment to the National Insurance Law came into effect that allows persons who receive a disability pension to earn more by permitting a combination of income and pension, rather than requiring the total forfeiture of the disability pension.

The Ministry of Social Affairs and Social Services provides out-of-home placement and sheltered employment for persons with cognitive, physical, and communication disabilities. It also handles criminal investigations involving persons with certain disabilities, either victims or offenders, when police request assistance.

The National Insurance Agency provides financial benefits and stipends, the Ministry of Health provides mental health and rehabilitation services, and the Ministry of Education provides special education services. However, Bizchut continued to criticize the lack of services provided in practice to mainstreamed pupils, which effectively limited their integration into regular class settings.

An article in *Yediot Ahronot* on July 25 described a new IDF program to allow persons with disabilities to complete basic army training; 19 persons graduated from an initial course held in July.

*National/Racial/Ethnic Minorities*

Citizens of Arab origin and Palestinian residents of the West Bank and East Jerusalem living in the country faced discrimination in public and private life. Tensions between Arabs and Jews were high in areas where the two communities overlap, such as Jerusalem, the Galilee, and Negev, and in some cities with historically separate Jewish and Arab neighborhoods.

On November 5, according to police and victim reports, a group of eight teenagers severely beat a Chilean tourist in downtown Jerusalem after mistaking him for an Arab. Police arrested the suspects on charges of committing an attack causing grave bodily harm.

On December 21, police arrested a group of nine Jewish teenagers suspected of perpetrating a series of violent attacks against Arab youths in Jerusalem during November and December. In one case the group allegedly began beating a victim, asked for his identity card to determine whether he was Arab, and then continued beating him after the card showed that he was.

In November Arab students in Safed reported experiencing anonymous harassment including telephone calls threatening to set their apartment on fire and one of their cars being spray painted, "Arabs out." The students also alleged that a local rabbi asked them to leave the town and return to an Arab country, because "Safed should be Jewish."

In December dozens of rabbis signed a letter urging Jewish owners of apartments not to rent their properties to Arabs, claiming it would deflate the value of their homes as well as those in the neighborhood. The rabbis also urged neighbors of anyone renting or selling property to Arabs to caution that individual and to inform the general public. A subsequent letter signed by 30 rabbis' wives urged Jewish women not to work, date, or do community service with non-Jews. Numerous government officials and senior rabbinic authorities expressed concern that the letters were encouraging racism in the Jewish population.

At year's end a trial continued against Yaakov (Jack) Teitel, a Jewish settler in the West Bank who was indicted in 2009 for crimes including the 1997 killings of Palestinian shepherd Issa Jabrin near Hebron and Samir Akram Balbisi, an Arab taxi driver in Jerusalem, and the 2008 bombing deaths of professor Ze'ev Sternhell and a Messianic Jewish leader's 15-year-old son, Ami Ortiz. On August 30, the Jerusalem District Court ruled he was fit to stand trial.

On January 6, the Tel Aviv District Court convicted Eliyahu Aharoni of conspiracy to commit arson with a racist motive and for illegally producing and carrying incendiary bombs. In 2008 police arrested him and five other young Jewish men in Tel Aviv for allegedly firebombing three Arab apartments in a Jewish neighborhood. The other five were not indicted due to lack of evidence.

Arab and other minority residents of the country faced official and societal discrimination in a number of areas, including employment, education, land ownership, and naturalization.

The law exempts Arab citizens, except for members of the Druze religion, from mandatory military service, but some serve voluntarily. Citizens who do not perform military service enjoy fewer social and economic benefits. Arab citizens generally were ineligible to work in companies with defense contracts or in security-related fields if they did not serve in the military. The government managed a National Civil Service program for citizens not drafted for military service, giving Arab citizens, Haredi Jews, Orthodox Jewish women, and others the opportunity to provide public service in their own communities and thus be eligible for the same benefits accorded military veterans. Of the 12,000 volunteers during the 2009-10 academic year, 1,256 were Arab citizens, half of whom served in education, 22 percent in health, 16 percent in welfare, and the remainder in legal and environmental work and road accident prevention. Ninety

percent of the Arab volunteers were women.

The law requires that minorities have "appropriate representation" in the civil service and on the boards of government-owned corporations, but Arab citizens were underrepresented in most fields of employment, including the government. According to data as of June reported by the Committee for the Examination of Appointments, which works to provide for appropriate representation, 39 out of the 98 governmental corporations satisfied the requirement, and 18 others were exempt. One percent of government company employees were Arab, Druze, or Circassian; these groups formed about 20 percent of the overall population. An affirmative action program undertaken to promote the hiring of Arabs, Druze, and Circassians in the civil service has slightly increased their representation each year. According to the government, 6.97 percent of government employees in 2009 were Arab, Druze, or Circassian, compared with 6.17 percent in 2007.

Resources devoted to the education of Arab children were inferior to those devoted to Jewish children in the public education system. In January the Organization for Economic Cooperation and Development (OECD) estimated that public spending for children in Arab localities was at least one-third lower than for children in Jewish municipalities. There were on average 25 Jewish schoolchildren per classroom, while Arab children averaged 29 per classroom.

According to the NGO Pedagogic Council for Arab Education, disparities in education between Jewish and Arab students limit Arab students' access to higher education. According to the NGO Dirasat, Arab-Israelis composed just 10.6 percent of all university undergraduate students and less than 1 percent of all tenured professors. Of 4,012 tenured university professors, 38 were Arab (34 men and four women).

Approximately 93 percent of land was in the public domain, including approximately 12.5 percent owned by the NGO Jewish National Fund (JNF), whose statutes prohibit sale or lease of land to non-Jews. According to a 2005 attorney general ruling, the government cannot discriminate against Arab citizens in marketing and allocating lands it manages, including those of the JNF. As an interim measure, the government agreed to compensate the JNF for any land it leased to an Arab by transferring an equal amount of land from the Israel Lands Administration (ILA) to the JNF. Legal petitions against the JNF policy of leasing public land only to Jews were ongoing at year's end. The NGO Israel Land Fund continued its program to purchase Arab land throughout the country and market it to Jewish buyers, including in the diaspora; the organization claimed that all the land belonged to Jewish people and described as a "danger" the purchase of Jewish-owned lands by non-Jews.

On November 8, the Supreme Court rejected a petition by Arab residents in Jaffa arguing that the ILA illegally leased public land to an organization that will market new apartments built on the land exclusively to Jewish citizens. The court stated that ILA is obligated to prevent discrimination, but it denied the petition because the land rights had already been sold.

New construction is illegal in towns that do not have an authorized outline plan for development, which is the legal responsibility of local authorities. At year's end according to the government, 41 of the country's 128 Arab communities had fully approved planning schemes, 28 were awaiting approvals from district or national planning committees, 35 had outline plans in the final stages of the localities' approval process, nine began developing their outline plans, and 15 were still working towards creating master plans. However, Arab advocacy organizations continued to challenge the demolition of illegal buildings in the Arab sector by claiming that the government unfairly restricted building permits and rezoned open space areas to exclude Arabs from expanding built-up areas. In the country's 46 unrecognized Bedouin "villages" constructed haphazardly on state land in the Negev claimed by various tribes, all buildings were illegal since there were no recognized local authorities to promote an authorized detailed plan. Approximately 60,000 Bedouin resided in such unrecognized villages, while more than 120,000 lived in legally planned and constructed urban and suburban

centers.

On July 27, the police demolished the 45 structures of the unrecognized Bedouin "village" of al-Arakib, which had been built illegally on state land, after multiple eviction orders and a 2007 Supreme Court decision. For decades the state had leased the area to Bedouins for agriculture, but in 1998 the el Tory tribe moved from Rahat and attempted to settle on the land they claimed was wrongly expropriated from their tribe in 1951. Despite 12 years of court proceedings producing repeated injunctions, including a 2003 evacuation notice against the nine individuals then found to be trespassing at Al-Arakib, the Bedouin clan continued to return to the site. Many advocacy groups criticized the demolition as enforcing the expropriation of property that the Bedouin clan claimed was its own prior to 1951, although it was unable to prove prior ownership in court. Police repeatedly demolished rebuilt structures on eight separate occasions by the end of the year.

The law bars family reunification in cases where one spouse is a non-Jewish citizen of Iran, Iraq, Syria, or Lebanon. Male spouses who are 35 or older and female spouses who are 25 or older may apply for temporary visit permits but may not receive residency based on their marriage and have no path to citizenship. The government originally enacted the law following 23 terrorist attacks involving suicide bombers from the occupied territories who had gained access to Israeli identification through family unification. During the year human rights NGOs and international organizations continued to criticize this ban, which primarily affected Palestinian spouses of Arab citizens. Mossawa claimed the law affected more than 21,000 families, including couples with long-standing marriages. In June 2009 in response to a petition by Kayan, PHR-I, and ACRI, the Supreme Court demanded an explanation within six months from the government for its refusal to grant social and health insurance to an estimated 5,000 Palestinian spouses of citizens who were granted "staying permits" to reside legally in Israel. On January 27, the court recommended the government provide a temporary solution that would be in place until an official policy could be formulated. On July 4, the government requested an additional five months to formulate a response regarding the provision of social benefits to nonresidents.

Public debate continued over the suggestion of some Jewish politicians, including the foreign minister and members of his Yisrael Beitenu party in media interviews and speeches throughout the year, of "an exchange of populated territories" of Arab villages in Israel to the West Bank (in return for transferring Jewish settlements in the West Bank to Israel, by way of adjusting the border) as part of a negotiated solution to the Israeli-Palestinian conflict. Arab citizens of Israel overwhelmingly condemned the proposal, while Jewish opinion ranged from support to condemnation.

While Arab communities in the country generally faced economic difficulties (the NGO Dirasat, the Arab Center for Law and Policy, stated that 97 percent of all Arab local councils ranked in the bottom four economic development clusters on a national index), the Bedouin segment of the Arab population was the most disadvantaged. More than half of the population of about 160,000 Bedouin lived in seven state-planned communities, which were among the eight poorest communities in the country, according to a 2008 report by Human Rights Watch. Approximately 60,000 Bedouin lived in at least 46 unrecognized tent or shack villages that did not have water and electricity, and lacked educational, health, and welfare services.

Government planners noted there were insufficient funds to relocate Bedouin living in unrecognized villages to new towns, and the average Bedouin family could not afford to purchase a home in existing towns; however, the government maintained a program to encourage such movement by providing low-cost land and compensation for demolition of illegal structures for those willing to move to designated permanent locations. Many Bedouin complained that moving to government-planned towns required giving up claims to land they had lived on for generations, while the government claimed it was difficult to provide services to clusters of buildings throughout the Negev that ignored planning procedures.

At year's end a government implementation team was in the final stages of creating a plan for the Bedouin housing situation in the Negev, as recommended in 2008 by the Goldberg Committee.

By year's end the Supreme Court had not ruled on a 2006 Adalah appeal of the Haifa District Court decision not to overturn a Water Tribunal decision denying water services to unrecognized villages. Bedouins living in established towns have municipal services; the government additionally built water centers in six Bedouin localities.

The government prohibits Druze citizens, like all citizens, from visiting Syria. The government allowed noncitizen Druze from the Golan Heights to visit holy sites in Syria through the ICRC-managed pilgrimage program, but it has prevented family visitations since 1982.

A population of about 100,000 Ethiopian Jews faced persistent social discrimination although officials and the majority of citizens, quickly and publicly condemned discriminatory acts against them.

On May 4, approximately 200 parents and children protested racial segregation in Beer Sheva's Otzar Haim kindergarten, where they claimed that Ethiopian Jewish children were educated in a separate room from the rest of the children. An official from the Industry, Trade, and Labor Ministry then visited the site and forced the school to cease the segregation.

On July 13, the NGO Tebeka, Advocacy for Equality and Justice for Ethiopian Israelis, filed suit against an Egged bus driver in the Petah Tikvah Magistrates Court for refusing a student entry and then making racist statements against Ethiopian Jews. The bus company suspended the driver, and the Ministry of Transport filed suit against the driver and the bus company.

In the Bnei Brak neighborhood of Tel Aviv in November, a resident assaulted an Ethiopian Jewish teenager after refusing to allow her to enter a religious ritual bath. Police arrested the suspect and he was indicted before the Tel Aviv Magistrates Court.

During the year the government introduced several programs to spur economic development and to encourage greater hiring of minorities.

#### *Societal Abuses, Discrimination, Acts of Violence Based on Sexual Orientation and Gender Identity*

The law prohibits discrimination based on sexual orientation, and the government generally enforced these laws.

Gay pride rallies occurred peacefully in Tel Aviv on June 11 and in Jerusalem on July 29. An estimated 2,000 persons participated in the Jerusalem rally. There were police authorization and protection for the participants. Three separate antigay rallies were held in conjunction with the Jerusalem rally, including one in Independence Park where protesters held up signs reading: "Sick perverts, get out of Jerusalem," according to media reports. There was also a demonstration against the march in the ultra-Orthodox Jerusalem neighborhood of Mea Shearim.

There were no reports of violence against the lesbian, gay, bisexual, and transgender (LGBT) community during the year; however, in August 2009 a masked gunman killed Nir Katz, 26, and Liz Trobishi, 16, and wounded 15 others in the offices of the NGO GLBT Israel in Tel Aviv. At year's end, a police investigation continued, but the perpetrator had not been found. High-level politicians, including the president and prime minister, condemned the attacks. Authorities arrested settler Yaakov Teitel (see sections 1.a. and the annex) in October 2009 after he posted signs praising the attack, but police did not charge him with the killings. On August 30, in commemoration of the 2009 attack, the Tel Aviv municipality launched an educational program for Tel Aviv schools focusing on



LGBT issues, including the prevention of discrimination.

There were cases of official and societal discrimination against the LGBT community during the year.

On September 14, the Supreme Court ruled that the Jerusalem municipality discriminated against a LGBT community center by not providing similar funding that had been provided to similar community centers.

An article in *Yediot Ahronot* on September 19 stated that Jerusalem Family Court Judge Phillip Marcus called on the government to investigate whether LGBT petitioners are "pedophiles or serial killers."

#### *Other Societal Violence or Discrimination*

There were no reports of societal violation or discrimination against persons with HIV/AIDS.

### **Section 7 Worker Rights**

#### **a. The Right of Association**

The government effectively implemented laws concerning the right of association and provided that citizens may join and establish independent labor organizations of their choice without previous authorization or excessive requirements. According to the government, approximately 33 percent of the total workforce is unionized. The law allows unions to conduct their activities without government interference.

Unions have the right to strike, and workers exercised this right. If essential public services are affected by a strike, the government may appeal to labor courts for back-to-work orders while negotiations continue. Worker dismissals and the terms of severance arrangements traditionally have been the central issues of disputes.

#### **b. The Right to Organize and Bargain Collectively**

The law provides for the right for citizens to bargain collectively, and it was enforced. There were no restrictions on collective bargaining agreements, which covered approximately 58 percent of all workers. Collective bargaining agreements extend to nonunion workplaces in the same sector. The law specifically prohibits antiunion discrimination, and none was reported.

There are no export processing zones.

#### **c. Prohibition of Forced or Compulsory Labor**

The law prohibits forced or compulsory labor and criminalizes labor exploitation. However, according to a March OECD review, the laws concerning minimum employment conditions and foreign workers were not effectively enforced.

The law provides that foreign laborers have legal status, decent working conditions, health insurance, and a written employment contract; nonetheless, some employers continued to force individual laborers who entered the country, legally and illegally, to live under conditions that constituted involuntary servitude.

A 2009 reorganization of the immigration and employment law enforcement functions left the Ministry of Interior's Population, Immigration, and Border Crossings Authority with the power to arrest and detain workers but not to enforce labor or trafficking laws against employers. As a result, according to Hotline, even in cases when an illegal worker was detained when working, inspectors were unable to charge the employer with

labor law violations or illegal employment.

Some workers faced conditions of forced labor, including through such practices as the unlawful withholding of passports, restrictions on movement, the inability to change or otherwise choose one's employer, nonpayment of wages, threats, and physical intimidation. There were numerous documented cases but few resulting employer prosecutions, concerning foreign laborers' living in harsh conditions and subject to debt bondage. The NGO Kav LaOved identified several dozen employees in the agricultural sector held under conditions of slavery and subjugation and facilitated their release to government-run shelters. Thai agricultural workers, Chinese construction workers, and nursing care workers from India, Nepal, Sri Lanka, and the Philippines – particularly women – were at greatest risk for abuse, including trafficking, forced labor, nonpayment, and withholding of wages.

On February 7, Kav LaOved filed a complaint with police alleging human trafficking of Thai agricultural workers. According to Kav LaOved, the employer paid the workers NIS 120 (\$34) a day, far below minimum wage; forced them to work 14-hour days with only one day off every two weeks; and made them sign falsified reports of hours and salary. At year's end, police had taken no action against the employer, but authorities had moved the workers to a government-operated shelter and found them new jobs.

Kav LaOved also filed complaints with police regarding trafficking at a moshav (privately owned farm) in the Beit Shean Valley, underpayment and harassment by an owner of a moshav near the Gaza Strip, and violations of the Work and Rest Hours Law, the Migrant Workers Law, and Minimum Wage Law by employers at a moshav in the Beit Shean Valley.

In the caregiving sector, Kav LaOved filed complaints of violations in several cases, including allegations that a caregiver employed in Herzelia was forced to work without compensation in exchange for a "fee" for her visa, that two additional caregivers in Herzelia were not given sufficient food and had wages withheld, and that a caregiver employed in Ashdod was forced to have sex.

