

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	471
Land:	Gaza-Vestbredden
Kilde:	US Department of State
Titel:	2020 Country Reports on Human Rights Practices Israel, West Bank and Gaza (West Bank and Gaza)
Udgivet:	30. marts 2021
Optaget på baggrundsmaterialet:	12. april 2021

Document #2048134

USDOS – US Department of State

2020 Country Reports on Human Rights Practices: Israel, West Bank and Gaza (West Bank and Gaza)

EXECUTIVE SUMMARY

ANNOUNCEMENT: The Department of State will release an addendum to this report in mid 2021 that expands the subsection on Women in Section 6 to include a broader range of issues related to reproductive rights.

The Palestinian Authority basic law provides for an elected president and legislative council. There have been no national elections in the West Bank and Gaza since 2006. President Mahmoud Abbas has remained in office despite the expiration of his four-year term in 2009. The Palestinian Legislative Council has not functioned since 2007, and in 2018 the Palestinian Authority dissolved the Constitutional Court. In September 2019 and again in September, President Abbas called for the Palestinian Authority to organize elections for the Palestinian Legislative Council within six months, but elections had not taken place as of the end of the year. The Palestinian Authority head of government is Prime Minister Mohammad Shtayyeh. President Abbas is also chairman of the Palestine Liberation Organization and general commander of the Fatah movement.

Six Palestinian Authority security forces agencies operate in parts of the West Bank. Several are under Palestinian Authority Ministry of Interior operational control and follow the prime minister’s guidance. The Palestinian Civil Police have primary responsibility for civil and community policing. The National Security Force conducts gendarmerie-style security operations in circumstances that exceed the capabilities of the civil police. The Military Intelligence Agency handles intelligence and criminal matters involving Palestinian Authority security forces personnel, including accusations of abuse and corruption. The General Intelligence Service is responsible for external intelligence gathering and operations. The Preventive Security Organization is responsible for internal intelligence gathering and investigations related to internal security cases, including political dissent. The Presidential Guard protects facilities and provides dignitary protection. Palestinian Authority civilian authorities maintained effective control of security forces. Members of the Palestinian Authority security forces reportedly committed abuses.

In Gaza the designated terrorist organization Hamas exercised authority. The security apparatus of Hamas in Gaza largely mirrored that in the West Bank. Internal security included civil police, guards and protection security, an internal intelligence-gathering and investigative entity (similar to the Preventive Security Organization in the West Bank), and civil defense. National security included the national security forces, military justice, military police, medical services, and the prison authority. Hamas maintained a large military wing in Gaza, named the Izz ad-din al-Qassam Brigades. In some instances Hamas utilized the Hamas movement’s military wing to crack down on internal dissent. Hamas security forces reportedly committed numerous abuses.

The government of Israel maintained a West Bank security presence through the Israel Defense Force, the Israeli Security Agency, the Israel National Police, and the Border Guard. Israel maintained effective civilian control of its security forces throughout the West Bank and Gaza. The Israeli military and civilian justice systems have on occasion found members of Israeli security forces to have committed abuses.

Oslo Accords-era agreements divide the West Bank into Areas A, B, and C. West Bank Palestinian population centers mostly fall into Area A. The Palestinian Authority has formal responsibility for security in Area A, but Israeli security forces frequently conducted security operations there. The Palestinian Authority and Israel maintain joint security control of Area B in the West Bank. Israel retains full security control of Area C and has designated most Area C land as either closed military zones or settlement zoning areas. In May the Palestinian Authority suspended security coordination with Israel to protest Israel’s potential extension of sovereignty into areas of the West Bank. As of November the Palestinian Authority had resumed most security coordination with Israel.

