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Freedom House

Freedom in the World 2022 - West Bank*

NOT FREE

23

/ 100

[Political Rights](#) 4 / 40

[Civil Liberties](#) 19 / 60

LAST YEAR'S SCORE & STATUS

25 / 100 Not Free

Global freedom statuses are calculated on a weighted scale. [See the methodology.](#)

* Indicates a territory as opposed to an independent country.

Note

Prior to its 2011 edition, *Freedom in the World* featured one report for Israeli-occupied portions of the West Bank and Gaza Strip and another for Palestinian-administered portions. *Freedom in the World* reports assess the level of political rights and civil liberties in a given geographical area, regardless of whether they are affected by the state, nonstate actors, or foreign powers. Disputed territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report methodology and FAQ.

Overview

Israel's military occupation of the West Bank entails onerous physical barriers and constraints on movement, demolition of homes and other physical infrastructure, restrictions on political rights and civil liberties, and expanding Jewish settlements that are widely considered to constitute a violation of international law. Jewish settlers in the West Bank are Israeli citizens and enjoy the same rights and liberties as other Israelis. The West Bank's Palestinian residents, excluding those living in East Jerusalem, fall under the partial jurisdiction of the Palestinian Authority (PA), which is operating with an expired presidential mandate and has no functioning legislature. The PA governs in an authoritarian manner, engaging in acts of repression against journalists and activists who present critical views on its rule. East Jerusalem Palestinians are governed directly by Israel; while a small minority of them have Israeli citizenship, most have a special residency status that denotes a restricted set of rights compared with those of Israeli citizens.

Key Developments in 2021

- In January, PA president Mahmoud Abbas announced that long-overdue parliamentary and presidential elections would be held in May and July, respectively. He then suspended the process in April, citing the Israeli government's refusal to allow PA election activity in East Jerusalem. Separately, a first round of PA municipal elections proceeded in December, but they were uncompetitive, with a majority of localities featuring single lists of candidates that ran unopposed.
- Regionally sponsored talks aimed at bridging the divide between Fatah, the ruling Palestinian party in the West Bank, and the Islamic Resistant Movement (Hamas), which controls the Gaza Strip, broke down after Abbas's April announcement that elections would be indefinitely postponed. Hamas boycotted the subsequent municipal-level voting in December and did not allow it to proceed in Gaza.
- The threatened eviction of Palestinian families in East Jerusalem triggered local protests in April that greatly expanded across the West Bank in May, and Israeli forces responded with excessive force, resulting in a number of deaths and injuries.
- In June, PA security forces in Hebron violently detained and physically abused civic activist Nizar Banat, who then died in custody. The killing set off widespread protests that were forcibly dispersed by Palestinian authorities.

Political Rights

A Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

The PA has not held a presidential election since 2005. The four-year term of Mahmoud Abbas, who won that year with 62 percent of the vote, expired in 2009, but he has continued to rule with the support of the Palestine Liberation Organization (PLO)—of which he is the chairman, and which is led by his party, Fatah. The rift between the West Bank-based PA government, under the control of Fatah, and the de facto Hamas government in the Gaza Strip has impeded the resumption of regular elections. Hamas seized control of Gaza in 2007, following its victory in the 2006 legislative elections and a period of armed clashes with Fatah that left each faction in possession of a separate territory. Successive rounds of reconciliation talks, efforts to form unity governments, and plans to hold fresh elections have failed to gain traction.

Following further negotiations with Hamas, Abbas announced in January 2021 that a presidential election would be held in July, following legislative balloting set for May. However, at the end of April he indefinitely postponed the entire election process, citing Israel's refusal to allow PA election activity in East Jerusalem. Many analysts argued that the elections were actually halted because political fragmentation within Fatah raised the risk that Hamas or Fatah splinter groups would win.