In August 2009 following a complaint by Kav LaOved, a criminal indictment was filed in the Beer Sheva Magistrate's Court against the agricultural company Katif Venture and Development Limited and some of its employees, charging them with employing Thai and Nepalese agricultural workers in inhumane conditions. The charges included making the employees work for 15 to 20 hours each day, seven days per week, paying well below the minimum wage with no overtime compensation; constantly threatening to accelerate the employees' work pace lest they be returned to their home countries; and prohibiting use of a telephone. The workers were also required to live in extremely crowded conditions in temporary buildings that were completely exposed to the elements. The employers were charged with exploitation, fraud, and causing injury by negligence. The case was pending in court at year's end.

Also see the Department of State's annual *Trafficking in Persons Report*.

#### **d. Prohibition of Child Labor and Minimum Age for Employment**

Laws provide for protection of children from exploitation in the workplace and prohibit forced or compulsory labor; the government generally enforced these laws.

Children at least 14 years old may be employed during official school holidays in light work that will not harm their health. Children at least 15 years old who have completed education through grade nine may be employed as apprentices. Working hours for those children between 16 and 18 years old are restricted in all sectors.

During the year the Labor Laws Enforcement Division in the Ministry of Industry, Trade, and Labor initiated 250 investigations, investigated more than 1,000 employers for allegedly violating the law, filed 55 indictments against employers, and imposed 822

administrative fines totaling approximately NIS 10.5 million (\$3 million).

The Labor Law Enforcement Division also conducted national campaigns regarding employment terms of youth to promote the implementation of youth labor laws, especially during summer vacation.

#### **e. Acceptable Conditions of Work**

The Labor Inspection Service, along with union representatives, enforced labor, health, and safety standards in the workplace. Resource constraints affected overall enforcement, and according to the OECD the country continued to have a general problem of failing to enforce its labor laws.

The minimum wage was NIS 3,850 (\$1,083) per month for a 43-hour week. There are reduced minimum wages for youths and persons with disabilities. The government considered the minimum wage, supplemented by special allowances for citizens, to provide a citizen worker a decent standard of living. Some union officials, NGOs, and social commentators disputed this claim. Noncitizen workers did not receive the special allowances. Resource constraints limited inspections, particularly of conditions in the settlements where many Thai citizens work.

The law allows for citizens a maximum 43-hour workweek at regular pay. The law provides for citizens a daily break for a period of 45 minutes, which may be divided into two breaks. Premium pay was 125 percent for the first two hours and 150 percent for any additional hours, with a limit of 15 hours of overtime per week.

The law applies to noncitizens, although with modifications, and enforcement was not adequate, according to Hotline and other NGOs. Migrant workers in the homecare sector are not covered by the Work and Rest Hours Law.

The government set occupational health and safety standards. The Ministry of Industry carried out inspections. Health and safety inspections in the homecare sector were particularly insufficient, according to Kav LaOved.

Documented foreign workers were not entitled to many of the same benefits as citizens, including national health care. Employers are legally required to provide such insurance, and most employers did so. Female migrant workers in the homecare sector remained particularly vulnerable to abuse and forced labor. The live-in arrangements and lack of labor law enforcement led to many cases of women migrant workers working "on a 24-hour basis," according to Kav LaOved. These workers also worked without suitable compensation for overtime and were forced to perform domestic tasks such as cleaning and cooking for all family members without compensation.

According to Kav LaOved, foreign workers in the agricultural sector also remained vulnerable to health and safety violations; prolonged exposure to pesticides led to complaints of breathing difficulties, burns, skin allergies, and cases of cancer; and there were several complaints from agricultural foreign workers of nonpayment for overtime, excessive working hours, and poor living conditions.

According to the government, workers, including foreign workers, can remove themselves from a dangerous work situation and seek alternate employment. However, Kav LaOved maintained that in practice workers in the homecare and agricultural sectors were not able to seek alternative employment due to pressures from their sponsoring agencies.

Brokers and employers collected hiring fees from migrant workers. The government limited such fees to NIS 3,135 (approximately \$883) per worker.

On August 24, after complaints about excessive commission rates and profiteering over money transfers, the Ministry of Interior closed Interman Management Initiatives and

Consultations Limited. The company, which brought migrant workers, largely from Thailand, to the country's agriculture sector, charged an average commission rate of NIS 35,546 (\$10,000) for each foreign worker.

The government reported that, during the last two years, it revoked at least 18 companies' recruitment licenses and their special permits to recruit foreign workers. Investigations and administrative hearings led to the closure of some recruitment agencies.

Workers may contest deportation orders, but lack of fluency in Hebrew placed them at a considerable disadvantage. Interpreters were provided when available, but no court-appointed attorneys were provided. According to Hotline, the lack of interpreters in various governmental agencies continued to be a "grave problem," and public information in languages other than Hebrew was hard to obtain.

#### **THE OCCUPIED TERRITORIES (INCLUDING AREAS SUBJECT TO THE JURISDICTION OF THE PALESTINIAN AUTHORITY)**

Israel began occupying the Gaza Strip, Golan Heights, the West Bank, and East Jerusalem during the 1967 War and continued to occupy those areas during the year. (For information about the Israeli-occupied Golan Heights, please see the Israel report above.) During the year the Palestinian population of the West Bank was approximately 2.5 million, and the Gaza Strip's population totaled 1.6 million, nearly all of whom were Palestinian. There were an estimated 260,000 Arabs living in East Jerusalem with residency permits rather than Israeli citizenship. Approximately 190,000 Israeli citizens, including a small number of Arab citizens of Israel, also lived in East Jerusalem; Israelis in the West Bank numbered approximately 300,000; and there were no Jewish settlements in the Gaza Strip.

The Palestinian Authority (PA) had a democratically elected president and legislative council. The PA exercised varying degrees of authority over the Palestinian population in the West Bank and none over Arab residents of East Jerusalem due to the Israel Defense Force's (IDF) continuing presence in the West Bank and Israel's extension of Israeli law and authority in 1967 to East Jerusalem; it had little authority in the Gaza Strip and none over Israeli residents of the West Bank.

In 2005 Palestine Liberation Organization (PLO) Chairman Mahmoud Abbas won 62 percent of the vote in a presidential election regarded as generally free and fair. In the 2006 Palestinian Legislative Council (PLC) elections, Hamas (a terrorist organization)-backed candidates won 74 of 132 seats in elections that generally met democratic standards. In 2007 President Abbas dismissed the national unity government after Hamas staged a violent takeover of PA government installations in the Gaza Strip and killed hundreds in the Fatah movement and PA security forces; he appointed a cabinet of independents led by Prime Minister Salam Fayyad that continued to govern the West Bank during the year. Elements of the Hamas government maintained authority in the Gaza Strip, where they selectively applied the laws and legal structures of the PA. West Bank authorities postponed municipal PA elections scheduled to be held in the West Bank in July; however, the Palestinian courts ruled the postponement illegal in November. Both Israeli and PA security forces reported to civilian authorities. Hamas maintained control of security forces in the Gaza Strip. Armed militias and terrorist organizations were still active in some areas in the West Bank and the Gaza Strip.

Principal human rights problems related to the PA included mistreatment in detention, arbitrary and prolonged detention, poor prison conditions, impunity, corruption, and lack of transparency. Domestic abuse of women, societal discrimination against women and persons with disabilities, and child labor remained serious problems.

Residents of the Gaza Strip under Hamas had no right to political participation or to choose their government. Other human rights problems in the Gaza Strip included reports that Hamas security forces continued to kill, torture, kidnap, arbitrarily detain, and harass Fatah members and other Palestinians with impunity. There were reports of

abuse of prisoners and failure to provide fair trials to those accused. Hamas also strictly restricted the freedom of speech, religion, and movement of the Gaza Strip residents. Corruption reportedly was a problem. Hamas promoted gender discrimination against women. Domestic violence against women also remained a problem. Hamas and other Palestinian factions in the Gaza Strip launched rockets and mortars against civilian targets in Israel.

Principal human rights problems related to Israeli authorities in the West Bank were reports of excessive use of force against civilians, including killings, torture of Palestinian detainees, improper use of security detention procedures, austere and overcrowded detention facilities, demolition and confiscation of Palestinian properties, limits on freedom of expression and assembly, and severe restrictions on Palestinians' internal and external freedom of movement. Additionally the IDF, in some cases, failed to pursue investigations and disciplinary actions related to violations. Violence by Israeli settlers was also reported. The IDF imposed serious restrictions on the importation of goods into the Gaza Strip and general prohibition on external travel for Gazans.

(Note: Throughout the report, human rights concerns related to each actor (the PA, Hamas, and Israel) follow in sequential order.)

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the PA committed political killings; however, PA forces killed at least one civilian during the year. There were multiple reports that Palestinian terrorist groups, including Hamas, committed unlawful killings. The Israeli government reportedly committed at least one targeted killing in the occupied territories during the year, and reports of Israeli security forces killing civilian Palestinians, including protesters, continued.

There was one reported killing by Palestinian security forces during the year. On May 1, PA security forces shot and killed 18-year-old Rami Sa'id Salah al-Absi after he drove through a security checkpoint in Hebron; the PA actors reportedly suspected al-Absi was involved in the robbery of a Bethlehem clothing store. At year's end no action had resulted from an investigation of al-Absi's death.

In July a Palestinian military court found five security officers negligent in the June 2009 death of Haitham Amer but acquitted the officers of more serious charges, according to Human Rights Watch (HRW). The court cited a lack of evidence in the case, despite an official Palestinian autopsy report stating that Amer had died during detention and interrogation at a General Intelligence Service facility in Hebron due to torture, as well as testimony by three detainees who witnessed his death.

Civilian Palestinian factional violence during the year, including fights, family disputes, and manslaughter, resulted in 35 Palestinian fatalities in the West Bank and the Gaza Strip, according to the quasi-governmental Independent Commission for Human Rights (ICHR). The PA was not responsible for these fatalities.

Hamas-controlled security forces and other Palestinian terrorist groups continued to kill Israelis and Arabs in the West Bank and the Gaza Strip. According to Israeli government statistics, Palestinian terrorist acts emanating from the West Bank killed six Israelis, including four civilians. No Israeli civilians died in violence emanating from the Gaza Strip, although the Israeli government attributed the death of a Thai migrant worker in Israel to a rocket attack launched from the northern Gaza Strip.

In the Gaza Strip, according to local media and the ICHR, masked gunmen affiliated with Hamas unlawfully executed at least 32 persons during the year. By law the PA president

must ratify the death penalty, but Hamas did not contact the PA regarding the executions. In some cases, such as that of Mohammed Ismail and Nasser Abu Freh on April 15, the executions were based on allegations that the victims collaborated with Israel.

Hamas summoned 52-year-old Jamil Shafiq Shaqura for questioning at an internal security facility in Khan Yunis in the Gaza Strip, where he was tortured, according to Israeli human rights NGO B'Tselem; he died on January 6 from a stroke as a result of his abuse.

On June 14, unknown actors shot and killed an Israeli police officer, Yehushua Sofer, in an attack on his patrol car near the Hebron-area Israeli settlement of Beit Haggai, according to IDF reports. The attack injured two other police officers. Israeli authorities opened an investigation and arrested suspects with Hamas affiliations on July 22. At year's end there were no updates.

On August 31, Hamas gunmen shot and killed four Israeli residents of the West Bank settlement of Beit Haggai, who were traveling by car near Hebron. The four victims were identified as married couple Yitzak and Talia Ames, Avishai Shindler, and Kochba Even-Chaim; retaliatory skirmishes occurred near a number of West Bank settlements, with Israeli settlers reportedly throwing stones and Molotov cocktails at Palestinian villagers.

Israeli security forces killed 79 Palestinians during the year, including seven minors in the Gaza Strip and two minors in the West Bank, which was an increase from the 59 killings in 2009 (not including deaths during Operation Cast Lead), according to statistics maintained by B'Tselem. Israel described all IDF actions in the occupied territories as "operational activities," preventing accountability for breaches of law and investigations, according to B'Tselem.

The Israeli government was responsible for at least one targeted killing. On September 17, Israeli security personnel shot and killed Iyad As'ad Abu Shelbaya in his home at the Palestinian Nur ash-Shams refugee camp during the night. The Israeli government suspected that Abu Shelbaya, known for his reported links to Hamas, had taken part in an August 31 attack that killed four Israeli settlers (see above).

At year's end there was no update or investigation into the death of Khaled Harb Khaled Sh'alan, a 23-year-old resident of Gaza City and a reported Islamic Jihad commander, who was killed by Israeli helicopter fire in March 2009.

Reports of Israeli forces killing Palestinians in restricted areas in the Gaza Strip and in waters off the Gaza Strip coast continued during the year. Israel acknowledged the land "buffer zone" in May 2009 to be 328 yards from the border fence, although it generally enforced the buffer zone at 547 yards, with reports of Palestinians being shot at as far away as 1,640 yards from the border fence. Israel barred access to fishing areas beyond three nautical miles from the shore; for example, in four incidents in October, Israeli naval forces fired "warning" shots at Palestinian fishing boats, forcing them ashore. Israel enforced these restrictions with the stated intention of preventing attacks by Palestinian armed factions. The IDF rarely launched investigations into buffer zone shootings, although on September 15, it announced that three Gazans, ages 17, 21, and 91, killed by the IDF earlier in the year near the border fence, had not been involved in terrorist activities.

On March 21, Israeli security forces shot and killed two Palestinian 19-year-olds looking for scrap metal on farmland east of the West Bank village of Awarta, according to several NGOs and press reports. The two were not in a restricted area. The Israeli soldiers claimed that Salah Muhammad Kamel Quareq and Muhammad Feisal Mahmoud Quareq told them that they were on their way to work in the fields but did not produce identification documents upon request and, subsequently, attempted to attack the border guards with a pitchfork. Medical reports indicated that the shots came from close range. The Israeli chief military prosecutor ordered an investigation into the killings, the

results of which were not available at year's end, although authorities dismissed the soldiers'squad commander.

On May 14, the IDF shot and killed 75-year-old Fouad Ahmad Yusef Abu Matar, a resident of Beit Lahiya in the northern Gaza Strip, when he approached the perimeter fence east of Jabalya Refugee Camp.

On June 11, according to local media sources, Israeli border police shot and killed Ziad Jilani, a Palestinian resident of East Jerusalem, while he lay on the ground. Jilani had swerved his vehicle into a group of officers, injuring several, but eyewitnesses told the media that Jilani did not pose a danger at the time of the shooting. It was unclear if Jilani hit the officers deliberately; eyewitness accounts reported that Jilani swerved to avoid stones that bystanders had thrown at the officers.

On September 24, according to B'Tselem, Israeli naval force machine-gun fire killed 19-year-old Muhammad Mansur Omar Baqar while he was fishing off the coast of Jabalya in the Gaza Strip.

Israeli security forces reportedly killed three demonstrators during the year. In most cases the protesters were demonstrating near restricted areas or the separation barrier.

On March 20, Israeli security forces in the West Bank village of Iraq Burin shot and killed two Palestinian adolescents during a local demonstration related to a water dispute with a nearby settlement, according to several NGOs and press reports. There were conflicting reports as to whether Usaied Abd al-Naser Muhammad Qadous, 17 years old, and Muhammad Ibrahim 'Abd al-Qader Qadous, 15 years old, threw rocks at Israeli police during the demonstration. Israeli officials claimed that forces employed tear gas and rubber-coated bullets to disperse demonstrators but did not use live ammunition. Villagers, international protesters, PA officials, and Israeli NGOs all claimed that live ammunition caused the deaths, and PA medical personnel released an X ray to the media showing what doctors stated was a bullet lodged in the brain of one of the boys. On March 23, the IDF's chief prosecutor ordered the army to open an internal investigation into the circumstances that led the soldiers to open fire; no results were available at year's end.

On April 28, an IDF soldier shot and killed Ahmad Suliman Salem Deeb, a 19-year-old resident of Gaza City who was taking part in a demonstration against the "buffer zones," during which some demonstrators threw stones, according to press reports.

On May 25, the Israeli central district prosecution filed an indictment for negligent manslaughter against an unidentified retired border policeman suspected of shooting 11-year-old Palestinian Ahmed Moussa in the West Bank in 2008. The incident was one of several connected to protests against construction of the separation barrier.

On July 12, a judge advocate general (JAG) ordered the Military Police Investigation Unit to investigate the death of Bassem Abu Rahmah, who was struck in the chest by a tear gas canister during an antibarrier demonstration in April 2009. According to B'Tselem, the JAG initially declined to probe the incident but changed its stance after forensic evidence indicated that soldiers fired the canister directly at the victim, contrary to initial debriefing statements. Citing video footage of the incident, B'Tselem noted that Abu Rahmah remained on the Palestinian side of the fence and did not endanger soldiers. At year's end the IDF had not released an update in the case, according to local NGO reports.

On December 31, Jawaher Abu Rahmah, a resident of the West Bank village of Bil'in, inhaled tear gas from canisters fired by the IDF to disrupt protests against the separation barrier, according to NGO and press reports. She died the following day of complications from the inhalation, according to the PA. The IDF claimed that she did not die as a result of the tear gas inhalation, but rather improper medical treatment.

At year's end no findings were available from an Israeli investigation into the 2008 death of Yousif Ahmed Amira, whom IDF soldiers shot in the head during a protest.