Significant human rights issues included:

1) With respect to the Palestinian Authority: reports of unlawful or arbitrary killings, torture, and arbitrary detention by authorities; holding political prisoners and detainees; significant problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; serious restrictions on free expression, the press, and the internet, including violence, threats of violence, unjustified arrests and prosecutions against journalists, censorship, and site blocking; substantial interference with the rights of peaceful assembly and freedom of association, including harassment of nongovernmental organizations; restrictions on political participation, as the Palestinian Authority has not held a national election since 2006; acts of corruption; lack of investigation of and accountability for violence against women; violence and threats of violence motivated by anti-Semitism; anti-Semitism in school textbooks; violence and threats of violence targeting lesbian, gay, bisexual, transgender, or intersex persons; and reports of forced child labor.

2) With respect to Hamas: reports of unlawful or arbitrary killings, systematic torture, and arbitrary detention by Hamas officials; political prisoners; arbitrary or unlawful interference with privacy; serious restrictions on free expression, the press, and the internet, including violence, threats of violence, unjustified arrests and prosecutions against journalists, censorship, site blocking, and the existence of criminal libel and slander laws; substantial interference with the rights of peaceful assembly and freedom of association; restrictions on political participation, as there has been no national election since 2006; acts of corruption; reports of a lack of investigation of and accountability for violence against women; violence and threats of violence motivated by anti-Semitism; anti-Semitism in school textbooks; unlawful recruitment and use of child soldiers; violence and threats of violence targeting lesbian, gay, bisexual, transgender, or intersex persons; and forced or compulsory child labor.

3) With respect to Israeli authorities in the West Bank: reports of unlawful or arbitrary killings due to unnecessary or disproportionate use of force; reports of torture; reports of arbitrary detention; arbitrary or unlawful interference with privacy; restrictions on free expression, the press, and the internet, including violence, threats of violence, unjustified arrests and prosecutions against journalists, censorship, and site blocking; restrictions on Palestinians residing in Jerusalem including arbitrary or unlawful interference with privacy, family, and home; substantial interference with the rights of peaceful assembly and freedom of association, including harassment of nongovernmental organizations; and significant restrictions on freedom of movement, including the requirement of exit permits.

4) With respect to Palestinian civilians: two reports of unlawful or arbitrary killings, and violence and threats of violence against Israeli citizens.

5) With respect to Israeli civilians: reports of violence and threats of violence motivated by extremist nationalist sentiment.

In May the Palestinian Authority suspended coordination with Israel and resumed it in November, which dampened impetus for the Palestinian Authority to take steps to address impunity or reduce abuses. There were criticisms that senior officials made comments glorifying violence in some cases and inappropriately influenced investigations and disciplinary actions related to abuses. Israeli authorities operating in the West Bank took steps to address impunity or reduce abuses, but there were criticisms they did not adequately pursue investigations and disciplinary actions related to abuses. There were no legal or independent institutions capable of holding Hamas in Gaza accountable, and impunity was widespread. Also in Gaza there are several militant groups, including Palestinian Islamic Jihad, with access to heavy weaponry that do not always adhere to Hamas authority.

This section of the report covers the West Bank, Gaza, and East Jerusalem territories that Israel occupied during the June 1967 war. In 2017 the United States recognized Jerusalem as the capital of Israel. Language in this report is not meant to convey a position on any final status issues to be negotiated between the parties to the conflict, including the specific boundaries of Israeli sovereignty in Jerusalem, or the borders between Israel and any future Palestinian state.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