Under PA laws, the prime minister is nominated by the president and requires the support of the Palestinian Legislative Council (PLC). However, the PLC elected in 2006 was unable to function due to the Fatah-Hamas division and Israel's detention of many lawmakers. Abbas has since appointed prime ministers and cabinets without legislative approval. Over Hamas's objections, Mohammad Shtayyeh was appointed and sworn in as prime minister along with a new Fatah-led cabinet in April 2019. He remained in office as of 2021.

Israeli citizens living in West Bank settlements are able to participate in generally free and fair elections for the Israeli Knesset (parliament), which selects the Israeli government.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections? 0 / 4

Palestinians in the West Bank do not have a functioning legislative body. Elections for the 132-seat PLC have not been held since 2006, when Hamas won 74 seats and Fatah took 45. Israel's suppression of Hamas and subsequent fighting between Fatah and Hamas left the PLC unable to operate. Israeli forces have repeatedly detained elected PLC members since 2006, and the legislature's electoral mandate expired in 2010. In December 2018, President Abbas ordered the formal dissolution of the PLC, backed by a Supreme Constitutional Court ruling that also called for legislative elections within six months. Hamas rejected the decision. Abbas's April 2021 postponement of the PLC elections he had scheduled for May meant that Palestinians in the territory would continue to lack a legislature.

Israeli citizens living in West Bank settlements are able to participate in elections for the Knesset, the most recent of which took place in March 2021 and was considered generally free and fair. The majority of Palestinian residents in East Jerusalem, which Israel considers to be part of its Jerusalem municipality, do not hold Israeli citizenship and thus do not have the right to vote in Knesset elections; while noncitizen Palestinian residents of East Jerusalem are permitted to vote in Israel's Jerusalem municipal council elections, historically most have boycotted.

In December 2021, the PA held its first municipal council elections in the West Bank since 2017, but a majority of the races were uncontested, with only one candidate list—usually affiliated with Fatah—registered in a given jurisdiction. Independent lists, typically associated with powerful local families or tribes, won about 70 percent of the seats in the localities that were contested. Another round of municipal elections was set to take place in March 2022. Hamas boycotted the process.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 1 / 4

PA laws provide a credible framework for presidential and legislative elections, but neither have been held since 2005 and 2006, respectively. The Palestinian Central Elections Commission oversees elections in the West Bank and Gaza Strip. The body's nine commissioners are appointed by the president, although the law requires them to be experienced and politically impartial judges, academics, or lawyers.

Israel's Central Elections Committee oversees Knesset elections, and its Interior Ministry manages Israeli municipal elections, including in Jerusalem. These elections are generally free and fair, but unlike Israeli Jewish settlers, Palestinians in the West Bank generally lack Israeli citizenship and are excluded from participating.

B Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4

In addition to Fatah, a number of small Palestinian parties operate relatively freely in the West Bank. However, the PA deals harshly with supporters of Hamas and rivals of President Abbas within Fatah. The Israeli military bans parties, disrupts political gatherings, and detains and arrests political activists if they are deemed to be threats to Israeli security.

Since 2007, the PA and Israeli forces in the West Bank have collaborated in surveillance and repression of Hamas, Islamic Jihad, the Popular Front for the Liberation of Palestine (PFLP), and other political factions with armed wings, periodically engaging in mass arrests and closures of affiliated institutions.

East Jerusalem Palestinians can form party lists to run in the city's Israeli municipal elections, but doing so may lead to increased scrutiny by Israeli authorities, as well as harassment from Palestinians who oppose participation on the grounds that it signals acceptance of Israel's annexation of East Jerusalem, which is not internationally recognized and is widely considered a violation of international law.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through 0 / elections? 4

The repeated and indefinite postponements of presidential and legislative elections have prevented any rotation of power in the West Bank. The PA leadership has been accused of avoiding contests that could lead to victory for Hamas or Fatah factions that are not loyal to Abbas. Hamas's boycott of the December 2021 local elections again left it unrepresented in West Bank municipal councils.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political 1 / sphere, or by political forces that employ extrapolitical means? 4