Israeli forces also killed civilians during episodes of conflict throughout the year, including killings from tank fire and tear gas. The IDF regularly used tanks and remote-controlled weapons stations to fire on Palestinians inside the Gaza Strip, according to reports from the UN's Office for the Coordination of Humanitarian Affairs (UNOCHA). IDF personnel maintained secure stations every several hundred yards along the border fence; each station contained machine guns with a nearly one-mile firing range. The IDF also used tanks firing "flechette" projectiles, which explode in midair, releasing thousands of 1.5-inch metal darts. In July alone flechettes killed at least two civilians and injured 10, including four children, according to UNOCHA.

On May 9, during hostilities at the Karmi Tsur settlement north of Hebron, a one-year-old boy from the southern West Bank village of Beit Ummer died, reportedly as the result of inhaling tear gas deployed by Israeli forces. The canister landed outside the boy's window, and he died of respiratory complications, according to press reports.

B'Tselem reported that on December 9, Israeli tank fire killed 16-year-olds Husam Khaled Ibrahim Abu Sa'id and Isma'il Walid Muhammad Abu 'Odeh and 91-year-old Ibrahim Abdallah Suliman Abu Sa'id near Biet Hanoun, while the three grazed livestock. According to B'Tselem, none had engaged in hostile activity.

The 147 military police investigations of the killings or injuries of Palestinians by Israeli forces led to few convictions. The NGO Yesh Din reported that in 2009 only 2 percent of investigations by the Israeli Military Police Criminal Investigation Division led to indictment (four investigations). Between 2000 and 2009, the average rate of indictment was 6 percent. B'Tselem attributed such statistics to a procedural conflict of interest in the investigation process because Israeli forces involved in the fatality are also responsible for collecting the information that the JAG uses to determine whether to launch a military police investigation. Since 2001 B'Tselem has monitored 35 cases of Palestinians injured or killed from bullets fired by Israeli police and border police officers. Only 16 of the cases were investigated, of which only two cases resulted in indictments.

Human rights organizations also complained that the IDF – through the JAG – initiated many investigations months or more than a year after the incident, making it difficult to find evidence or identify witnesses, and that the investigations unit lacked sufficient Arabic speakers.

Israeli civilians killed two Palestinians. On May 13, a settler shot in the back and killed 15-year-old Aysar Yasser Fawaz Zaraqah, who threw stones at the settler's car near al-Mazra'a as-Sharqiya in the West Bank. There were no reports of an investigation into his death. On September 22, an Israeli private security guard shot and killed Samer Mahmoud Ahmad Sarhan in East Jerusalem. The guard responsible for Samer's death was released on bail. Yesh Din continued to claim that settler violence was insufficiently investigated. There was no evidence of a public investigation at year's end.

The PA and Israel took steps to address and investigate allegations of abuses related to the 2008-09 Operation Cast Lead conflict; however, NGOs criticized Hamas for failing to investigate abuses adequately.

During the year the PA established an independent commission to review the allegations against it in the context of the conflict.

Amnesty International (AI) criticized Hamas authorities for failing to investigate fully abuses perpetrated by Gazans during the conflict, citing specifically the firing of indiscriminate rockets by Palestinian armed groups into southern Israel. AI claimed Hamas did not respond with legal or any other action against the al-Qassam Brigades, which claimed responsibility for rocket attacks aimed at civilian targets.



During the year Israel provided specific examples of investigations relating to Operation Cast Lead and their outcomes, including new orders to enhance civilian protections. Local and international NGOs continued to criticize Israel's investigation and disciplinary action relating to casualties from Operation Cast Lead as insufficient. B'Tselem reported that 773 of the estimated 1,385 Palestinians killed were civilians. The Israeli government maintained that the civilian death count was 295 and noted that Hamas operated within civilian populations.

Since 2009 the IDF has opened investigations into 150 incidents involving alleged violations of law of war by its forces. Various human rights organizations reiterated concern that Israeli army commanders or military police carried out the investigations, potentially reducing impartiality. NGOs also criticized the Israeli government's decision not to investigate fully allegations of serious violations, such as Israel's use of white phosphorus and the targeting of civilian infrastructure in the Gaza Strip.

Israel issued two indictments related to Cast Lead in a human shield case (see section 2.c.) and in a civilian death during the year. The IDF reprimanded an officer and sanctioned two others for failing to exercise appropriate judgment during an incident that resulted in civilian casualties in the al-Maqadmah mosque during Operation Cast Lead. Additionally, an IDF brigadier general and a colonel were disciplined for approving the use of explosive shells in violation of the safety distances required in urban areas during Operation Cast Lead.

In 2009 the IDF chief of staff ordered operational debriefings for at least 60 investigations focused on law of war violations during Operation Cast Lead. Held by the army under the Military Justice Law, operational debriefing delayed criminal investigations because information provided cannot be released or used as evidence in a court of law.

#### **b. Disappearance**

There were few reports of politically motivated kidnappings and disappearances in connection with internal Palestinian conflict, largely due to improved security conditions in the West Bank.

In the Gaza Strip, Hamas security operatives carried out extrajudicial detentions based on political affiliation during the year; information concerning the whereabouts and welfare of those detained was not consistently or reliably available, nor were those detained offered due process or access to family and legal counsel.

In 2006 Popular Resistance Committee and Hamas militants tunneled from the Gaza Strip to Israel, killed two soldiers, and abducted a third, Gilad Shalit. At year's end Shalit remained detained in the Gaza Strip.

#### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The PA Basic Law prohibits torture or use of force against detainees; however, international human rights groups reported that torture remained a problem. Following allegations of abuse in the deaths of four prisoners in PA custody in 2009 (see section 1.a.), Prime Minister Fayyad dismissed a number of PA security officials and issued a directive against prisoner mistreatment, abuse, or torture, with a corresponding order for Palestinian prison and detention center monitoring. As a result the PA provided all security forces with written guidelines for interrogation and detention that remained in effect during the year, including a section on prisoners' rights. Nevertheless, according to HRW, reports of mistreatment were common during the year, and the PA was lax in prosecuting security officials for detainee mistreatment. Palestinian detainees registered 163 complaints of torture with the ICHR during the year. Reported abuse by PA authorities in the West Bank included forcing prisoners to sit in a painful position for long periods, beating, punching, flogging, intimidation, and psychological pressure. International observers noted that abuse was not systematic or routinely practiced in PA prisons, although some prisoners experienced abuse during arrest or interrogation.

A 2009 HRW report alleged abuses by Fatah-affiliated Palestinian security officials against Hamas members and supporters in the West Bank, as well as abuses by Hamas security forces against Fatah-affiliated officials in Gaza Strip. According to reports these trends continued during the year.

On September 16 and 19, according to HRW, PA security authorities arrested an unidentified man and Ahmad Salhab and tortured them in custody in a facility in Jericho. The PA suspected both men of ties to Hamas. Authorities released the first man after 10 days but held Salhab until October 16, when they transferred him to a hospital to treat injuries reportedly related to torture, as well as torn spinal disks that were a previous result of mistreatment during confinement in 2008.

Torture carried out by the Gaza Strip Hamas Executive Force was not restricted to security detainees but also included persons associated with the Fatah political party, those held on suspicion of "collaboration" with Israel, or those considered to engage in immoral activity. There were reports that Hamas deployed undercover officers to attack, beat, and (in some cases) detain these persons, usually without intent to kill. Hamas took no action to investigate reports of torture, and documentation of abuses was limited, due in part to fear of retribution by victims and, in part, to PA officials and NGOs lacking access to Gaza Strip prisoners. The ICHR reported that complaints of abuse included being forced to stand in an uncomfortable stress positions, flogging, hand binding, suspension, blindfolding, punching, and beatings with clubs or hoses.

According to human rights NGO reports and photographic documentation released on May 12, Hamas forces beat Jamal Abu Qumsan, an unmarried art gallery owner, regarding the accusation that he had nonmarital sexual relations. Abu Qumsan sustained blows along his back, legs, and buttocks. Human rights organizations claimed that such attacks and interrogations were common, but victims were reticent to come forward.

Hamas organized attacks in the West Bank. On September 1, Hamas members reportedly shot and wounded two Israeli residents of a Jordan Valley settlement near Ramallah; Hamas's military wing immediately claimed responsibility. On November 17, the PA arrested various Hamas members suspected of planning bomb attacks and abductions and targeting a prominent Palestinian government official.

There were no reports that Hamas used human shields during the year. According to a 2009 report released by Israel's Ministry of Foreign Affairs, Hamas used human shields, including children, during Operation Cast Lead by placing launch pads and operation centers in civilian facilities.

Israeli law, as interpreted by a 1999 High Court decision, prohibits torture and several interrogation techniques but allows "moderate physical pressure" against detainees considered to possess information about an imminent terrorist attack. The decision also indicates that interrogators who abuse detainees suspected of possessing such information may be immune from prosecution. Human rights organizations reported that "moderate physical pressure" in practice included beatings, requiring an individual to hold a stress position for long periods, and painful pressure from shackles or restraints applied to the forearms. Israeli NGOs continued to criticize what they termed abusive Israeli detention practices, including isolation, sleep deprivation, protracted handcuffing, shackling, and psychological abuse, such as threats to interrogate elderly parents or demolish family homes.

The NGO Defense for Children International-Palestine Section (DCI-Palestine) claimed Israeli security authorities often tortured and abused minors in custody to coerce confessions during interrogation, employing tactics such as beatings, long-term handcuffing, threats, rape, and solitary confinement. In 40 affidavits collected by DCI-Palestine in the last six months of the year, 28 children arrested and detained by the IDF claimed they were beaten and kicked, 24 experienced some form of position abuse, seven were stripped naked, and three were subjected to electric shocks.

On March 23, Israeli soldiers arrested a 16-year-old known as Basel from the West Bank

village of at-Tabaqa. According to sworn testimony collected by DCI-Palestine, soldiers blindfolded, bound, and beat Basel, then transferred him to local settlers, who also beat him. He claimed he was pressured into confessing to throwing stones and that he was threatened with imprisonment and electric shocks. The IDF later left him barefoot on a road outside a West Bank settlement at 1 a.m., approximately 10 miles from his home.

On November 24, Israeli border police beat and kicked seven-year-old Adam in the East Jerusalem neighborhood of Silwan, according to a DCI-Palestine affidavit.

In 2008, according to the NGO the Public Committee Against Torture in Israel (PCATI), the Israeli Security Agency (known as the Shin Bet or ISA) arrested Jalal Sawafta and interrogated him and his parents. The Shin Bet interrogator allegedly threatened to demolish the family home if Sawafta's parents did not convince Sawafta to confess to complicity in rigging a car bomb. PCATI reported that Sawafta's complaint about the incident was closed at year's end, but the State Attorney's Office provided no detailed explanation for its decision to close the complaint, and there had been no investigation.

Degrading treatment by Israeli soldiers was documented on the Internet. In August former Israeli soldier Eden Abergil posted online photographs of herself posing with blindfolded and handcuffed Palestinian detainees. Although Israeli authorities condemned the act as degrading, there was no evidence of results in any investigation. In October the IDF launched an investigation into an online video, purportedly posted in 2008, featuring a soldier mocking and dancing around a blindfolded Palestinian detainee.

At year's end two policemen from the Ma'ale Adumim police station, who were arrested in 2008 for severely abusing a Palestinian from Bethany, remained under house arrest, and investigations continued, according to PCATI.

Israeli law, high court rulings, and an IDF order prohibit Israeli forces from using human shields, but the prohibition was reportedly not always observed. Israeli soldiers used civilians, including three children, according to DCI-Palestine, as human shields, endangering their lives by forcing them to remain in or near houses being used as military positions or carrying out dangerous tasks such as inspecting properties. According to the Israeli Ministry of Justice, when a human shield complaint is registered, the Investigative Military Police opens an investigation.

On February 18, during a raid on a house in Nablus, Israeli soldiers reportedly forced 16-year-old Dua'a to search her home for potential booby traps. The soldiers ordered her to open closets and lift mattresses in the house, according to DCI-Palestine. There was no investigation or update at year's end.

On April 16, two IDF soldiers detained 14-year-old Sabri in front of a school in Beit Ummar and forced him to walk in front of them while Palestinian protesters, urged by the IDF personnel, threw stones. The incident was photographed and published widely in Palestinian media. On October 19, the Israeli Military prosecutor for operational matters indicated that military police had opened an investigation into the case, but there was no update at year's end.

On August 19, IDF soldiers near Nablus beat a 13-year-old boy known as Nazzal during a raid and forced him to guide them through an inspection of his uncle's house, according to DCI-Palestine. There was no investigation or update at year's end.

In the first conviction by Israeli courts in any human shield case, on October 3, an Israeli military court convicted two unidentified Israeli soldiers from the Givati Brigade who used a nine-year-old boy, identified as Majid Abd Rabbo, to search bags believed to contain explosives in January 2009 during Operation Cast Lead. Authorities sentenced the soldiers to three-month suspended prison terms for exceeding their authority by endangering a life and behavior unbecoming a soldier; both were also demoted. The IDF also disciplined a lieutenant colonel for permitting Rabbo to enter a structure where combatants were present.

Nonstate Palestinian groups attacked Israeli targets in the West Bank. For example, the Syria-based Abu Musa group claimed responsibility for the September 26 shooting of two Israelis south of Hebron.

Israeli civilians committed violent acts against Palestinian civilians and their property with reportedly little or no intervention and no subsequent investigation by Israeli officials. Some settlers reportedly used violence against Palestinians to keep them away from settlements and land that settlers sought to expropriate. The Palestine Center estimated that between 2009 and mid-year, settlers committed approximately 1,000 acts of violence against Palestinians and their property. DCI-Palestine claimed in July that it had documented 38 cases of children attacked and injured by settlers between March 2008 and July 2010 near settlements in the vicinity of Bethlehem, Ramallah, Salfit, Hebron, and Nablus; in three of those incidents, children were killed. Six of the attacks, affecting eight children, reportedly occurred during the year. A November 2009 UNOCHA report cited settler violence as "a key factor undermining the physical security and livelihoods of Palestinians in many areas throughout the West Bank."

On July 26, settlers conducted a series of attacks for more than 12 hours on the Palestinian village of Burin, during which time settlers assaulted Palestinians, looted vehicles, and burned nearby Palestinian fields, according to NGO and media reports. Local officials and NGO field workers on site stated that the IDF largely observed the attacks and took no action to prevent the attackers from regrouping. Local officials claimed PA fire service crews were restricted for more than an hour from entering the area to put out the flames.

On September 1, following a Hamas-related shooting that killed four Israeli settlers, approximately 50 settlers from the Kiryat Arba settlement near Hebron threw rocks at the nearby home of the Palestinian Idris family. Settlers knocked over outside fixtures and set fire to grass in front of the house. According to media reports, IDF soldiers accompanied the settlers and did not prevent the attacks. On the same day, another settler attack arbitrarily targeted Palestinian vehicles by breaking windows near the Jet junction, between Nablus and Qalqilya.

On November 11, settlers targeted a Palestinian woman and her two children, ages 10 and 11 years old, with rocks as they went to school in Tuqu village, near Bethlehem in the West Bank, according to media reports. A Palestinian group later protested the incident by burning tires and throwing rocks at Israeli vehicles, and a clash with Israeli forces ensued.

Settler violence against Palestinians in the Old City of Hebron continued to decline, according to local NGOs, attributed primarily to Palestinian video documentation of settler harassment. Nevertheless, residents and several former IDF soldiers reported that Israeli authorities in the Old City consistently refrained from protecting Palestinians against settler violence and failed to enforce law and order on assailants.

In April 2009 two male settlers near Ma'on settlement attacked a woman who was eight months pregnant. The men, whose faces were covered, pushed her to the ground, kicked her, and beat her with sticks. Although B'Tselem reported that Hebron police in May stated that they had interrogated three suspects, at year's end there was no evidence of an investigation.

#### *Prison and Detention Center Conditions*

PA prison conditions improved in recent years, although the PA prison system remained significantly inadequate for the prison population it served. PA civil police prisons, which held nonsecurity prisoners, remained severely overcrowded. Space and capacity issues also reduced the availability of medical care and vocational or other programs for inmates in civil police prisons.

Unlike in the previous year, there were no deaths reported in PA civil police prisons from adverse conditions.

In December there were approximately 1,050 prisoners in the seven PA civil police prisons; women and male juveniles each constituted approximately 2 percent of the prison population, according to PA statistics. Male juveniles were at times housed with adult male prisoners. PA intelligence services held several hundred security detainees separately from the general population. PA authorities undertook prison improvement efforts at various facilities.

All PA civil police prisons allowed visitations on a weekly basis, religious observance, a procedure for submitting complaints, and an investigation process for complaints. During the year the PA generally permitted the International Committee of the Red Cross (ICRC) access to detainees and allowed regular inspections of prison conditions. Preliminary, unpublished accounts by human rights groups, humanitarian organizations, and lawyers indicated that, as in previous years, there were some difficulties gaining access to specific detainees, depending on which security organization managed the facility.

Ombudsmen cannot serve on behalf of prisoners.

In the Gaza Strip prison conditions were reportedly poor, and little information was available. Detention facilities were unofficially reported below international legal or humanitarian standards. Hamas authorities announced an inquiry into the 2008 death of Taleb Mohammed Abu Sitta, who died of injuries following Hamas police detention. As a result Hamas suspended several police officers from duty, but there were no reports that any were tried, according to AI. The ICRC conducted monitoring visits to some prisoners in the Gaza Strip, but Hamas authorities denied representatives permission to visit captured IDF soldier Gilad Shalit.