Palestinian civilians killed one Israeli civilian and one Israel Defense Force (IDF) soldier in attacks in the West Bank, according to nongovernmental organizations (NGOs) and media reports. On December 20, Muhammad Marwah Kabha killed Israeli citizen Esther Horgan near Tal Maneshe, according to multiple media reports. Kabha confessed to scouting the area in advance and killing Horgan, according to media reports. Kabha was in Israeli custody pending trial at the end of the year. On May 12, Palestinian Nizmi Abu Bakar threw a brick off his roof striking IDF soldier Amit Ben Yigal in the head and killing him while the IDF was conducting operations in Area A, according to media reports. In June, Israel indicted Bakar for intentionally causing death. In November, Bakar pleaded not guilty and the defense stated they would work to annul the confession he gave during his interrogation, according to the Israeli government. The case continued at year's end. In 2019 an improvised explosive device planted outside the West Bank settlement of Dolev detonated and killed 17-year-old Rina Shnerb and injured her father and brother, according to media reports and NGOs. In September 2019 Israeli security forces (ISF) arrested three men in connection with the attack allegedly affiliated with the terrorist group Popular Front for the Liberation of Palestine. The case continued at year's end. In 2018, 17-year-old Palestinian Khalil Jabarin fatally stabbed Ari Fuld at a West Bank shopping mall. In July an Israeli military court in the West Bank sentenced Jabarin to life in prison. The Israeli Security Agency (ISA, or Shin Bet) foiled 423 significant terror attacks in the West Bank and Jerusalem, according to the government. The Palestinian Authority (PA) continued to make payments to Palestinians connected to terrorism, including persons convicted of terrorism in Israeli courts serving prison sentences, former

prisoners, and the families of those who died committing terrorist attacks. Israel considers these payments to incentivize, encourage, and reward terrorism, with higher monthly payments for lengthier prison sentences tied to more severe crimes.

Israeli forces killed 19 Palestinians in the West Bank and one Palestinian in Gaza, some of whom were attempting or allegedly attempting to attack Israelis, according to Israeli NGO B’Tselem. B’Tselem claimed that in at least 11 of those cases the individuals killed did not pose a lethal threat to ISF or civilians at the time they were killed. For example, on February 6, an IDF soldier shot and killed PA police officer Tareq Badwan while Badwan stood outside a police station in Jenin. The PA released security camera video from the police station that showed several uniformed officers standing near the door of the station when one officer suddenly drops to the floor. The Israeli military acknowledged one of its members shot Badwan, according to media reports, and stated it was investigating the incident. The investigation continued at year’s end.

On June 30, Israeli police in Jerusalem’s Old City fatally shot Iyad Halak, a Palestinian resident with autism, after he allegedly failed to follow police orders to stop. Police stated Halak was carrying a “suspicious object.” Defense Minister Benny Gantz expressed regret for the incident and called for a quick investigation. On October 21, the Department for Investigation of Police Officers stated that the prosecution intended to indict the police officer suspected of the shooting on charges of reckless homicide. According to the Ministry of Justice, investigators carefully examined the circumstances of the incident and determined that Halak did not pose any danger to police and civilians who were at the scene, that the police officer discharged his weapon not in accordance with police procedures, and that the police officer did not take proportionate alternatives that were at his disposal.

On July 9, an IDF soldier shot and killed Ibrahim Abu Ya’qub as he walked with a friend in the village of Kifl Hares, according to a B’Tselem field investigation. The soldiers were in pursuit of two minors who had allegedly thrown a Molotov cocktail at an outpost. They fired several shots at the minors, injuring one, and hit Abu Ya’qub in the back. He died shortly after in a hospital in Salfit. The IDF stated it was investigating the incident and the investigation continued at year’s end.

In March 2019 an IDF soldier shot 17-year-old volunteer medic Sajed Mizher when Israeli forces were involved in clashes with Palestinians in the Deheisha refugee camp near Bethlehem, according to media reports. Mizher later died from his wounds. At the time of his death, Mizher was wearing a reflective vest and paramedic’s service uniform while assisting a Palestinian who had been shot in the leg, according to media reports. A criminal investigation into the incident was completed and was under review by the Military Advocate General (MAG), according to Israeli authorities. In 2018 IDF soldiers shot and killed Muhammad Hossam Habali in the West Bank city of Tulkarm. The IDF claimed it was reacting to a group of rock-throwing Palestinians, but security camera videos compiled by B’Tselem showed Habali walking away from the soldiers when he was killed. At the end of the year, an Israeli military investigation into Habali’s death continued.