Israeli military authorities regularly surveil, detain, and harass individuals with explicit or suspected links to the PFLP, Hamas, Islamic Jihad, and other factions that Israel has designated as terrorist groups, in addition to members of Fatah who are suspected of militant activity. Such individuals are sometimes targeted arbitrarily or based on secret or circumstantial evidence. In addition, the Israeli military's restrictions on freedom of movement—including checkpoints, roadblocks, and permit restrictions, as well as the continuous barrier it has constructed along the West Bank side of the pre-1967 border—can impede Palestinian political organizing and activity. Foreign government donors regularly exert influence over the PA, which is heavily dependent on international aid, to promote or marginalize certain politicians or political factions.

B4 0-4 pts

Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other 2 / relevant groups) have full political rights and electoral opportunities? 4

Women and members of religious and ethnic minority groups are granted equal political rights under PA laws, and both women and Christians have held PLC seats and cabinet positions, though PA politics remain dominated by Arab and Muslim men. There are legislated gender quotas for candidate lists in legislative and local elections, which tend to result in approximately 20 percent of candidates and elected officeholders being women; this pattern persisted in the December 2021 municipal elections. In some districts of the West Bank (Ramallah and Bethlehem), seats are set aside for Christian candidates.

The roughly 350,000 Palestinian residents of East Jerusalem formally have the option to apply for Israeli citizenship, though most decline for political reasons, and about half or more of those who apply each year are unsuccessful. In November 2020, an Israeli court ordered the Interior Ministry to implement a 1968 legislative clause that would facilitate the process by which young Palestinians obtain Israeli citizenship. While noncitizen residents can vote in Israeli municipal elections in Jerusalem, historically most have boycotted; noncitizens cannot vote in Knesset elections. A Palestinian Jerusalem resident who is not an Israeli citizen cannot become mayor under current Israeli law. East Jerusalem Palestinians are only able to participate in PA elections with Israel authorities' approval.

As of 2021, there were about 700,000 Jewish settlers in the West Bank, including East Jerusalem, all of whom are Israeli citizens with full political rights in Israel.

C Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies 0 / of the government? 4

The PA lacks an executive or legislature with an electoral mandate. Because the legislature has not functioned since 2007, new laws are introduced via presidential decree. The ability of the PA president and ministries to implement policy decisions is limited in practice by direct Israeli military control over much of the West Bank. The PA has virtually no ability to provide services, access farming communities, or develop water, waste management, or land resources in Area C—a largely rural area that makes up more than 60 percent of West Bank territory and is under exclusive Israeli control. The Israeli government periodically withholds the transfer of tax revenues to the PA, which affects salary payments and policy implementation.

C2 0-4 pts

Are safeguards against official corruption strong and effective? 1 / 4

Official corruption remains a major problem that is widely recognized by the public, according to opinion surveys. The PA's Anti-Corruption Commission is responsible for implementing an anticorruption strategy, but an October 2021 report by the PA's State Audit and Administrative Control Bureau (SAACB) identified long-standing irregularities in the commission's management of its own funding. In its 2021 annual report covering developments in 2020, the Coalition for Accountability and Integrity (AMAN), a civil society group, again noted some improvements in PA legislation and policies to curb bribery and refine procurement procedures. However, ensuring basic transparency, combating favoritism in appointments and promotions, and properly implementing existing anticorruption laws and policies remained prominent challenges. In June 2021, media reports revealed the appointment of 71 close relatives of senior PA officials to various government positions over the previous decade.

C3 0-4 pts

Does the government operate with openness and transparency? 1 / 4

Government transparency is generally lacking in the PA, and in the absence of basic accountability mechanisms including regular elections and legislative oversight, the administration has little incentive to make substantive improvements. Journalists, activists, and others who attempt to scrutinize PA policies or internal operations are subject to intimidation and harassment.

The operations of Israeli military authorities in the West Bank are opaque, and the Israeli military and civil administrations are not accountable to Palestinians.