IDF detention centers were less likely than Israeli civilian prisons to meet international standards, with some, such as the Ofer detention center, providing living space as small as 15 square feet per detainee. In November B'Tselem and Hamoked reported unsatisfactory conditions in Shin Bet's Petah Tikva Prison, including poor hygienic conditions. Prisoners also continued to claim inadequate medical care. According to the Israeli Ministry of Justice, the IDF continued to ameliorate living conditions in two detention centers in the West Bank. Also, in November 2009 Israel began building a new detention complex next to the Ofer Camp military courts.

According to Israeli official figures, approximately 5,935 Palestinians were held in Israeli civilian prisons in December. Palestinian minors arrested in the West Bank were subject to the Israeli military courts system, which recognizes persons 16 years of age or older as adults; all minors between the ages of 16 and 18 were held in pretrial or posttrial detention with adults. Israeli minors between the ages of 16 and 18 arrested in the West Bank were subject to Israeli criminal and civil courts.

PCATI reported that approximately 650 prisoner complaints of mistreatment in Shin Bet facilities were not forwarded to police for criminal investigation between 2001 and November 2010.

Israel permitted the ICRC to monitor prison conditions. The Israeli Bar Association and NGOs sent representatives to meet with prisoners and inspect conditions in prisons, detention centers, and IDF facilities. Human rights groups reported delays and difficulties in gaining access to specific detainees, frequent transfers of detainees without notice, and the limited ability of families of imprisoned Palestinians, particularly Gazans, to visit.

#### **d. Arbitrary Arrest or Detention**

Palestinian law prohibits arbitrary arrest and detention; however, in practice the PA failed to charge detainees promptly and regularly held detainees for months without trial. Hamas also charged that the PA detained individuals during the year solely on the basis of their Hamas affiliation.

Reportedly Hamas practiced widespread arbitrary detention in the Gaza Strip.

Israeli law prohibits arbitrary arrest and detention, but Israeli security services did not always abide by these prohibitions.

Palestinian security detainees were under the jurisdiction of military law, which permits 10 days' detention without access to a lawyer or appearing before a court. There is no requirement that a detainee have access to a lawyer until after interrogation, a process that may last weeks.

#### *Role of the Police and Security Apparatus*

In West Bank Palestinian population centers, mostly "Area A" as defined by the Oslo-era agreements, the PA has formal responsibility for security and civil control; however, Israeli security forces since 2002 have conducted regular security operations in Area A cities without coordinating with PA security forces. In "Area B" territory in the West Bank, composed mostly of small Palestinian villages and farmland, the PA has civil control – including civil policing – but Israel retains responsibility for security control. In "Area C," which contains Israeli settlements, military installations, some small Palestinian villages and farmland, and open countryside, Israel retains full civil and security control.

Six PA security forces operated in the West Bank. The PA Civil Police has primary responsibility for civil and community policing. The National Security Force (NSF) conducts gendarmerie-style security operations in circumstances that exceed the capabilities of the Civil Police. The Military Intelligence agency, a subunit of the NSF, handles intelligence and criminal matters involving PA security force personnel, including accusations of abuse. The General Intelligence service is responsible for external intelligence gathering and operations; the Preventive Security Organization is responsible for these matters internally. The Presidential Guard protects facilities and provides dignitary protection. The Civil Defense service provides emergency services. PA security services are under the operational control of the minister of the interior. Military Intelligence is responsible for investigations into allegations of abuse and corruption involving PA security forces and can refer cases to court.

In the Gaza Strip, forces under Hamas control maintained security. Press and NGO reports suggested Hamas enforced strict control across all sectors of society. Hamas police reportedly facilitated and benefited from illegal activity, such as the operation of smuggling tunnels.

Israeli authorities maintained their West Bank security presence through the IDF, Shin Bet, the Israeli National Police, and the Border Police. Israeli authorities in some instances investigated and punished abuse and corruption, but there were several reports of failure to take disciplinary action in cases of abuse.

According to Israeli and Palestinian NGO and press reports, the IDF was insufficiently responsive to violence perpetrated by Israeli settlers in the West Bank against Palestinians. The Association for Civil Rights in Israel (ACRI) stated that Israeli security and justice officials operating in predominantly Arab East Jerusalem displayed bias against Arab residents in investigating incidents involving Arab and Israeli actors. Palestinian residents, in several cases, sought to press charges against Israeli settlers or their security guards, but many complaints went uninvestigated despite the availability of evidence. Most complaints filed by Arab residents of East Jerusalem were of police misconduct from the Shalem and David police stations, which are responsible for Jerusalem's Old City and surrounding Arab neighborhoods where some Israeli settlers maintained highly defended presences.

#### *Arrest Procedures and Treatment While in Detention*

PA law provides for prompt judicial determination of the legality of detention, and this

provision was largely – but not uniformly – observed in practice. PA law allows police to hold detainees without charge for 24 hours and with court approval for up to 45 days; it requires that a trial must start within six months or the detainee must be released. In several reported cases, PA security forces detained persons without warrants and without bringing them before judicial authorities within the required timeframe; however, PA judicial officials claimed no detentions extended beyond the time limit without trial. Bail and conditional release were available upon discretion of judicial authorities. Authorities generally informed detainees of the charges against them, albeit sometimes not until interrogation.

PA Military Intelligence in a number of cases reportedly exceeded its legal authority to investigate other security services' officers and detained civilians suspected of "security offenses" such as terrorist activities. Hamas charged that the PA detained individuals during the year solely on the basis of their Hamas affiliation, but the PA presented evidence that many of these individuals had been charged with criminal offenses under civil or military codes. For example, Hamas stated that the PA unnecessarily targeted and in some cases carried out wave arrests of Hamas affiliates after PA officers detained seven members of an armed Hamas cell in the West Bank suspected of killing Israelis in shootings in Hebron and Ramallah on August 31 and September 2, respectively. Similarly, on December 9, PA authorities arrested 28 suspected Hamas supporters within 24 hours in Hebron, Nablus, Bethlehem, Tulkarem, Qalqilia, Salfit, and Jenin.

As in 2009 the PA sought military judicial review and court orders for detaining civilians suspected of terrorist activity. In several such cases, the PA disregarded civilian court orders requiring the release of these suspects, citing countervailing military court orders. In most of these incidents, the PA was unwilling to provide evidence required by the civilian court system, and the military courts provided a more efficient system to deal with any shortcomings in providing evidence.

There were reports that some PA security forces used disproportionate force during arrest operations. The PA General Administration for Reform and Rehabilitation Center, under the authority of the Ministry of Interior, operated a mechanism for reviewing complaints of prisoner abuse.

In the Gaza Strip, Hamas reportedly detained a large but unverifiable number of persons during the year, largely without recourse to legal counsel, judicial review, or bail. Many of these detentions were apparently politically based, targeting former PA officials, Fatah party members, and those suspected of ties to Israel.

In one case, on February 15, Hamas detained British journalist Paul Martin without charge and held him until March 11. Martin was reportedly suspected of espionage but never faced charges. He did not appear before a judge to assess the legality of his detention and had no access to his lawyer between February 19 and March 1. Reports also indicated that neither Martin nor his lawyer had access to the evidence that led to his arrest, according to HRW.

Israeli authorities operate under military and legal codes in the occupied territories (see also Israel, section 1.d., Arrest Procedures and Treatment While in Detention). By law detainees can be held for up to 90 days without access to a lawyer. Israeli authorities stated that their policy is to post notification of arrests within 48 hours, but senior officers may delay notification for up to 12 days, effectively holding detainees incommunicado. A military commander may request that a judge extend this period indefinitely.

Persons detained on security grounds fall under one or more of several legal regimes, which allow for the transfer of administrative detainees from the West Bank to detention in Israel. As a general practice, Arabs without Israeli citizenship detained for security violations were not granted bail.

Several NGOs claimed that Israel continued to overuse the administrative detention process in unexceptional and nonsecurity cases and as an alternative to standard

criminal proceedings, particularly in cases where evidence is insufficient or cannot be publicly presented. Administrative detainees, according to B'Tselem, were not provided sufficient information on the reasons for their detention or the charges against them; they were rarely given an opportunity to refute the suspicions or access the evidentiary material presented against them in court. At year's end, according to B'Tselem, Israel held 204 Palestinians under "administrative detention" without having charged them with a crime; this was a decrease from the 278 held at the end of 2009. A military judge can reportedly issue administrative detention orders for up to six months, renewable indefinitely. PCATI alleged military commanders in the occupied territories used administrative detention orders based on "security reasons" even when the accused posed no clear danger. On December 26, Israel released a 16-year-old known as Moatasem after holding him in administrative detention since March 20.

Throughout the year there were reports that Israeli security forces in East Jerusalem and in the West Bank arbitrarily arrested and detained Palestinian protesters and activists, particularly those participating in antibarrier demonstrations. Israeli authorities generally provided Palestinians held in Israeli military custody inside Israel access to their lawyers, but impediments to movement on West Bank roads or at crossings often made consultation difficult and postponed trials and hearings. The government frequently delayed notification to foreign government officials after detaining their citizens in the occupied territories.

During the year the Shin Bet continued its practice of incommunicado detention, including isolation from the ICRC, legal counsel, and family, throughout the duration of interrogation. There were also reports of torture and cruel, inhuman, and degrading treatment during interrogation, often to elicit confessions (see section 1.c.). The Palestinian human rights organization Addameer reported that 39 Palestinians were held incommunicado during the year. In a study released in November, PCATI estimated that approximately 8,000 to 10,000 of the 11,790 Palestinians held by Israeli authorities in the West Bank from 2005 and 2007 were for some period of time detained incommunicado. According to Physicians for Human Rights-Israel (PHR-Israel), isolation of prisoners with mental illness was common (see section 6, Persons with Disabilities). According to the Israeli government, the Israel Prison Service does not hold detainees in separate detention punitively or to induce confessions, but rather only when a detainee threatens himself or others and other options have been exhausted, or, in some cases, during interrogation to prevent disclosing information. In such cases the Israeli government maintained that the detainee had the right to meet with representatives of the ICRC, Israeli Prison Service personnel, and medical personnel if necessary.

Nevertheless, NGOs reported that the government constrained access to prisoners by the ICRC and other independent groups. On January 21, the deputy state attorney denied October 2009 requests from PCATI, ACRI, and PHR-Israel for representatives of the Public Defender's Office to visit Shin Bet facilities to provide counsel. A study by PCATI and the Palestinian Prisoner Society revealed in December that up to 90 percent of Palestinians in Shin Bet detention did not have access to legal counsel until after signing confessions.

B'Tselem cited a rise in the rate of Palestinian minors arrested and detained throughout the year in East Jerusalem, particularly in Silwan, in violation of Israel's youth law, which prohibits arrest or interrogation of minors after nightfall. NGO reports claimed that Israeli authorities routinely arrested minors at checkpoints, on the street, at night, and in early morning house raids, and transferred them to one of eight detention facilities for interrogation. In particular B'Tselem reported lack of parental presence at interrogation, as is permitted by law. In most cases authorities reportedly failed to inform parents where their children would be taken. According to DCI-Palestine, authorities also tortured and abused minors to coerce confessions (see section 1.c.).

#### **e. Denial of Fair Public Trial**

The 2002 Palestinian Basic Law, amended in 2005, provides for an independent judiciary. In practice the PA generally respected judicial independence and the



autonomy of the High Judicial Council, maintained authority over most court operations in the West Bank. PA courts operated more efficiently than in previous years, demonstrating improvements in several procedural capacities, including case management, organization, transparency, evidence collection, and recordkeeping. Case backlogs were largely related to restrictions on movement imposed by Israeli authorities (see section 2.d.). Additionally, PA-affiliated prosecutors and judges stated that these prohibitions hampered their ability to dispense justice, including restrictions on their ability to transport detainees and collect witnesses. The PA increased financial allocations to the courts to fund additional court administrative staff, in response to an existing lack of personnel. Efforts to expand reforms continued at year's end. In some cases involving investigations by PA intelligence services in the West Bank, civilian defendants appeared before the PA's military court system, which has jurisdiction over security personnel and crimes by civilians against security forces. Palestinian NGOs criticized the practice of trying civilian defendants in military courts, while the PA defended the practice based on the security nature of the crimes involved.

In 2007 Hamas appointees replaced PA-appointed prosecutors and judges in the Gaza Strip. The PA declared the action illegal; however, courts operated by Hamas appointees continued functioning in the Gaza Strip throughout the year.

Israeli law provides for an independent judiciary, and the government generally respected civil court independence in practice. The IDF tried Palestinians accused of security offenses (ranging from rock throwing to membership in a terrorist organization to incitement) in military courts. Israeli law defines security offenses to include a variety of different charges. Israeli military courts rarely acquitted Palestinians charged with security offenses; sentences occasionally were reduced on appeal. Israeli civil law applied to Palestinian residents of East Jerusalem, and Israeli civil courts generally tended to rule against Palestinians.

Several NGOs claimed that Israeli military courts, which processed approximately 7,000 Palestinians in the West Bank during the year, were not equipped to adjudicate each case properly. In a 2007 study, the Israeli NGO Yesh Din stated that plea bargains had largely replaced full legal proceedings. In a sampling of 118 detention hearings observed, of both minors and adults, the average hearing lasted three minutes and four seconds. Of the 9,123 detention hearings for Palestinians in 2006, only 23 hearings, approximately 0.29 percent, resulted in the defendant being found not guilty. DCI-Palestine, which represented several hundred Palestinian minors each year in Israeli military courts, claimed Israeli military justice officials had made only negligible improvements since 2006.

#### *Trial Procedures*

PA law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence. Juries are not used. Trials are public, except when the court determines privacy is required by PA security, foreign relations, a party's or witness's right to privacy, or protection of a victim of a sexual offense or an "honor" crime. Defendants have the right to be present and to consult with an attorney in a timely matter during the trial, although during the investigation phase, the defendant only has the right to observe. The law provides for legal representation, at public expense if needed, in felony cases, but only during the trial phase. Defendants can confront or question witnesses against them or present witnesses and evidence during the trial, but not during the investigation phase; defendants may also review government-held evidence and have the right to appeal. Authorities generally observed these rights in practice.

Hamas authorities in the Gaza Strip follow the same criminal procedure law as the PA in the West Bank. However, Hamas does not use the same penal code as the PA in the West Bank, following instead the 1936 penal code enacted by the British during the mandate period.

Palestinians held by Israeli authorities in the West Bank or in Israel were subject to trial

in Israeli military courts. Israelis living in settlements in the West Bank and in East Jerusalem were tried under Israeli civil law in the nearest Israeli district court.

Signed confessions by Palestinian minors, which were written in Hebrew, a language most cannot read, constituted a source of evidence against minors prosecuted in Israeli military courts. Every Palestinian minor prosecuted in Israeli military courts during the year pleaded guilty; lawyers stated they were often reluctant to run full evidentiary hearings for fear the minor would remain longer in detention.

According to HRW the August conviction of Abdullah Abu Rahmah, charged in relation to antibarrier protests in 2005 and 2009, did not specify particular events related to the charges against him and relied on statements in Hebrew signed by children unable to read the language that were later retracted. A court validated Abdullah Abu Rahmah's allegations of unfair trial and lack of proper investigation but acquitted him only partially (see section 2.b.).

#### *Political Prisoners and Detainees*

The PA during the year tried approximately 10 cases in which Palestinians were accused of collaborating with Israel. Following a Supreme Court ruling that found military court prosecution of civilians illegal, an unknown number of cases were transferred to governorate authorities during the year. Independent reports claimed that a variety of these cases may have included political prisoners. There were no statistics available on the number of political prisoners and detainees the PA may have held during the year.

Hamas detained several hundred persons, allegedly because of their political affiliation, and held them for varying periods of time. Numerous allegations of denial of due process and some executions were associated with these detentions.

There was no information at year's end about access to political prisoners by international humanitarian organizations.

In two politically motivated events on April 12, Fatah stated that Hamas security forces raided the home of Fatah Revolutionary Council member Abdullah Abu Samhadana and later arrested Fatah official Ibrahim at-Tahrawi.

Israel held noncitizen Palestinians in detention in Israel and in prisons in the West Bank. On March 28, the High Court of Justice rejected an NGO petition that called for a cessation of Palestinian prisoner and detainee transfers to Israeli territory inside the Green Line and an end to the use of military courts in such cases. PA officials claimed that at year's end there were 130 Palestinians held inside Israel serving sentences of at least 20 years – most were political and security prisoners.

Ten Palestinians held by Israel were members of the PLC.

On March 19, Israeli authorities arrested and held in administrative detention Hamas-affiliated PLC members Nezar Ramadan and Azzam Salhab; they were released without trial or charges on September 8, according to Addameer.

On October 18, Israeli soldiers arrested PLC member Hatem Qafisha, affiliated with Hamas via the "Reform and Change Movement" (Hamas' electoral campaign platform, see Section 3). Previously, authorities arrested Qafisha in 2007 and held him in administrative detention without charges or trial until November 2009. There were reports that he faced six months of administrative detention.

On December 30, Israeli authorities rearrested Hamas politician Khalil al-Rabai in his Hebron home; al-Rabai previously served a three-year prison term ending in 2009.

#### *Civil Judicial Procedures and Remedies*

The PA civil and magistrate courts handled civil suits and were able to provide an independent and impartial judiciary in most matters. However, there were unconfirmed reports of various factions trying to influence judicial decisions. A citizen can file a suit against the government, including on matters related to alleged abuses of human rights, but this was uncommon. There are administrative remedies available in addition to judicial remedies, but they were seldom used. The execution of court orders was not systematic.