Human rights groups alleged the government of Israel used excessive force resulting in the deaths of several Palestinians, including minors, in the West Bank. For example, on December 4, an Israeli soldier shot and killed 15-year-old Palestinian Ali Abu Aliya near Kafr Malik in the central West Bank, according to several human rights groups and media reports. Aliya was reportedly standing approximately 160 yards from a protest in which other residents were throwing rocks at Israeli soldiers. According to B’Tselem, Aliya did not take part in the protest and did not present a threat when he was shot. The Israeli Military Police stated it was investigating the incident.

On May 13, an IDF sniper shot and killed 17-year-old Zeid Qaysiyah as he stood with some relatives on the roof of the building where he lived in the al-Fawar refugee camp south of Hebron, according to media reports and B’Tselem. The IDF investigated the incident and submitted its findings to the MAG for examination.

In 2019 Israeli border police shot and killed 15-year-old Abdullah Ghaith as he was approaching a known crossable section of the barrier. The Israeli police stated they were investigating the incident. The investigation continued at year’s end. In 2019 Israeli forces shot and killed Omar Haitham al-Badawi in Hebron, according to the PA Ministry of Health and the IDF. The military police began an investigation after an initial IDF probe found al-Badawi did not present a threat and live ammunition should not have been used.

In 2019 Palestinians in Gaza suspended the “March of Return,” a series of weekly protests along the fence between Gaza and Israel that began in 2018. The protests, which drew thousands of individuals each week, included armed terrorists, militants who launched incendiary devices into Israel, and unarmed protesters. The Israeli government stated that an investigation into the 2018 killing of volunteer medic Razan al-Najjar north of Khuza’ah in Gaza during a Friday protest near the security fence with Israel had been completed and that the findings were under review by the MAG at year’s end.

The Israeli military killed 234 persons during the protests in 2018 and 2019, according to media reports and rights groups, and has launched investigations into 17 of those deaths, most of which continued at year’s end. In June an Israeli soldier who killed a man at the Gaza border fence in 2018 pled guilty to negligence and reckless endangerment and received a suspended sentence and demoted, according to media reports. Several Israeli and Palestinian human rights groups criticized the verdict and lenient sentencing as indicative of the Israeli military’s lack of accountability regarding Palestinian deaths. In January the United Nations noted a “lack of progress and transparency” regarding MAG investigations.

In November, the NGO Yesh Din released a report on the MAG’s Fact Finding Assessment (FFA) Mechanism that was implemented to investigate incidents that occurred during the “March of Return” protests. Yesh Din found that of 231 incidents forwarded to the FFA, roughly 80 percent were still under FFA review. The FFA examines the details of a case and provides all relevant information to the MAG, who determines whether a criminal investigation is warranted. Yesh Din stated it was skeptical of the Israeli military’s ability to conduct thorough and effective investigations of these incidents so long after they occurred.

In 2018 the Israeli military opened an investigation into the IDF’s fatal shooting of a Palestinian minor in Gaza. According to an Israeli military statement, an initial probe suggested the soldier who shot and killed 18-year-old Abed Nabi in March during Gaza security fence protests did not adhere to open-fire regulations. According to the Israeli government, the investigation into the death of Nabi has been concluded and the findings were being reviewed by the MAG.

Palestinian militants in Gaza launched 190 rockets and mortar shells toward Israel with some injuries reported, according to the Israeli government. According to an IDF annual report, 90 rockets fell into empty fields and 70 were intercepted. According to NGOs, media, and the Israeli government, Gaza-based militants fired rockets from civilian locations toward civilian targets in Israel. The IDF reported it hit 300 targets in Gaza during the year and exposed one Hamas-dug tunnel from Gaza into Israel. In November 2019 an Israeli air strike in Gaza killed nine members of the same family, including five minors younger than 13. According to media reports, the family was mistakenly targeted. An IDF review of the incident found that the IDF had identified the site as a PIJ military compound from which military activity was being carried out and at the time the IDF estimated that civilians would not be harmed in an attack on the site, according to the Israeli government. The findings of the review were referred to the MAG to determine if a criminal investigation was warranted, according to the Israeli government.