Add Q

Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group? -3

The Israeli state and associated institutions continued to preside over and promote the growth of Israeli Jewish settlements, seizures of Palestinian land, and the demolition of Palestinian homes in the West Bank in 2021. Under the pretext of unlawful construction, Israeli authorities demolished more than 900 Palestinian structures and housing units in the West Bank, including East Jerusalem, during the year; this left more than 1,200 people homeless, according to statistics compiled by the UN Office for the Coordination of Humanitarian Affairs (UN OCHA). About 80 percent of the demolitions took place in Area C, and some 20 percent occurred in East Jerusalem. The pace of demolitions has increased dramatically over the past several years, rising from fewer than 500 per year in 2017 and 2018. The Israeli Civil Administration (ICA) in the West Bank, which is overseen by the military, employs occupation policies that deny Palestinians opportunities to challenge demolition orders and allow the confiscation of portable buildings without due process. In 2018, the Knesset passed a law limiting Palestinians' direct access to the Israeli Supreme Court for petitions against the construction of Israeli Jewish settlements.

Civil Liberties

D Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media? 1 / 4

The news media are generally not free in the West Bank; journalists are surveilled and repressed by both Palestinian and Israeli authorities, and social media companies have sometimes blocked Palestinian journalists' accounts. Under PA law, journalists can be fined and jailed and newspapers closed for publishing information that might harm national unity, contradict national responsibility, or incite violence.

Common violations of media freedom by Palestinian and Israeli authorities in the West Bank include the summons, interrogation, and arrest of journalists, confiscation of equipment, and restrictions on reporting. The Palestinian Center for Development and Media Freedoms (MADA) reported a total of 314 media freedom violations committed by Israeli authorities in the West Bank and 111 committed by Palestinians in the territory, ranging from physical assaults, detentions, and torture to threats and obstruction of coverage. The organization also documented 69 violations committed by social media companies in the West Bank and Gaza Strip, noting cases in which journalists' accounts were suspended or closed or their content was restricted for allegedly violating platform rules. Facebook, for example, has shut down the pages and accounts of Palestinian journalists due to alleged incitement to violence and terrorism.

In 2017, President Abbas issued the Electronic Crimes Law (ECL), prescribing heavy fines and lengthy prison terms for a range of vaguely defined offenses, including the publication or dissemination of material that is critical of the state, disturbs public order or national unity, or harms family and religious values. The ECL has been invoked in practice by PA security forces and courts, including to order the blocking of news websites.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private? 2 / 4

The PA Basic Law declares Islam to be the official religion of Palestine and states that "respect and sanctity of all other heavenly religions (Judaism and Christianity) shall be maintained." Blasphemy is a criminal offense. The ECL criminalizes expression aimed at harming moral and religious values without defining those values, allowing for arbitrary enforcement.

Security-related restrictions on movement, and vandalism or physical assaults against worshippers or places of worship, affect the religious freedom of Jewish, Muslim, and Christian residents of the West Bank to varying degrees. The Israeli authorities regularly prevent Palestinian Muslims in the West Bank from reaching Jerusalem to pray, and generally restrict access for young adult males to the Temple Mount/Haram al-Sharif compound on Fridays. The compound became a site of protests and the use of excessive force by Israeli security personnel in May 2021, as tensions rose over the threatened eviction of local Palestinian families.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

The PA has administrative authority over Palestinian education. Political activism is common on university campuses, and student council elections generally proceed freely—an Islamist bloc sympathetic to Hamas has performed strongly in several of the past Birzeit University student council elections, for example. However, students affiliated with the bloc have been detained by Israeli and Palestinian authorities. Israeli forces periodically enter university campuses to conduct raids and arrests. Schools in the West Bank are also sometimes subjected to Israeli raids.

According to the Association for Civil Rights in Israel, East Jerusalem's schools are underfunded compared with schools in West Jerusalem, and East Jerusalem suffers from a severe shortage of classrooms.