Gaza Strip residents may file civil suits, including those related to human rights violations. Unofficial anecdotal reports claimed that Gaza Strip courts operated independently of the Hamas government and were, at times, impartial. There were reports that enforcement of court orders improved.

Israeli law permits Palestinians residing in the occupied territories to seek compensation for death, injury, or property damage at the hands of the IDF, but a 2002 law denies Palestinians the possibility of obtaining compensation in most cases for human rights abuses or injuries resulting from illegal acts by Israeli security forces. Amendments in 2005, which the High Court in 2006 partially overturned, added obstacles to Palestinian plaintiffs seeking compensation.

#### *Property Restitution*

When the IDF offered opportunities for compensation for demolished or seized homes, subject to an appraisal, verification, and appeals process, Palestinians generally refused, citing a desire not to legalize the confiscation. Due to documentation dating from the Ottoman period, a traditional land tenure system with communal, family, and individual rights commingled. According to Israeli-imposed definitions of land ownership, Palestinians had difficulty verifying ownership in Israeli courts (see section 1.f.).

#### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The PA required the attorney general to issue warrants for entry and searches of private property; however, Palestinian security services often ignored these requirements.

Palestinian civilians targeted Israeli settlers' properties. For example, on August 22, according to Israeli settlers in Shilo, Palestinians burned approximately 13 acres of settler-owned vineyards.

Hamas authorities in the Gaza Strip frequently interfered arbitrarily with personal privacy, family, and home, according to reporting from local media and NGO sources.

There were no reports that Israeli security monitored private communications or movement of individuals without legal process. Under occupation orders only IDF officers of lieutenant colonel rank and above could authorize entry into Palestinian private homes and institutions in the West Bank without a warrant, based upon military necessity. There were no reported cases of IDF soldiers punished for acting contrary to this requirement.

In the West Bank, Israel continued to demolish homes, other buildings, and other property constructed by Palestinians in areas of the West Bank under Israeli civil control on the basis that these buildings lacked Israeli planning licenses. Compensation was generally not offered in these cases. Properties 328 yards from the separation barrier or IDF military installations also remained subject to demolition or confiscation. There were 141 demolitions during the year. B'Tselem reported in July that more than 20 percent of the settlements' built-up areas rested on areas that Israel recognized as private Palestinian land. Exceptions to the November 2009 moratorium (which expired in September) on new residential settlement construction occurred on a case-by-case basis for projects with preexisting foundations and for public construction such as schools and infrastructure.

During the year Israeli authorities demolished 113 houses and 240 other commercial or community-use structures in "Area C," which is under the full jurisdiction of Israeli civil and military authority. The demolitions affected 13,847 persons, including 7,777 children. This was a significant increase from the 191 demolitions in 2009, which affected 572 persons, including 332 children, according to UNOCHA. Many of these demolitions occurred in Bedouin and herder communities in the Tubas Governorate, where Israeli policies largely prohibit Palestinian construction.

In March IDF personnel leveled several acres of Palestinian farmland in the West Bank village of Beit Jala to continue construction of the separation barrier, in some cases clearing land within feet of existing residential structures, according to NGO reporting. Lawyers representing several of the affected families stated that the IDF did not have valid orders and that the families did not have an opportunity to appeal the confiscations legally. A Palestinian family in the Bethlehem area whose property straddled the Jerusalem municipal boundary was encircled with fencing and concertina wire by the IDF; the family was allowed limited access in and out of the residence.

On July 19, IDF personnel demolished more than 70 structures in the small farming village of al-Farisiya in the Jordan Valley; the action displaced 113 persons, approximately half of whom were children, according to NGO and media reports. Residents reported the village was designated a "closed military zone," although military activity was not observed during the year. IDF troops returned on August 5 and demolished rebuilt structures.

On October 12, the IDF confiscated 250 acres of Palestinian-owned land in the West Bank village of Jaloud, near the Israeli settlement of Eli, for military purposes. This order followed a series of incidents on October 10-13 in which the IDF, as well as Israeli settlers, separately bulldozed what residents claimed was Palestinian-owned land in the vicinity of existing Israeli settlements.

In East Jerusalem home demolitions decreased significantly compared with 2009, although the Jerusalem Municipality demolished twice as many nonresidential structures (54 during the year, compared with 23 in 2009), often affecting private family businesses. The Jerusalem Municipality demolished 24 homes in East Jerusalem that it stated were built without municipal permits, compared with 57 in 2009, although seven additional homes were demolished during the year by their owners after receiving a demolition notice to avoid being charged by the municipality for the cost of demolition.

Construction did not begin at the site of the historic Shepherd Hotel in East Jerusalem, although municipal authorities issued construction permits for the site in March. In July 2009 the Jerusalem Municipality approved plans to construct two apartment buildings on the site of the hotel, owned by the Palestinian Hussein family from 1945 to 1967; it was confiscated as absentee property by the government of Israel in 1967 and privately purchased in the 1980s.

In 2009 the court ruled against two Palestinian families living in the East Jerusalem neighborhood of Shaykh Jarrah and ordered evictions for the Hanoun and al-Ghawi families, affecting 53 persons, including 20 children. The Nakhalat Shimon group took control of the properties and submitted plans to demolish approximately 28 homes to make way for a new Israeli settlement, according to UNOCHA.

In the Gaza Strip, B'Tselem reported that Israeli authorities destroyed 12 homes for alleged military purposes, displacing 38 persons. The Israeli blockade on the Gaza Strip also inhibited all mail delivery and importation of construction supplies.

There were reports that East Jerusalem municipal authorities invaded Arab residents' privacy. According to ACRI some security cameras positioned in Arab neighborhoods pointed directly inside homes. Palestinian residents in East Jerusalem and the West Bank also claimed Israeli settlers and security guards often arbitrarily videotaped them in public.

Israeli settlers reportedly continued to confiscate and vandalize Palestinian property during the year. As in previous years, violence and vandalism occurred during the autumn olive harvest, prompting disputes over land. By October 25, Israeli authorities had recorded 27 official complaints about settler theft of olives from Palestinian trees. Israeli human rights organizations stated that the olive-harvest incidents indicated a new trend of disruptive activity by settlers towards Palestinians in the West Bank. Rabbis for Human Rights reported that approximately 600 trees were harvested near the Havat Gilad settlement before being harvested by their Palestinian owners. The ICRC reported in February that settlers had cut down, burned, or uprooted approximately 10,000 olive trees since 2008. There were no known investigations into the incidents. Affected Palestinians and human rights NGOs reported that the IDF was largely unresponsive to actions against Palestinians in the West Bank. The Israeli NGO Yesh Din reported in October that more than 90 percent of investigations into offenses against Palestinians carried out by Israeli settlers in the West Bank were unsuccessful. Yesh Din monitored 97 complaints filed against Israeli settlers for damage caused to Palestinian-owned trees; police closed every case due to unidentifiable perpetrators or insufficient evidence. Although IDF and Palestinian officials took steps for the first time to mitigate olive-harvest violence, in some instances Israeli security authorities reportedly prevented Palestinian farmers from accessing their land to harvest the crop.

On August 17, according to residents of the West Bank village of Qusra, Israeli settlers from newly established settlement outposts attacked Palestinian olive groves, causing damage to hundreds of trees.

In incidents throughout September and October, Israeli settlers in Shilo and Ariel confiscated farmland and cut down hundreds of Palestinian-owned olive trees, prompting retaliations by Palestinians, who reportedly cut down more than 100 settler olive trees, according to both NGO and media reporting.

In September Israeli settlers harvested olives from Palestinian olive trees near Nablus and Qalqiliya, several weeks ahead of the traditional harvest season.

Settlers also exploited religious tensions to harass Palestinian villages by vandalizing, breaking into, or burning at least three mosques. These incidents aimed to accomplish political ends, such as warning Israeli officials against supporting policies that limit settlers' presence in the West Bank, in a policy the settlers publicly referred to as "price tag."

## **Section 2 Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The PA Basic Law provides every person the right to freedom of thought, conscience, and expression, orally, in writing, or through any other form. The PA does not have laws specifically providing for freedom of press; however, PA institutions applied aspects of an unratified 1995 press law as de facto law. In practice, however, the PA security forces in the West Bank and members of the Hamas security apparatus in the Gaza Strip continued to restrict freedom of speech and press. Self-censorship continued as a result of political and social pressures.

Although there is no PA law prohibiting criticism of the government, there were reports that the government was not fully tolerant of criticism. The PA prohibits calls for violence, displays of arms, and racist slogans but rarely enforced these provisions.

Across the occupied territories, three Palestinian daily and several weekly newspapers, several monthly magazines, and three tabloids were published. There were approximately 25 television and 65 radio stations; the PA operated one of each. Since 2008 several factional satellite stations opened, including the pro-Hamas al-Quds, established in 2008. Violence between Hamas and Fatah resulted in polarization of the Palestinian press. International news outlets continued to maintain offices and stringers in the Gaza Strip.

During the year the PA ministries of information, interior, and telecommunications established and enforced the registration and licensing of local Palestinian television and radio stations. Registration fees ranged from 3,500 to 25,000 Jordanian dinars (approximately \$5,000 to \$35,000). During the year a number of smaller local radio and television stations were forced to close, at least temporarily, as they raised funds to cover the registration and annual licensing fees.

PA security forces reportedly harassed, detained, and prosecuted journalists several times during the year due to their reporting. In the West Bank, PA security forces raided the offices of several independent media outlets suspected of filming local demonstrations. They confiscated videotapes and briefly detained several journalists working for Gaza-based media. PA security services reportedly threatened pro-Hamas journalists working in the West Bank and West Bank-based journalists working for the Gaza-based outlets.

On May 11, PA intelligence services arrested Amer Abu Arfa, a correspondent of the Gaza-based Shihab news agency, in connection with his reporting. In June a PA court in Hebron sentenced him to three months in prison and a fine of 500 Jordanian dinars (\$700) for "resisting the policies of the authorities." According to the Committee to Protect Journalists (CPJ), the PA considered the Shihab news agency pro-Hamas.

On July 17, PA security forces raided the offices of the independent Watan television, reportedly because the outlet filmed a demonstration by the pan-Islamic political organization Hizb al-Tahrir.

In January, according to the CPJ, a PA military court sentenced Tareq Abu Zaid, a reporter for the Gaza-based al-Aqsa satellite channel, to 18 months in prison for allegedly "transferring information and money." The Palestinian Center for Development and Media Freedoms (MADA) and the International Freedom of Expression Exchange (IFEX) reported that Abu Zaid was arrested in November 2009 because of his work as a correspondent for al-Aqsa television. On November 14, according to IFEX, PA authorities released Abu Zaid. The PA banned the Hamas-affiliated al-Aqsa television in 2007; however, since it is a satellite station, Palestinians living outside the Gaza Strip maintained access to it.

The PA maintained a distribution ban in the West Bank on the twice-weekly pro-Hamas *al-Risala* and the *Filistin* daily, both Gaza-based publications.

For the first time in 10 years, the Palestinian Journalists Syndicate, a membership-based union representing the majority of Palestinian journalists based in East Jerusalem, the West Bank, and the Gaza Strip, with more than 400 journalists, held an election. The syndicate's new leadership laid out a detailed agenda of reforms, including the establishment and adoption of a set of bylaws and the development of ties with international organizations dedicated to the protection and promotion of journalists' rights.

In the Gaza Strip, individuals publicly criticizing authorities risked reprisal by Hamas. On December 5, Hamas internal security forces dispersed a peace protest in which participants were criticizing the government. In January 2009, according to HRW, an unidentified man criticized a Hamas leader in a conversation on the street. That evening, he stated, more than a dozen armed men with black masks took him from his home and shot him three times in the lower legs and ankles.

Since 2007 only pro-Hamas broadcast media and the Voice of the People, a radio outlet affiliated with the terrorist organization Popular Front for the Liberation of Palestine, operated in the Gaza Strip. Hamas maintained the closure of all Fatah-affiliated television and radio broadcast outlets in the Gaza Strip. The Fatah-allied Palestinian television and Voice of Palestine radio continued operating in Ramallah after relocating there from the Gaza Strip in 2007. Two other Fatah-affiliated radio stations in the Gaza Strip, al-Hurriyah and al-Shabab, remained off the air during the year.

Journalists faced arrest, harassment, and other pressure from Hamas due to their reporting or political affiliation (see also section 1.d., Arrest Procedures and Treatment While in Detention). Hamas constrained journalists' freedom of movement during the year, banning access to Rafah and hospitals in the Gaza Strip. On several occasions during the year, according to the Office of the UN High Commissioner for Human Rights, Hamas detained journalists from independent and Fatah-affiliated outlets.

On August 14, Hamas raided the Gaza City Reuters office, following Reuters reporting about a violent Hamas-Salafist incident in Rafah.

On November 10, Hamas representatives raided the Ramattan News Agency to stop a press conference hosted by the Palestinian National Action Committee.

On December 13, Hamas authorities detained and questioned Ziad Ismail Awad, a contributor to the Kuwaiti television channel Wasl and the office director at the Fatah parliamentary bloc in the Gaza Strip. According to MADA, Awad stated that he was questioned about producing a television program depicting Palestinian suffering in the Gaza Strip and about his connections to the PLC. He was released that evening but reported poor treatment in detention.

During the year Hamas continued to ban distribution of the PA's official daily, *al-Hayat al-Jadida*, in the Gaza Strip. On July 6, local Palestinian media reported that Israeli authorities agreed to allow the distribution of Palestinian newspapers into the Gaza Strip starting the following day. The purported change in policy represented the first time since February 2009 that Israel agreed to allow Palestinian newspapers to enter the Gaza Strip. The following day, despite the well-publicized announcement, Israeli authorities at the border crossing refused to allow the newspapers to enter the Gaza Strip. Both Hamas and Israeli authorities claimed that the other prevented circulation of the dailies.

Israeli authorities placed limits on certain forms of expression in the occupied territories. For instance, in East Jerusalem, displays of Palestinian political symbols were punishable by fines or imprisonment, as were public expressions of anti-Israeli sentiment and of support for terrorist groups. Authorities reviewed Arabic publications for material perceived as a security threat; this review pertained to all Jerusalem-based publications, but *al-Quds* was the only newspaper in the occupied territories subjected to regular Israeli censorship.

As a general rule, Israeli media were able to cover the occupied territories, except for combat zones where the IDF temporarily restricted access, but closures, curfews, and checkpoints limited the ability of Palestinian and foreign journalists to do their jobs (see section 2.d.). Israel revoked the press credentials of the majority of Palestinian journalists during the Second Intifada in 2000, with the exception of a few Palestinian journalists who worked as stringers for prominent international media outlets. As a result most Palestinian journalists were unable to cover stories outside the Palestinian-controlled areas of the West Bank.

There were reports of Israeli authorities detaining or assaulting journalists during the year.

On January 12, Israeli authorities detained and later deported Jared Malsin, editor in chief of the English-language section of the independent Bethlehem-based Ma'an News Agency. The CPJ reported that interrogation transcripts indicated Malsin was deemed a security risk because of his political beliefs and reporting.

On January 28, Israeli forces reportedly assaulted a group of Palestinian journalists covering olive tree planting in the West Bank village of Burin. According to reports by MADA and the CPJ, soldiers informed the journalists that photographs were prohibited because the area is a closed military zone. When the reporters refused to stop taking photographs, the soldiers hit the reporters and attempted to seize their cameras before employing tear gas and stun grenades. According to MADA, there was no investigation or

prosecution as a result of the incident.

On April 30, the IDF prevented al-Jazeera from covering an antibarrier demonstration in Bil'in. Security forces arrested al-Jazeera camera operator Maida Bannoura and his assistant Nader Abu Zer, according to media reports. According to al-Jazeera, no investigation or prosecution took place as a result of the incident.

#### *Internet Freedom*

According to a report issued by the Palestinian Central Bureau of Statistics in 2009, 32.3 percent of Palestinians had access to the Internet. There were no PA restrictions on access to the Internet or reports that the PA monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

On October 31, PA authorities arrested Walid Husayin, a 26-year-old barber from Qalqilya, and charged him with insulting Islam after he posted provocative comments about atheism on his blog and on social media. At year's end he had not been granted a trial and remained in prison.

Hamas did not restrict Internet access; however, based on anecdotal reports from Palestinian civil society organizations and social media practitioners, Hamas authorities monitored Internet activities and postings of Gaza Strip residents. Individuals posting negative reports or commentary about Hamas, its policies, or affiliated organizations faced questioning and were at times required to remove or modify online postings. No information was available regarding punishment for not complying with such demands.

In June Hamas authorities arrested Sri Mohammed Qudwah, the editor of the online *al-Sabah* newspaper, and confiscated his equipment, according to Freedom House.

Israeli authorities did not restrict access to the Internet; however, they monitored some Internet activity. In March 2009 the IDF central military censor began to monitor blogs, and there was at least one report that the IDF monitored Internet chat rooms during the year.

On March 20, the IDF reportedly arrested Moatasem Nazzal, a 16-year-old from Qalandiya refugee camp, in his home and held him in administrative detention, which was renewed twice. During interrogation the IDF allegedly asked Nazzal about his Internet friendship with a Gaza Strip resident, whom he met in an Internet chat room.

#### *Academic Freedom and Cultural Events*

In the West Bank, the PA did not place restrictions on academic freedom or cultural events. During the year Palestinian authorities did not interfere with education; however, restrictions on movement adversely affected academic institutions in the West Bank, and violence affected them in the Gaza Strip (see section 2.b.).