Israeli authorities have more actively restricted visas for foreign academics attempting to visit Palestinian universities in the West Bank since 2016, according to the Right to Enter Campaign.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of 1 / surveillance or retribution? 4

Residents have some freedom to engage in open private discussion, though Israeli and PA security forces are known to monitor online activity and arrest individuals for alleged incitement of violence or criticism of Palestinian authorities, respectively. In 2018, evidence emerged that the PA has engaged in extensive electronic surveillance of lawyers, activists, political figures, and others, which could have a deterrent effect on expression more broadly.

Human rights organizations have accused the PA of monitoring social media posts and detaining individuals for harsh questioning related to their comments. In recent years, individuals have been detained over posts that discussed plans for protests, denounced the government's response to the COVID-19 pandemic, allegedly defamed the authorities, or criticized the PA's relations with Israel.

In June 2021, PA security forces violently detained and physically abused Nizar Banat, a civic activist known for criticizing the PA and alleging corruption within Fatah on social media, resulting in his death in custody. Security forces then used violence and arbitrary arrests to disperse protests that were organized in response to Banat's killing.

Score Change: The score declined from 2 to 1 due to the death of an outspoken activist at the hands of PA security officers, and because the authorities' violent response to related protests served as a further deterrent to free expression.

E Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly? 1 / 4

The PA requires permits for demonstrations, and those organized to protest against the PA or its policies are generally prohibited and often violently dispersed by security forces. Following the June 2021 killing of activist and PA critic Nizar Banat, PA security personnel attacked related protests in Ramallah, detained and tortured some participants, and harassed many others, especially women.

Israel's Military Order 101 (1967) requires a permit for all political demonstrations of more than 10 people, and these permits are rarely granted in practice. Israeli Military Order 1651 (2009) is used to prosecute and sentence those accused of harming public order or engaging in alleged incitement. Israeli authorities frequently restrict and disperse demonstrations, some of which become violent, and certain protest areas are designated as closed military zones. Protesters are at risk of injury by tear-gas canisters, rubber-coated bullets, or live ammunition, and clashes between demonstrators and Israeli troops periodically result in fatalities. Israeli security agencies again used excessive force in response to protests that began in April 2021 over the threatened eviction of Palestinian families in the Sheikh Jarrah neighborhood of East Jerusalem and then greatly expanded in May.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human 1 / rights- and governance-related work? 4

A broad range of nongovernmental organizations (NGOs) operate in the West Bank. However, Israeli restrictions on movement can impede civil society activity, Islamist groups have been periodically shut down by Israeli or PA officials, and activists who criticize the PA leadership can face harassment and abuse by security services.

A 2017 Israeli law bars entry for any foreign individual who publicly supports a boycott of Israel or its West Bank settlements. Among other applications, the law was used in 2019 to expel Omar Shakir, the Israel and Palestine representative for Human Rights Watch (HRW), for his advocacy against Israeli settlements in the West Bank.

In June and July 2021, Israeli authorities raided the offices, ordered the closure, and arrested staff members of two Palestinian NGOs, the Union of Health Work Committees and the Union of Agricultural Work Committees. In October, the Israeli government designated six Palestinian NGOs and human rights organizations, including the Union of Agricultural Work Committees, as "terrorist organizations." It provided little evidence that the groups, some of which received funding from European governments, had links to militant activity, and the move was criticized by international human rights organizations and UN experts as an attack on the broader Palestinian human rights movement.

In March 2021, the PA issued amendments to the law governing the work of the NGOs and charitable organizations, imposing onerous reporting requirements and intrusive financial controls on such groups. NGO representatives harshly criticized the amendments, arguing that they could effectively subordinate the civil society sector to PA government ministries.

Score Change: The score declined from 2 to 1 because the PA asserted greater regulatory control over NGOs through a decree issued in March, and because the Israeli government designated six Palestinian civil society groups as terrorist organizations in October.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Workers may establish unions without PA government authorization, but labor protections in general are poorly enforced. Palestinian workers seeking to strike must submit to arbitration by the PA Labor Ministry, and various other rules make it difficult to mount a legal strike. Palestinian workers in Jerusalem are subject to Israeli labor law.

The PA exerts pressure on unions with the aim of co-opting them or ensuring Fatah's dominance in their leadership and composition. Nevertheless, a critic of the PA, Nadia Habash, was elected as head of the Engineers' Association in August 2021. Separately in March, the Doctors' Association began a strike over the PA's dismissal of their labor agreement; the head of the association and two other members were arrested by PA security forces in May. The Bar Association held multiple strikes and protests during the year, protesting interference by PA security forces, human rights violations, and lack of judicial independence.

F Rule of Law

F1 0-4 pts

Is there an independent judiciary? 2 / 4

Palestinians in the West Bank are subject to the jurisdiction of both the Palestinian judiciary and the Israeli military court system, neither of which is fully independent. In 2019, President Abbas issued two decrees, the first dissolving the existing High Judicial Council and replacing it with a transitional body, and the second lowering the retirement age of judges. Although the transitional council included former members of the High Judicial Council, it was given an expanded mandate to restructure the judicial system. In December 2020, Abbas issued additional decrees that further consolidated his control over key judicial bodies and the appointment, retirement, and dismissal of judges.

Enforcement of judicial decisions is impeded by PA noncompliance as well as lack of Palestinian jurisdiction in Area C, where the Israeli military exerts exclusive control.

The Israeli civilian courts, which have jurisdiction over Israeli Jewish settlers in the West Bank, are independent.

F2 0-4 pts

Does due process prevail in civil and criminal matters? 1 / 4

The opaque distinction between criminal and security-related offenses, the regular use of detention without trial by both Palestinian and Israeli security forces, and the Israeli state's use of martial law and a military court system that applies exclusively to Palestinians in the West Bank all violate the due process rights of Palestinians. Israeli Jewish settlers are tried in Israeli civilian courts, which generally provide due process protections.

Human rights groups regularly document allegations of arbitrary detention by PA security forces. Palestinians are also detained without charges for extended periods by Israeli authorities. The Israeli military frequently conducts home raids without a warrant. According to Addameer Prisoner Support and Human Rights Association, there were approximately 4,550 Palestinian security detainees and prisoners from the West Bank being held in Israeli prisons as of December 2021, including 170 Palestinian minors from the occupied territories. Detained minors are usually interrogated without a lawyer or parental guardian present and are tried by a special military court that has been criticized for a lack of due process protections. East Jerusalem Palestinian minors are tried in Israeli civilian juvenile courts.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Penal codes applicable in the West Bank permit capital punishment, but no executions have been carried out since 2005. In 2018, the State of Palestine became a signatory to the International Covenant on Civil and Political Rights, which tightly restricts the use of capital punishment.

Physical abuse of detainees by PA authorities in the West Bank has been documented by human rights organizations. There is also substantial evidence of the use of physical and psychological abuse by the Israeli military.

Israeli soldiers accused of excessive force or abuse of Palestinian civilians are subject to Israeli military law, though convictions, which are very rare, typically result in light sentences. The Israeli human rights group B'Tselem has estimated that the chance of a complaint leading to an indictment is just 3 percent. UN OCHA reported that a total of 78 Palestinians were killed by Israeli security forces in the West Bank, including East Jerusalem, during 2021.

Israeli Jewish settlers who attack Palestinian individuals, property, and agricultural resources generally enjoy impunity and de facto protection from the Israeli army. B'Tselem documented 451 settler attacks on Palestinians and their property, including more than 200 that involved physical assault or live ammunition, from 2020 through September 2021. When Israeli security forces were present, they typically stood by or participated in the attacks.