In the Gaza Strip, Hamas and other groups sought to disrupt UN-run academic programs that did not teach a strict interpretation of Islam. Twenty-five masked men of unknown affiliation burned and vandalized a UN summer camp on June 27; the perpetrators accused the UN of corrupting Gazan youth with a summer program of human rights studies, games, and sports.

Israeli authorities generally did not permit students from the Gaza Strip to attend West Bank universities. On July 7, the Israeli High Court rejected a petition submitted by the Israeli NGO Gisha and the Palestinian NGO al-Mezan on behalf of Fatma Sharif, a human rights lawyer in the Gaza Strip, who had been accepted into a master's degree program in human rights and democracy studies at Bir Zeit University in the West Bank, explaining that it would not intervene with the existing policy.



However, in August the Israeli coordinator of government activities in the occupied territories granted three Gazans short-term renewable permits to pursue their undergraduate studies in the West Bank.

## **b. Freedom of Peaceful Assembly and Association**

### *Freedom of Assembly*

Palestinian law permits public meetings, processions, and assemblies within legal limits. It requires permits for rallies, demonstrations, and large cultural events, and authorities rarely denied them. However, there was at least one example of PA forces disrupting a meeting during the year.

On August 25, according to several NGO and political activists, PA security officials disrupted a meeting of political activists and members of civil society organizations who were discussing Palestinian negotiations with Israel. NGOs and press reports claimed that plainclothes officers disrupted the event and initiated small altercations with the activists. On August 30, PA Prime Minister Fayyad issued a public apology for the disruption of the event; on September 1, the organizers of the original conference staged a public rally without incident.

Following the 2007 Fatah-Hamas clashes in the Gaza Strip, Hamas banned rallies and impeded freedom of assembly for Fatah members. In 2008 Hamas decreed that any public assembly or celebration in the Gaza Strip required prior permission, in contradiction to the PA basic law.

From the beginning of the year, according to B'Tselem reports, the IDF implemented for the first time since the Oslo peace process, a military order that effectively prohibited Palestinian demonstrations and limited freedom of speech in the West Bank. The regulations stipulate that a gathering of 10 or more persons requires a permit from the regional commander of military forces if the event relates to any "political subject" or might be construed as such. The penalty for a breach of the order is 10 years' imprisonment or a heavy fine. According to IDF statistics requested by B'Tselem, there was one conviction during the year under the order.

Israeli security forces used force against Palestinians and others involved in demonstrations in the West Bank and East Jerusalem, killing two West Bank protesters and one antibarrier demonstrator during the year. The IDF used force particularly against protests by the Popular Resistance Committee against the construction of the separation barrier.

On January 15, the Jerusalem District Police arrested 17 demonstrators during a nonviolent protest in Jerusalem, including Hagai El-Ad, ACRI's executive director. The demonstrators claimed authorities detained them for 36 hours, then released them without condition after the Jerusalem Magistrate Court ruled that there was no legal cause for their arrest. ACRI stated the arrests exemplified what it described as a growing trend by the police to disperse demonstrators unlawfully and conduct arbitrary arrests to intimidate demonstrators.

In February the IDF Central Command designated the areas adjacent to the separation barrier in the villages of Bil'in and Ni'lin as closed military areas every Friday during the hours in which Palestinian, Israeli, and international activists regularly demonstrated. There were frequent skirmishes between the antibarrier protesters and IDF personnel. IDF and Israeli police personnel stationed on the far side of the barrier during weekly protests in Bil'in and Ni'lin, for instance, responded to rock throwing with tear gas, stun grenades, sound bombs, and rubber-coated bullets. During the year Israeli forces began using a specially treated water to disperse the crowds; sprayed as a mist, it has an overwhelming odor of sewage that lasts for days and can induce vomiting. B'Tselem reported that Israeli forces also arrested many demonstration organizers, holding some of them without charge for periods of up to three weeks, and deported some foreign participants. The IDF continued to detain 80 residents of Bil'in since 2005.

In December 2009 Israeli authorities arrested Abdullah Abu Rahmah of the Bil'in Popular Committee and charged him in a military court with arms possession, stone throwing, incitement, and illegal assembly. In August the court acquitted Abu Rahmah of the charges of arms possession and stone throwing but convicted him on charges of incitement (defined as "the attempt, verbally or otherwise, to influence public opinion in the area in a way that may disturb the public peace or public order") and illegal assembly. On October 11, the court sentenced Abu Rahmah to one year in prison including time served, setting a release date of November 18. The military prosecutor appealed Abu Rahmah's sentence prior to his release date, asking that his release be delayed "to serve as a deterrent not only to [Abu Rahmah] himself, but also to others who may follow in his footsteps." The court increased Abu Rahmah's sentence to 16 months. Several NGOs estimated that the strict sentence was also an attempt by Israeli authorities to intimidate Palestinian protesters.

During the year Israeli authorities also arrested demonstrators protesting land ownership decisions, particularly in the East Jerusalem neighborhood of Sheikh Jarrah. On March 4, the Israeli High Court of Justice ruled that police in Jerusalem had been overly restrictive in barring protests near contested properties in the Sheikh Jarrah area; the ruling temporarily prompted increased turnout at the weekly protests.

#### *Freedom of Association*

In the West Bank, the PA law allowed for freedom of association, but it was sometimes limited in practice.

In the Gaza Strip, Hamas attempted to prevent various organizations from operating. On October 12, security forces reportedly closed the Gaza headquarters of the Palestinian Journalists Syndicate without prior notification or explanation. In November Hamas blocked a conciliatory International Federation of Journalists meeting that aimed to connect West Bank and Gaza journalists.

In July 2009 Hamas closed at least 45 NGO offices. Most of the NGOs were Fatah-affiliated, but a number were politically independent.

Israel maintained prohibitions on at least seven prominent East Jerusalem-based Palestinian institutions – the Orient House, the de facto PLO office in Jerusalem, the East Jerusalem Chamber of Commerce, the Higher Arab Council for Tourism, the Palestine Research Center, the Palestinian Prisoners Club, and the Social Research Office – claiming that the groups violated the Oslo Accords by operating on behalf of the PA in Jerusalem.

On January 11, IDF and Israeli immigration officials entered Ramallah and arrested a Czech activist with the International Solidarity Movement (ISM), later deporting her on the basis that she lacked a valid Israeli visa. On February 7, according to local press reports, Israeli officials detained two foreign ISM activists; both were released on February 8 following their agreement not to reenter the West Bank. The ISM's stated purpose is to strengthen Palestinian popular resistance to the Israeli occupation through "direct-action" methods, such as demonstrations and protests.

#### **c. Freedom of Religion**

For a complete description of religious freedom, please see the Department of State's *2010 International Religious Freedom Report*.

#### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The Basic Law provides for freedom of movement, and the PA generally did not restrict freedom of movement. The Basic Law does not specify regulations regarding foreign travel, emigration, or repatriation.

Hamas authorities in the Gaza Strip enforced movement restrictions on Gazans attempting to exit to Israel via the Erez Crossing and maintained more relaxed restrictions on transfer to Egypt via the Rafah Crossing; Hamas authorities did not appear to enforce routine restrictions on internal movement within the Gaza Strip, although there were some "no go" areas to which Hamas prohibited access.

The PA, Hamas, and Israel governments generally cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons and refugees, although the ability of the UN Relief and Works Agency (UNRWA) to operate freely in Gaza was constrained by both Hamas and Israeli officials.

The IDF restricted Palestinians' movement within the occupied territories and for foreign travel, and it heightened these restrictions at times, citing military necessity. Barriers to movement included checkpoints, a separation barrier between the West Bank and Israel, internal road closures, and a blockade on the Gaza Strip. Restrictions on movement affected virtually all aspects of life, including access to places of worship, employment, agricultural lands, schools, hospitals, and the conduct of journalism, humanitarian, and NGO activities. During the year the IDF relaxed restrictions at several checkpoints and roads that previously posed significant barriers to movement by Palestinian populations between the West Bank and urban centers. Nevertheless, according to UNOCHA, as of June there were 505 obstacles to movement inside the West Bank, identified as follows: 66 fully manned checkpoints, 20 occasionally manned checkpoints, 106 road gates, 167 earth mounds, 46 road barriers, 70 roadblocks, 20 earth walls, and 10 trenches.

According to UNOCHA, the Israeli government largely halted the remaining planned construction of a separation barrier along parts of the Green Line (the 1949 Armistice line) and in the West Bank, mostly due to a lack of political will and an overall increase in security. If completed, the barrier would separate approximately 9.5 percent of the West Bank (135,000 acres inhabited by up to 50,000 Palestinians), including parts of Jerusalem, from the rest of the West Bank territory in a "seam zone." Israel continued to restrict movement and development within this area, including access by some international organizations. During the year approximately 34 of the checkpoints along the separation barrier were restricted to Israelis and Palestinians with permits. Palestinians with worker permits were required to pass through one of 11 pedestrian crossings. Palestinians with permits, those working in international organizations, and biometric card holders and their immediate families were able to pass in vehicles through any of the crossings. A 2003 petition by the NGO HaMoked against the legality of the permit system had not been ruled on by year's end, although a 2004 International Criminal Court advisory body deemed the barrier contrary to international law.

Private security companies employed by the Israeli government controlled points of access through the barrier, and international organizations and local human rights groups claimed these companies did not respond to requests to move goods and officials through the barrier. The barrier affected the commutes of school children living on its eastern side and attending school in Jerusalem. For example, students from Bir Nabala, which is surrounded by the barrier, took detours of seven to 10 miles to pass through checkpoints to reach school. The barrier and the permit system also affected some farmers who were separated from land and water resources, which curtailed agricultural practice and resulted in deterioration of the harvest quality and quantity.

Operating hours of the accessible gates were limited and erratic, although usually announced. Crossing procedures were relaxed at some checkpoints to the east of the separation barrier; Israeli authorities lifted permit requirements, extended operating hours, and performed fewer searches and random documentation checks in comparison with previous years, especially during holidays.

Israeli authorities frequently prohibited travel between some or all West Bank towns. Palestinians who lived in affected villages stated that such "internal closures," which could last years, had negative economic effects. During periods of potential unrest and

during major Israeli, Jewish, and Muslim holidays, Israeli authorities enacted "comprehensive external closures," which precluded Palestinians from leaving the West Bank. The IDF also imposed temporary curfews confining Palestinians to their homes during arrest operations.

Although Israeli authorities reopened Route 354 and Route 443, with some restrictions to Palestinian traffic, three other roadblocks on Route 60 impeded movement for tens of thousands of residents of Palestinian villages south of Hebron, cutting direct access for businesses to the city's commercial center. Palestinians not resident in the Jordan Valley generally were unable to drive on the main north-south route, Highway 90.

The blockade on the Gaza Strip imposed by Israel since 2007 continued its significant effect on the population in the Gaza Strip, according to the UNRWA and other humanitarian and human rights groups. The UN estimated that 80 percent of the population of the Gaza Strip relied on international food aid during the year. International and Israeli human rights organizations described the blockade as "collective punishment" of the residents of the Gaza Strip, as it restricted access to basic goods and prevented civilians from temporary travel abroad or changing their place of residence permanently. During the year Israel eased the blockade, but with only one open commercial crossing, the number of truckloads entering the Gaza Strip each week was less than 40 percent of that before the blockade began.

Israel's strict closure on the Gaza Strip also resulted in the cessation of postal services. Humanitarian organizations reported that the closure significantly hindered their ability to operate and limited opportunities for Gazans to communicate with family and friends outside the Gaza Strip.

The UNRWA operated 228 schools with more than 206,000 students in the Gaza Strip, but the agency claimed its capacity was severely overstretched by the Israeli blockade and that restrictions on movement and access undermined its ability to provide education. UNRWA schools in the Gaza Strip ran on a double-shift in "compressed learning periods" and were severely overcrowded with as many as 50 students per classroom. Thousands of students were schooled in makeshift classrooms, including one school serving 865 students built entirely from shipping containers.

Essential infrastructure in the Gaza Strip, including water and sanitation services, was in a state of severe disrepair due in part to an inability to bring in spare parts and components under the blockade. The sewage and water systems were frequently inoperable, and as a result approximately 21 million gallons of raw or partially treated sewage was pumped into the ocean each day, according to the UNRWA. Israel prohibited private sector companies from importing cement and gravel; entry of these goods was permitted only for specific UN or other internationally coordinated projects. As a result Gaza Strip residents lacked the necessary supplies to rebuild homes destroyed during Operation Cast Lead.

Personal travel in and out of the Gaza Strip was limited to one crossing point and was restricted to humanitarian cases only; however, Israeli authorities denied many Gazans access to Israel and Egypt for medical treatment and detained some during the year. PHR-Israel claimed that, based on security considerations, Israeli authorities did not issue medical or humanitarian exit permits to Palestinians in the Gaza Strip regardless of professional medical opinions. Israeli authorities also rejected requests for Palestinians to exit the Gaza Strip for medical treatment due to fears that the patients might emigrate and unite with family in the West Bank. On January 11, various NGOs, including al-Mezan Center for Human Rights, Adalah Legal Center, and PHR-Israel, petitioned the attorney general against the practice of detaining patients at the border, but on March 2, the General Security Service stated that Israel may legally arrest persons at the border seeking medical treatment.

In March 2009 the Israeli Ministry of Defense released a detailed rubric for determining whether a resident of the Gaza Strip may be permitted exit and entry under exceptional humanitarian cases. Between January and June, Israel refused exit to all of the 1,095

orthopedic and neurology patients in need of medical treatment; in June Israeli authorities told PHR-Israel that hip and knee replacements did "not meet the criteria" for issuing exit permits. In January Israel prevented 17 patients from going to Ramallah for cornea transplants, resulting in the disposal of the donated organs.

Movement to the West Bank from Gaza was severely restricted to a limited number of Palestinians holding Israeli-issued permits. In one case, Israeli authorities refused to allow Issam Hamdan, a 40-year-old man suffering severe back pain, to enter Israel to receive specialized medical care in Jerusalem because Israeli authorities suspected he might reunite with his wife and four children in the West Bank. On February 9, the NGOs PHR-Israel and Gisha filed a petition before the Supreme Court on behalf of Hamdan, prompting Israeli authorities to withdraw objection and allow him to seek treatment in Jerusalem.

On October 16, two-year-old Gazan Nasma Abu Lashee died of treatable leukemia while waiting for permission from Israeli authorities to receive treatment in Israel.

Israel continued to enforce restrictions on access to farmland in the Gaza Strip near the border with Israel and to fishing areas along the coast, with the stated intention of preventing attacks by Palestinian armed factions. Israel on average enforced an approximately 1,000 yard-wide "buffer zone" and at times fired warning shots as far away as 1,640 yards from the border, according to UNOCHA (see also section 1.a.). The "buffer zone" encompassed approximately 24 square miles, representing 17 percent of the Gaza Strip's total land mass. UNOCHA estimated that nearly 35 percent of the Gaza Strip's cultivable land was located within the restricted area.

Eighty percent of the maritime area designated accessible to Gazans under the Oslo Accords remained off-limits; the IDF implemented a three-nautical-mile-wide limit that was strictly enforced by Israeli naval patrol boats. In the northern Gaza Strip, Israel prevented Palestinians from accessing a 1.5-nautical-mile-wide strip along the maritime boundary with Israel and a one-nautical-mile-wide strip in the south, along the maritime boundary with Egypt, as established in the 1994 Gaza-Jericho Agreement. Israeli naval forces regularly fired warning shots at Palestinian fishermen entering the restricted sea areas, in some cases directly targeting the fishermen, according to UNOCHA. The Israeli military often confiscated fishing boats intercepted in these areas and detained the fishermen.

IDF soldiers at checkpoints sometimes subjected Palestine Red Crescent Society (PRCS) ambulances from the West Bank to delays or refused entry to Jerusalem, for security reasons. Patients were moved across checkpoints from one ambulance to another. The PRCS reported violations against its teams and humanitarian services during the year. Most incidents (159) included blocking access to those in need, preventing their transport to specialized medical centers, or maintaining delays on checkpoints for periods ranging from 30 minutes to two hours. Most incidents (142) took place on checkpoints leading to Jerusalem, while the remainder took place on other checkpoints circling the West Bank.

On April 13, Israeli Military Order 1650 went into effect, broadening the definition of "infiltrator" in the Prevention of Infiltration Law to include anyone who enters the West Bank unlawfully or any persons in the West Bank without permits, making them subject to criminal charges and potential deportation to the Gaza Strip. Palestinians and human rights NGOs expressed concern about whether the order legalized the deportation of up to 35,000 Palestinians living in the West Bank with registered Gaza Strip addresses. In 2000 Israel stopped updating changes in address for Palestinians who moved from the Gaza Strip to the West Bank. As a result thousands of Palestinians, originally from the Gaza Strip but living in the West Bank for many years, continued to hold identity cards with home addresses in the Gaza Strip. There were reports that Palestinians were deported to the Gaza Strip border on these grounds during the year.

On April 21, Israeli authorities transferred West Bank resident Ahmad Sabbah Said to the Gaza Strip following his release from an Israeli prison, where he had served a nine-year

sentence on charges for offenses committed during the Second Intifada. Several NGOs claimed he was transferred immediately, without a judicial review. Authorities justified the deportation by his possession of an identity card issued in the Gaza Strip, where he lived for one year in the 1990s. Sabbah's wife and children remained in the West Bank city of Tulkarem.