Israeli security personnel and settlers also continue to face attacks by Palestinians, though on a smaller scale. According to UN OCHA, three Israelis were killed by Palestinians in the West Bank during 2021.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

The legal arrangements operative in the West Bank are fundamentally discriminatory: Israelis and Palestinians who reside or commit crimes in the same location are subject to different courts and laws. In January 2021, B'Tselem published a position paper concluding that the Israeli-imposed occupation regime in the West Bank, combined and contrasted with conditions inside Israel, met the definition of "apartheid" under international law, meaning it used systematic oppression to maintain the domination of one racial or ethnic group over another. Similarly, in April 2021, HRW published a report supported by wealth of evidence to make the case that the Israeli state is guilty of apartheid and persecution—crimes against humanity under international law.

While some PA laws and policies are designed to uphold equality for women and improve their status, these limited protections are often subordinated in practice to discriminatory societal norms, and enforcement is lacking. Palestinian women are underrepresented in most professions and encounter discrimination in employment, though they have equal access to universities. Women are legally excluded from what are deemed dangerous occupations. Gender-based harassment and violence remain major problems. Among Israelis, women are treated equally in Israeli criminal and civil courts and have achieved substantial parity within Israeli society, though economic and other forms of discrimination persist.

Although LGBT+ people in the West Bank do not face prosecution for same-sex sexual activity, they have been subject to harassment and abuse by PA authorities and members of society, and there are no PA laws that specifically prohibit discrimination based on sexual orientation or gender identity. Discrimination based on sexual orientation is illegal under the laws that apply to Israelis, though LGBT+ people continue to face bias in some Israeli communities. Gay and transgender Israelis are permitted to serve openly in the military.

G Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, 1 / 4 employment, or education?

Israeli checkpoints, travel permits, and other restrictions continue to seriously constrain freedom of movement, stunt trade, and limit Palestinian access to jobs, hospitals, and schools.

The Israeli separation barrier, 85 percent of which lies in West Bank territory and which was declared illegal in 2004 by the International Court of Justice, divides Palestinian communities and causes general hardship and disruption of services.

East Jerusalem Palestinians are vulnerable to revocation of their residency status if they leave the city for extended periods of time, affecting their freedom to travel, or if they are deemed to be a threat to public safety, security, or the state of Israel.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without 1 / 4 undue interference from state or nonstate actors?

While Palestinians are able to own property and engage in business activity, their rights are seriously undermined by Israeli movement and access restrictions and the expansion of Israeli Jewish settlements, which is encouraged by the Israeli government and private groups. Israeli authorities employ a variety of methods to prevent Palestinians from developing their privately owned land, particularly in Area C, for example by declaring nature reserves, denying permit requests, and demolishing structures. Palestinian property is also illegally damaged by Israeli settlers.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, 2 / protection from domestic violence, and control over appearance? 4

Palestinian laws and societal norms, derived in part from Islamic law, put women at a disadvantage in matters such as marriage and divorce. For Palestinian Christians and Israeli Jewish settlers, personal status issues are governed by their respective religious courts, which can also impose some disadvantages on women. Rape and domestic abuse remain underreported and frequently go unpunished, as authorities are allegedly reluctant to pursue such cases.

The problem of so-called honor killings and other gender-based violence persists in the West Bank. A 2018 PA law amended a provision in the penal code that had been used to grant leniency to the perpetrators of honor killings, prohibiting its application in cases of serious crimes against women and children. However, activists argue that the practical effects of these changes have been minimal.

G4 0-4 pts**Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4**

Unemployment rates in the Palestinian territories are high compared with the rest of the Middle East and global averages. The excess supply of workers creates conditions in which labor exploitation is more likely. PA laws restricting child labor are not effectively enforced.

Many West Bank Palestinians, most of them male, work in Israel and the settlements, where the PA has no jurisdiction. While these workers are covered by Israeli labor laws, the International Labour Organization (ILO) reported in 2018 that inconsistent application of these laws remains a concern. The Palestinians' work permits usually tie them to a single employer, creating a relationship of dependency, according to the ILO. Nonetheless, some laborers have achieved collective bargaining agreements with their Israeli employers. Tens of thousands of Palestinians work without permits, making them vulnerable to greater exploitation. Many Palestinians lose considerable income to brokers who connect Palestinian workers to Israeli employers.

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