On April 27, the Israeli government expelled 19-year-old Hebron resident Fadi Aiada al-Azazma to the Gaza Strip. According to HaMoked, al-Azazma was taken into custody from his workplace and transferred to the Gaza Strip hours later, without a judicial review. Al-Azazma was born in the Gaza Strip but moved to the West Bank with his family when he was seven years old.

Israeli authorities delivered both deportees to the Erez crossing point at the northern end of the Gaza Strip. According to press reports, Hamas refused to allow either Sabbah or al-Azazma to pass through a checkpoint inside the border so as not to "legitimize" Israel's removal of Gazan identity card holders from the West Bank. Both remained in a tent for more than one month in the area between the Israeli and Hamas positions; however, both were living in the Gaza Strip at year's end, according to reports.

The IDF since 2000 restricted Gazan students from studying in the West Bank or Israel and limited West Bank Palestinians from university study in East Jerusalem and Israel (see section 2.a.). During the year students were allowed to leave the Gaza Strip only when escorted by foreign diplomats or contractors of the country accepting them for study. Some students from the Gaza Strip accepted for university study abroad were unable to apply for visas in Jerusalem and were therefore prevented from leaving for further education abroad.

The PA issued passports for Palestinians in the West Bank and the Gaza Strip. Because there were no commercial flights from the occupied territories, and permits to use Ben Gurion airport were not available, travelers departed by land to Jordan or Egypt. Foreign citizens of Palestinian ethnicity had difficulty obtaining or renewing visas permitting them to enter Israel from either Ben Gurion airport or land entry points.

Palestinians possessing Jerusalem identity cards issued by the Israeli government needed special documents to travel abroad. Upon the individual request of Palestinians, the Jordanian government issued them passports.

Residency restrictions affected family reunification, as it did not qualify as a reason to enter the West Bank. For any child, access to a parent in the West Bank was permitted only if no other relative was resident in the Gaza Strip. Israeli authorities did not permit Palestinians who were abroad during the 1967 War, or whose residence permits the government subsequently withdrew, to reside permanently in the occupied territories. It was difficult for foreign-born spouses and children of Palestinians to obtain residency. Palestinian spouses of Jerusalem residents were required to obtain a residency permit and reported delays of several years in obtaining them. Palestinians in Jerusalem also reported delays in registering newborn children.

The PA basic law prohibits forced exile, and the PA did not use forced exile.

In practice Israeli revocations of Jerusalem identity cards amounted to forced exile to the occupied territories or abroad and have continued in recent years. There were no statistics on residency revocations available at year's end. According to HaMoked, the Ministry of Interior revoked the Jerusalem residency of more than 700 Palestinians in 2009. In 2008 the Ministry of Interior revoked the residency of 4,577 Palestinians in East Jerusalem, including 99 minors. The number of cases of residency revocation in 2008 alone was equal to approximately one-half the total number of cases of residency revocation between 1967 and 2007. Reasons for revocation include having acquired residency or citizenship in a third country, living abroad for more than seven years, or, most commonly, being unable to prove a "center of life" in Jerusalem. Some Palestinians born in Jerusalem but who studied abroad reported losing their Jerusalem residency status.

On June 3, the Israeli National Police notified four Hamas-affiliated PLC members of the revocation of their Jerusalem residency status, according to the Civic Coalition for Defending Palestinian Rights and press reports. The decision to revoke their Jerusalem residency permits came from the Israeli Ministry of Interior shortly after their election to the PLC in 2006. Israeli authorities arrested and detained the four individuals for three years; three were released during the year and continued to reside in Jerusalem under the administration of the ICRC, and the fourth remained in detention at year's end awaiting trial on illegal presence charges.

#### *Internally Displaced Persons (IDPs)*

There were approximately 20,500 IDPs in the occupied territories, nearly all of whom remained displaced as a result of Operation Cast Lead. Although they have no specific legislation to protect IDPs along UN principles and guidelines, West Bank and Gaza Strip authorities are bound by international human rights laws underlying these obligations on displacement. The PA provided some assistance to those displaced through rental subsidies and financial assistance to reconstruct demolished houses. The UNRWA and humanitarian organizations provided services to aid IDPs in the Gaza Strip.

During the year the UNRWA provided rental assistance to approximately 2,000 families whose shelters were destroyed during hostilities, assisted with the living expenses of 3,810 families whose shelters were destroyed or severely damaged during hostilities, and identified 10,283 families whose shelters needed to be fully rebuilt. In March the UNRWA received approval to import construction materials to complete the construction of 151 shelters in Khan Younis, which had been stalled since Israel imposed the Gaza Strip blockade in 2007. However, due to the requirement that UN projects be approved on a case-by-case basis and the general ban on the importation of cement and gravel, the UNRWA was unable to begin construction on any additional shelters. The UNRWA continued to provide psychological support and counseling, including for children traumatized by hostilities with Israel, through its community mental health program.

During the year according to the UNRWA, the Israeli government obstructed IDP access to UNRWA-provided humanitarian assistance in refugee communities in at least 339 incidents in parts of the West Bank, causing lengthy detours.

The Internal Displacement Monitoring Center reported that Israeli demolition of Palestinian property in East Jerusalem added to the threat of displacement for Palestinians (see section 1.f.).

#### *Protection of Refugees*

There were no reports of persons seeking asylum or residence in the occupied territories.

### **Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government**

#### *Elections and Political Participation*

In 2006 the 132-member PLC was elected in a process under the Basic Law that international observers concluded generally met democratic standards in providing citizens the right to change their government peacefully. Hamas-backed candidates participated in the 2006 PLC elections under the name "Reform and Change Movement," rather than "Hamas," and won 74 of 132 seats. Fatah won 45 seats; independents and candidates from third parties won the remaining seats. The PLC lacked a quorum and did not meet during the year. Although the Israeli government and the PA followed mutually agreed guidelines for Palestinians residing in Jerusalem to vote in 2005 and 2006, not all Palestinians were allowed to vote in East Jerusalem, and those who could vote were required to do so via post offices (of which there were few), thereby complicating their efforts to vote.

On June 10, immediately before candidate registration ended, the PA canceled municipal elections scheduled for July. The Hamas and Islamic Jihad parties had pledged to boycott the elections, and various Fatah members claimed plans to run as independents. The Ministry of Local Government stated that the decision to postpone came in response to the demands of some Arab nations and a number of "friends in the world." The calls from abroad reportedly advised the PA to postpone the elections "to pave the way for a successful end to the siege on the Gaza Strip and for continued efforts at unity," the statement explained.

There were 17 women in the 132-member PLC (which was not called into session) and three women in the 16-member cabinet. There were seven Christians in the PLC and two in the cabinet.

Civil society organizations in the Gaza Strip claimed Hamas authorities and other conservative Islamist groups did not tolerate public dissent, opponents, or the promotion of values that ran contrary to their political and religious ideology.

#### **Section 4 Official Corruption and Government Transparency**

Palestinian law provides criminal penalties for official corruption. The PA operated a functioning anticorruption commission, special prosecutors, and an anticorruption court consisting of a panel of three judges. PA ministers were subject to financial disclosure laws. The PA attorney general had official responsibility for combating government corruption. Nevertheless, there were allegations of corrupt practices among Fatah officials, particularly in the theft of public funds and international assistance money. Supervisors dismissed anticorruption unit head Fahmi Shabaneh in 2009 after he uncovered a sex scandal relating to one of President Abbas' aides.

In the Gaza Strip, local observers and NGOs alleged instances of Hamas complicity in corrupt practices, including involvement by the Hamas Executive Force, but access to information and reporting were severely inhibited.

PA law requires official PA institutions to "facilitate" acquisition of requested documents or information by any Palestinian, but it does not require agencies to provide such information. Reasons for denial generally referred to privacy rights and security necessity.

#### **Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

Palestinian human rights groups and several international organizations generally operated without PA restriction, and officials cooperated with their efforts to monitor the PA's human rights practices.

PA officials generally cooperated with and permitted visits by UN representatives or other organizations, such as the ICRC. Several PA security agencies, including the General Intelligence Service and the Civil Police, appointed official liaisons with human rights groups.

The quasi-governmental ICHR continued serving as the PA's ombudsman and human rights commission. The ICHR issued monthly and annual reports on human rights violations within Palestinian-controlled areas; the ICHR also issued formal recommendations to the PA.

In the Gaza Strip, Hamas authorities pressed international and local aid organizations providing emergency assistance to coordinate relief efforts with the Hamas-controlled "Ministry of Social Affairs." Several Gaza-based NGOs reported that Hamas prevented aid groups from distributing assistance after they refused to comply with Hamas regulations. Gaza-based NGOs reported that Hamas representatives appeared at their offices to assure compliance and summoned NGO representatives to police stations



for questioning. On May 24, Hamas authorities prevented the ICHR from holding a press conference to release its annual human rights report.

Israeli, Palestinian, and international NGOs monitored the Israeli government's practices in the occupied territories and published their findings, although restrictions on freedom of movement in the West Bank, fighting, and access restrictions in the Gaza Strip made it difficult to carry out their work. The Israeli government permitted some human rights groups to publish and hold press conferences; it provided the ICRC with access to most detainees.

On January 31, several NGOs including B'Tselem, Gisha, Yesh Din, and PHR-Israel, submitted a complaint to Israel's president and prime minister regarding the government's obstruction of their work in the occupied territories. They claimed that Shin Bet had summoned demonstrators and human rights activists for investigation and, in some cases, warned activists that they must refrain from political activity. The NGOs claimed that Israeli military authorities placed severe restrictions on organizations working in the occupied territories to provide medical care, accompany residents to their agricultural work and children to school, and help residents file complaints of violence by Israeli security forces or settlers.

Also in January the Association of International Development Agencies (AIDA), an umbrella organization for NGOs operating in the occupied territories, reported that Israel ceased issuing the appropriate type of work visa to foreign nationals working for most international NGOs operating in the occupied territories. The government instead issued most of these employees tourist visas, which do not permit employment, and some visas permitted only a single entry. AIDA claimed the new visa policy would impinge upon the international NGO community's ability to recruit international staff and operate in Jerusalem, where many NGOs keep offices. The decision does not apply to the 12 organizations, including the ICRC, that were active in the West Bank prior to 1967.

International NGOs reported continued difficulty accessing "seam zone" communities in the northwestern West Bank, particularly Barta'a al-Sharqiya in the Jenin Governorate, due to excessive demands for searches of personnel, including UN employees, based on their nationality.

Israeli authorities throughout the year prevented PHR-Israel's medical delegations from entering the Gaza Strip to provide treatment and medical counseling, perform surgery, train Palestinian medical staff, distribute medication, and refer patients for follow-up treatment in Israeli hospitals. Israeli authorities also rejected two requests by a medical delegation from the Musallam Center in Ramallah to enter the Gaza Strip to perform eye surgery and cornea transplants, according to PHR-Israel.

UN organizations and international NGOs criticized the Israeli government in regard to the May 31 flotilla incident, exclusion of the West Bank and Gaza Strip from the application of the UN Convention on the Rights of the Child, and the protection of human rights during the 2008-09 Operation Cast Lead incursion into the Gaza Strip (see Israel, section 5).

## **Section 6 Discrimination, Societal Abuses, and Trafficking in Persons**

### *Women*

Rape is illegal under PA law, but the legal definition does not address spousal rape. Punishment for rape is five to 15 years in prison.

PA law does not explicitly prohibit domestic violence, but assault and battery are crimes. A woman must provide two eyewitnesses (who are not relatives) to initiate divorce on the grounds of spousal abuse. According to HRW few domestic violence cases have been successfully prosecuted in recent years. According to the Palestinian Central

Bureau of Statistics, violence against wives, especially psychological violence, was common in the West Bank and the Gaza Strip. Specifically, a 2009 survey by the Palestinian Women's Information and Media Center found that 52 percent of Gazan women faced regular physical violence and 14 percent were subjected to sexual violence. Thirty-seven percent of women in the Gaza Strip cited domestic violence as the primary safety problem facing women and girls in their communities, according to a 2009 survey conducted by the UN Gender Task Force. The results reported increases in domestic violence against women among households displaced by conflict. Displaced women were more likely than other women to say they feel unsafe using a bathing or latrine facility, and they also cited a greater lack of reliable sanitary materials.

During the year the UNRWA initiated a referral mechanism for refugee women who are victims of violence in the West Bank and the Gaza Strip. In some cases women approached village or religious leaders for assistance. The Geneva Centre for the Democratic Control of Armed Forces (DCAF) conducted a study of women's issues in the occupied territories in 2009, reporting that many women and girls were reluctant to resort to women's organizations, human rights organizations, or security and justice providers, such as the police and courts, because of the strong social stigma attached to reporting abuses. Many women and girls stated they believed the legal system discriminated against women.

Sexual harassment was a highly sensitive issue in the occupied territories, particularly abuses committed by family members. The DCAF reported that Palestinian women and girls claimed public harassment was commonplace; reports of verbal harassment, unwanted flirting, and inappropriate touching were frequent, causing anxiety and apprehension in some young women and girls. The DCAF and other NGOs reported that for some women, cultural taboos and fear of scandal compelled them to remain silent. Some young women claimed that they were held responsible for "provoking" men's harassing behavior.

The ICHR reported no "honor" killings in the Palestinian territories during the year. According to NGO reports, the Jordanian penal code, as applied in the West Bank by the PA, reduces the penalty for honor-based killings.

Couples and individuals in the Gaza Strip, the West Bank, and East Jerusalem had access to contraception. Information regarding family planning was lacking, although the UNRWA held workshops for Palestinian men, underscoring their role in family planning. High workload, poor compensation, and resource shortages continued to affect skilled attendance during labor and postpartum care, much of which was provided by midwives. There was no reliable data on figures of maternal mortality in the occupied territories. While governmental authorities and community and international NGOs operated HIV/AIDS education, prevention, and screening programs, limited information was available about the equality of services provided for women.

A Palestinian Ministry of Women's Affairs existed to promote women's rights. The law provides for equality of the sexes, but personal status law and traditional practices discriminate against women. For Muslims in the West Bank and the Gaza Strip, personal status law is derived from Sharia (Islamic law), which includes inheritance and marriage laws. Women can inherit, but not as much as men. Men may take more than one wife, although they rarely did in urban areas (the practice was more common in small villages). Women may add conditions to marriage contracts to protect their interests in divorce and child custody but rarely did so. Muslim women were generally discouraged from including divorce arrangements in a marriage contract as a result of societal pressure.

Hamas maintained control of the Gaza Strip and enforced a conservative interpretation of Islam on the Gaza Strip's Muslim populations, which particularly discriminated against women. Authorities prohibited any public mixing of the sexes. Plainclothes officers routinely stopped, separated, and questioned couples to determine if they were married; premarital sex is a crime punishable by imprisonment. Hamas's "morality police" also punished women for riding motorcycles and dressing "inappropriately."

Hamas operated a women's prison to hold women convicted of "ethical crimes" such as "illegitimate pregnancy." On July 18, Hamas authorities banned women from smoking the traditional water pipe in public cafes on the grounds that it was inappropriate. According to media reports, plainclothes security officers enforced the decree, and several cafe owners were questioned or temporarily detained for nonenforcement. Although enforcement of "ethical crimes" was in some cases inconsistent, according to press reports, it continued to increase.

Across the occupied territories, cultural restrictions associated with marriage occasionally prevented women from completing mandatory schooling or attending college. Families often disowned Muslim and Christian women who married outside their faith. Local officials sometimes advised such women to leave their communities to prevent harassment.

Palestinian labor law states that work is the right of every capable citizen; however, it regulates the work of women, preventing them from taking employment in dangerous occupations. According to the UN Development Program's 2005 Arab Human Development Report, Palestinian women experienced a significant employment gap in comparison with their male counterparts, with women consisting of approximately 15 percent of the labor force. Women endured prejudice and, in some cases, repressive conditions at work. Additionally some employers reportedly provided preferential treatment to their male counterparts. According to Freedom House, women earned 65 percent of men's wages in the West Bank and 77 percent in the Gaza Strip.

The Palestinian Journalists Syndicate, a membership-based union representing the majority of Palestinian journalists based in East Jerusalem, the West Bank, and the Gaza Strip, did not allow female journalists' membership. There were specific reports that female journalists in the Gaza Strip faced hurdles in pursuing employment. The UN Development Fund for Women reported that gender-specific stereotypes restricted female journalists in their content coverage, limiting them to issues such as beauty, fashion, women, and children.

Female education rates were high, particularly in the West Bank, and women's attendance at universities exceeded men's, but female university students reported discrimination by university administrators, professors, and their male peers, according to the DCAF. According to press and NGO reports, in some instances girls not wearing conservative attire in Hamas-run schools were sent home by teachers, although enforcement was not systematic.

### *Children*

Israel registers the births of Palestinians in Jerusalem. The PA registers Palestinians born in the West Bank and the Gaza Strip, and Israel requires that the PA transmit this information to the Israeli Civil Administration. As the PA does not constitute a state, the PA does not determine "citizenship" alone. Children of Palestinian parents can receive a Palestinian identity card (issued by the Israeli Civil Administration) if they are born in the occupied territories to a father who holds a Palestinian identity card. The PA Ministry of the Interior and the Israeli Civil Administration both play a role in determining a person's eligibility.

Education in PA-controlled areas is compulsory from age six through the ninth grade. Education is available to all Palestinians without cost through high school.

In the Gaza Strip, primary education was not universal. The UNRWA and Hamas provided educational instruction.

In Israeli-administered East Jerusalem, Palestinian children did not have access to the same educational resources as Israeli children (see section 6, Minorities).

Child abuse was reportedly a widespread problem. The Basic Law prohibits violence

against children; however, PA authorities rarely punished perpetrators of familial violence. A 2009 study by the UN Gender Task Force found that in the southern Gaza Strip, survey participants reported a high level of perceived domestic violence against children.

Israeli security forces also participated in violence against children in custody or during arrest (see section 1.c.), according to NGO and UN reports. The IDF fired at minors working inside or near the Gaza Strip buffer zone; DCI-Palestine documented 23 cases between March and December of children shot while collecting building material and scrap metal, and in one case grazing goats, near the border fence with Israel. DCI-Palestine reported that most children were shot in the leg without intent to kill. The IDF fired on children as far as 875 yards from the border fence.

There were reports of female genital mutilation performed on girls during the year, although the scope of the practice was unknown.

The PA considers statutory rape a felony, based on the Jordanian penal code of 1960, which also outlaws all forms of pornography. The minimum age for consensual sex is 18. Palestinian judges reportedly issued harsher sentences to persons involved in pornography including images of children. Punishment for rape of a victim under the age of 15 includes a minimum sentence of seven years.

#### *Anti-Semitism*

In both the Gaza Strip and the West Bank, Palestinian media published and broadcast material that included both anti-Israeli and anti-Semitic content, which sometimes amounted to incitement. Rhetoric by several Palestinian groups included expressions of anti-Semitism, as did sermons by some Muslim religious leaders. Some Palestinian religious leaders rejected the right of Israel to exist. Hamas's al-Aqsa television station carried shows for preschoolers extolling hatred of Jews and suicide bombings.

Palestinian media not under the control of the PA, particularly those controlled by Hamas, continued to use inflammatory anti-Semitic language. Unofficial Palestinian television broadcast content that sometimes praised holy war to expel the Jewish presence in the region. Some children's programs shown on Hamas television legitimized the killing of Israelis and Jews via terrorist attacks.

#### *Persons with Disabilities*

The Basic Law states that all Palestinians are equal. There is no reference to discrimination or disability. Access to public facilities was not mandated.

Palestinians with disabilities continued to receive poor quality services and care. The PA depended on UN agencies and NGOs to care for persons with physical disabilities and offered substandard care for persons with mental disabilities.

Familial and societal discrimination against persons with disabilities existed. Press reports indicated that some parents in the West Bank performed hysterectomies on mentally ill girls to prevent them from becoming pregnant; most of these parents stated they intended to protect their daughters from rape.

There were reports that Israeli authorities placed detainees deemed mentally ill or a threat to themselves or others in isolation without full medical evaluation. According to PHR-Israel, isolation of prisoners with mental disabilities was common. In March PHR-Israel and Addameer petitioned the Israeli High Court of Justice to amend article 36 of the National Security Orders, which they claimed allows for indefinite detention of a Palestinian accused of a felony if the detainee is deemed unfit for punishment on mental health grounds. The NGOs filed the petition after PHR-Israel received a case in which Israel Prison Service authorities held an unnamed Palestinian found unfit for punishment for weeks in a prison psychiatric ward, although doctors determined it was

not medically necessary.

In another case PHR-Israel petitioned for the release of Ibrahim Abu Mustafa from isolation. Abu Mustafa had been detained in isolation since 2004 on the grounds that he posed a hazard to his surroundings due to his mental health condition. On August 25, the state notified Abu Mustafa that he would be released from isolation; however, at year's end his release was not confirmed.

#### *National/Racial/Ethnic Minorities*

Palestinians faced violence and discrimination in the occupied territories (see also sections 1.c. and 1.f.). Access to social and commercial services, including housing, employment, education, and health care, in settlement areas in the West Bank was available only to Israelis. Israeli officials discriminated against Palestinians in the West Bank and Jerusalem regarding access to employment and legal housing by denying Palestinians access to registration paperwork. In both the West Bank and Jerusalem, Israeli authorities placed often insurmountable hurdles on Palestinian applicants for construction permits, including the requirement that they document land ownership in the absence of a uniform post-1967 land registration process, high application fees, and requirements that new housing be connected to often-unavailable municipal works. According to B'Tselem, since 2000 Israel has curtailed the Palestinian population registry, denying paperwork to Palestinians and effectively declaring Palestinians illegal residents. Some Palestinians defined as illegal residents faced harassment, arrest, or deportation to the Gaza Strip.

Israeli settler radio stations broadcasting from the West Bank depicted Arabs as subhuman and called for expulsion of Palestinians from the West Bank.

The Municipality of Ma'ale Adumim in the West Bank continued applying a 1965 Jordanian labor law to Palestinian employees that denied them some social benefits enshrined in Israeli labor law, such as rehabilitation pay, pensions, travel expenses, and education funding.

Israel's system of water distribution in the West Bank discriminated against Palestinian populations and failed to provide Palestinian residents with a sufficient, regular, and safe water supply, according to ACRI. Israel controlled 85 percent of the water supply in the West Bank and allocated on average 16 gallons of water per person per day to Palestinians and 63 gallons per person per day to Israeli settlers. According to the World Health Organization, 26 gallons per person per day is the minimum daily amount required to maintain basic hygiene standards and food security.

In the West Bank, some NGOs reported an increase in settler expropriation of natural water springs located on privately owned Palestinian land. Yesh Din documented settler expropriation of 26 springs and their conversion into recreational "nature parks." Palestinian residents reported that water supplies were intermittent, and settlers and their security guards denied Palestinians, including shepherd and farmers, access to the springs. PA officials in July stated that Israeli authorities closed five Palestinian wells in the Tubas Governorate, while the Israeli national water company, Mekorot, drilled 17 new wells in the governorate. Mekorot reduced the water ration for one Tubas Governorate village, Bardala, from 315 cubic yards per hour to 120 on average; 30 percent of Bardala residents received no water on some days.

There were reports that Israeli authorities attempted to reduce the Palestinian population and limit their movement in areas under Israeli control. Military authorities severely restricted Palestinian vehicular and foot traffic in the commercial center of Hebron, citing a need to protect several hundred Israeli settler residents. Palestinians were prohibited from driving on most roads in downtown Hebron and from walking on Shuhada Street and other roads in the Old City; however, Israeli settlers were permitted free access on these roads. The prohibition, which began in 2000, has resulted in the closure of 1,829 business and 1,014 Palestinian housing units, according to B'Tselem; the IDF closed most shops on the street and sealed entrances to Palestinian houses. Four

Palestinian families who maintained residence on the street had access during the year.

Jerusalem municipal and Israeli national policies aimed to decrease the number of Palestinian residents and increase Israeli claim to East Jerusalem. The Israeli government and Jerusalem Municipality used a combination of zoning restrictions on building by Palestinians, confiscation of Palestinian lands, and demolition of Palestinian homes to "contain" non-Israeli neighborhoods, while simultaneously permitting construction of new housing for Israeli residents in predominantly Palestinian East Jerusalem. The Jerusalem Municipality maintained its longstanding policy of city planning along ethnoreligious demographic lines across the city in an effort to keep the Jewish population at 70 percent.

The Israeli NGOs Bimkom and Ir Amim claimed that Palestinians in East Jerusalem were unable to purchase property or build on land owned by the Israeli Land Authority. Land owned or populated by Arabs (including Palestinians and Israeli Arabs) was generally zoned for low residential growth. Approximately 30 percent of East Jerusalem was designated for Israeli residents; Arabs were able in some cases to rent Israeli-owned property but were generally unable to purchase property in an Israeli neighborhood due to citizenship or military duty requirements that Arabs were unable to meet. Israeli NGOs claimed that of all land designated for housing in West Jerusalem and in the Israeli neighborhoods of East Jerusalem, at least 79 percent was unavailable for Arab construction.

The Jerusalem Municipality and Jewish organizations in Jerusalem made efforts to increase Israeli property ownership or underscore Jewish history in areas occupied by Arabs or Muslim institutions. The Jerusalem Municipality advocated increased Jewish influence and property ownership in East Jerusalem's Kidron Valley, or "Holy Basin." On June 21, the Jerusalem Municipal Planning Council voted to demolish at least 22 Arab-owned properties in the al-Bustan neighborhood to make way for a Jewish-themed historical park. Israeli NGOs claimed that this project, the evictions in Sheikh Jarrah, and other projects effectively encircled Jerusalem's Old City and Haram al-Sharif/Temple Mount with Israeli-owned properties, severing Palestinian societal connections to the area.

Although Israeli law entitles Arab residents of East Jerusalem to full and equal services provided by the municipality and other Israeli authorities, in practice the Jerusalem Municipality failed to provide sufficient social services, infrastructure, emergency planning, and postal service for Arab neighborhoods in East Jerusalem. ACRI reported in October that only 10.3 percent of the Arab population received social services. Approximately 160,000 Arab residents of East Jerusalem had no suitable or legal connection to the municipal water network. Trash collection was insufficient in most Arab neighborhoods of East Jerusalem and nonexistent in others.

Disparities in social services provided by Israeli authorities in East Jerusalem correlated to ethnicity. The Jerusalem Municipality did not provide sufficient educational resources for Palestinian children in East Jerusalem, according to ACRI and the NGO Ir Amim, which claimed that thousands of Palestinian students studied in crowded classrooms, often in ill-fitting structures that did not meet municipal standards.

Most municipal forms were not available in Arabic. Bus services in Jerusalem were largely segregated. According to ACRI, eight post office stations in East Jerusalem served a population of approximately 300,000, whereas 42 post office stations in West Jerusalem served a population of 500,000. Only one postman, serving 260,000 residents, delivered mail in Arab neighborhoods of East Jerusalem.

On August 6, the Israeli High Court ruled that an ultraorthodox school in the West Bank settlement of Emmanuel must stop separating students based on their ethnicity and remove all signs of discrimination. Since 2007 the school had separated students of different ethnic backgrounds and required them to wear different uniforms.

*Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and*

*Gender Identity*

Palestinian law, based on the 1960 Jordanian penal code, prohibits homosexual activity, although in practice the PA did not prosecute individuals suspected of such activity. Cultural and religious traditions rejected homosexuality, and some Palestinians claimed that PA security officers and neighbors harassed, abused, and sometimes arrested homosexuals because of their sexual orientation.

Israeli press reported that Majed Koka, a gay Palestinian man from the West Bank who immigrated illegally to Israel, was continued to await a response from the Israeli Interior Ministry regarding his petition for legal residency on humanitarian grounds. Koka in September stated that he could not safely live in Nablus, his hometown, as an openly gay man.

In the Gaza Strip, an unidentified 19-year-old man remained in prison without trial because of his homosexual orientation, according to HRW.

*Other Societal Violence or Discrimination*

The PA Ministry of Health provided treatment and privacy protections for patients with HIV/AIDS; however, societal discrimination against affected individuals was common.

**Section 7 Worker Rights****a. The Right of Association**

The law permits workers to form and join independent unions of their choice, and this right was respected in practice. Labor unions in the Gaza Strip continued to operate despite a severely weakened economy. However, in many cases Hamas replaced Fatah-affiliated union leaders with Hamas members or sympathizers, and during the year Hamas detained a number of non-Hamas-affiliated union activists.

The two most active unions were the General Union for Palestinian Workers and the Palestine General Federation of Trade Unions, which was a member of the International Trade Union Confederation. Both unions were registered with the PA Ministry of Labor. Membership in the Union of Arab Employees (UAE) is automatic and mandatory for all West Bank UNRWA employees.

According to the NGO United Civilians for Peace, Palestinians working in West Bank settlements reported hostile responses to their efforts to organize unions.

Workers in Jerusalem may establish unions but may not join West Bank federations. Despite this restriction the West Bank-based PA Employees' Union and Teachers' Union counted East Jerusalem members among their ranks, and Israeli authorities rarely took steps to enforce this restriction unless high-profile events or senior PA officials were involved. Workers holding Jerusalem identity cards may belong to the Israeli General Federation of Labor (Histadrut), but they may not vote in Histadrut elections.

PA law provides for the right to strike. In practice, however, strikers had little protection from retribution. Prospective strikers must provide written warning two weeks in advance of the basis for the strike (four weeks in the case of public utilities), accept Ministry of Labor arbitration, and submit to disciplinary action if they reject the result. If the ministry cannot resolve a dispute, it can be referred to a special committee and eventually to a court. Accordingly, in practice the right to strike remained questionable.

PA employees organized fewer strikes than in previous years, in large part because the PA was able to pay salaries during the year in the West Bank. In general PA employees staged strikes over nonpayment of wages, to protest disparities between union claims and official cost of living statistics, or to demand payment of arrears. There were no

reports of private-sector strikes during the year.

UAE employees called for strikes throughout the year. The union engaged in some coercive actions during employee strikes in October and November by physically preventing nonstriking employees from entering the workplace and reportedly engaging in physical violence in a few incidents.

#### **b. The Right to Organize and Bargain Collectively**

The law protects collective bargaining, and this was enforced in certain cases. However, there were reports that PA enforcement of collective bargaining rights for unions serving other than PA employees was limited. Collective bargaining agreements covered 20 percent of workers.

Antiunion discrimination and employer interference in union functions are illegal, and the government enforced these prohibitions.

There are no export processing zones.

#### **c. Prohibition of Forced or Compulsory Labor**

While the PA labor law does not expressly forbid forced or compulsory labor, PA law states that work is a right and that the PA will attempt to provide it for any capable individual. The Ministry of Labor interpreted this statement to prohibit forced and compulsory labor. However, children were vulnerable to forced labor conditions.

#### **d. Prohibition of Child Labor and Minimum Age of Employment**

By law children under the age of 15 are not permitted to work in PA-administered areas, and Ministry of Labor inspectors enforced this prohibition through factory visits and inspections. PA officials reported that the Ministry of Labor employed 45 labor inspectors, who investigated child labor violations. However, they are not specifically trained for child labor inspections, and they perform this function as part of their other duties as inspectors. The ministry acknowledged their need for more inspectors. Hiring of children between the ages of 15 and 18 for limited types of employment is permitted under set conditions, including limited hours and a prohibition on operating certain types of machines and equipment. The law states that children shall not be allowed to perform work that might damage their safety, health, or education and prohibits working at night, hard labor, and travel beyond their domicile. Nevertheless, many underage children – with estimates as high as 72 percent of Palestinian children – in PA-administered areas worked on family farms and in shops, as street vendors, in factories, or in small enterprises.

In the Gaza Strip, the UN estimated that hundreds of children were forced to find work, as the poor economy made it difficult for families to provide adequate resources solely through parental income. Children worked in high-risk activities and zones, including as laborers in the tunnel networks between the Gaza Strip and Egypt and in collecting scrap materials from areas close to the Israeli border, where they were at risk of live fire from Israeli troops (see sections 1.c. and 6, Children). Some children were used as informants and human shields in armed conflict. Information on respect for child labor laws in the Gaza Strip was not available.

The PA Ministry of Labor stated that Palestinian children working in Israeli settlements faced security problems, exploitation, and harassment since there was no enforceable law to monitor and protect child laborers, and there were no Israeli inspectors in West Bank settlements and industrial zones. The Israeli government stated that it did not issue permits for Palestinian West Bank residents younger than 18 years old to work in Israeli settlements, except in the Jordan Valley, where the law allows work permits for persons from the age of 16 and older. Migrant workers living in the Jordan Valley during the harvest season brought their families with them, but their children did not have



proper structures for schools because the Israeli government prohibited the construction of classrooms.

#### **e. Acceptable Conditions of Work**

There was no minimum wage in Palestinian-controlled areas. Prior to 2000, average wages for full-time workers provided a decent living standard; however, living standards dropped significantly over the past decade due to increases in cost of living that outpaced salary increases. The average wage in the occupied territories was 1,000 Jordanian dinars (approximately \$1,400) per month, approximately the same as the Israeli minimum wage.

The NGO United Civilians for Peace and the Israeli NGO Kav laOved reported that the Israeli minimum wage was generally the highest wage paid to Palestinians working in settlements and that such workers complained of receiving much lower wages than Israelis working in the same areas. Palestinians reported that they continued to receive wages lower than the Israeli minimum wage, despite a 2008 high court ruling that Israeli labor laws apply to relations between Palestinian workers and Israeli employers in settlements in the occupied territories. The ruling granted Palestinian workers the same rights and benefits as workers in Israel. However, several cases brought by Palestinians against Israeli employers who offered less than the minimum wage remained pending in Israeli courts at year's end.

On October 20, Palestinian workers in an Israeli Sol-Or factory on the Green Line went on strike for multiple days, demanding their legal entitlement to the Israeli minimum wage. The workers claimed they received an inadequate 90 shekels (approximately \$24) for an eight-hour workday involving hazardous tasks.

In the West Bank, the average workweek was 43 hours, and in the Gaza Strip it was approximately 40 hours, according to the Palestinian Central Bureau of Statistics. The maximum official Sunday to Thursday workweek was 48 hours. There were reports that PA government employees were pressured to work additional hours to be promoted. Employers are required to allow Christians to attend church on Sunday if the employee desires. Some employers offered Christians the option of not working on Sunday rather than Friday.

The PA Ministry of Labor was responsible for safety standards, but its enforcement ability was limited. There were no reported exceptions for any sector, industry, or company to labor ministry standards. However, employees of small construction and service firms were at greatest risk for workplace injuries, according to union officials. Unions complained that the PA did not effectively monitor smaller worksites, which were at times below legal standards for safety.

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