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In Gaza, Hamas sentenced 14 individuals convicted of murder to death, according to the Democracy and Media Center (SHAMS). In 2019 Hamas issued three death sentences. The Palestinian Center for Human Rights (PCHR) previously noted a significant increase in the death penalty in Gaza since 2007, and Hamas courts did not meet minimum fair trial standards. By law the PA president must ratify each death penalty sentence. Hamas has proceeded with executions without the PA president’s approval.

b. Disappearance

In the West Bank, there were no reports of disappearances by or on behalf of government authorities during the year. There was no new information on the disappearances in 2014 and 2015 of two Israeli citizens, Avraham Abera Mengistu and Hisham al-Sayed, who crossed into Gaza and whom Hamas reportedly apprehended and held incommunicado. Additionally, there was no new information on the status of two IDF soldiers that Hamas captured during the 2014 war, Hadar Goldin and Oron Shaul.

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 and local human rights groups reported that torture and abuse remained a problem. The PA’s quasi-governmental Independent Commission for Human Rights (ICHR) reported receiving 60 complaints of torture or mistreatment against the PA and 53 complaints of torture against Hamas during the year. Some human rights groups reported that during the year Palestinian police took a more direct role in the mistreatment and torture of Palestinians.

According to a 2019 update to a 2018 Human Rights Watch (HRW) report, torture regularly occurred in detention centers in both Gaza and the West Bank by Hamas and PA security services, respectively. HRW reported systematic and routine abuse in PA prisons, particularly in the PA’s Intelligence, Preventive Security, and Joint Security Committee detention facilities in Jericho. HRW reported practices including forcing detainees to hold painful stress positions for long periods, beating, punching, and flogging. Victims also reported being cut, forced to stand on broken glass, and sexually assaulted while in custody. A Palestinian accused of collaborating with Israel due to his political beliefs alleged to foreign diplomatic officials that he was tortured in a prison in Jericho. In the 18-month period ending in April 2019, 242 West Bank Palestinians complained of torture and mistreatment by Palestinian security forces, according to HRW.

Palestinian detainees held by Palestinian Authority security forces (PASF) registered complaints of abuse and torture with the ICHR. The PA Corrections and Rehabilitation Centers Department, under the authority of the Ministry of Interior, continued to maintain a mechanism for reviewing complaints of prisoner abuse in civil prisons. In 2019 HRW stated, “there have been no serious efforts to hold wrongdoers to account or any apparent change in policy or practice” by the PA or Hamas. As of 2019 the courts in Gaza had not convicted any prison employees for mistreatment of prisoners, and courts in the West Bank had convicted only one employee of mistreatment of prisoners and sentenced him to 10 days in prison, according to HRW.

In February the ICHR called for an investigation into the February 23 death in Gaza of Issam Ahmed al-Sa’afeen at al-Shifa Hospital after he was transferred from Hamas’s Internal Security Agency. According to family members, Hamas detained al-Sa’afeen on charges of communicating with the PA in Ramallah. The ICHR stated al-Sa’afeen’s family filed a complaint with the ICHR and that Hamas refused to allow the ICHR’s representative to visit the inmate. The ICHR stated there were indications al-Sa’afeen may have been tortured.

ISF arrested Samer al-Arbid, a Palestinian suspect in the August 2019 killing of Rina Shnerb near the settlement of Dolev in the West Bank, and placed him in solitary confinement and transferred him to an interrogation center in Jerusalem. Two days later he was admitted to a hospital unconscious and with serious injuries, including inability to breathe, kidney failure, and broken ribs. According to the NGO Public Committee against Torture in Israel (PCATI), the ISA used “exceptional measures” in interrogating al-Arbid, who was subsequently released from the hospital into an Israel Prison Service (IPS) medical facility, where his interrogation continued. The Ministry of Justice’s Inspector of Interrogee Complaints opened an investigation into the incident. After an investigation, the Advocate General closed the case claiming there was no basis to prove a crime was committed, according to the Israeli government.

PCATI reported that “special interrogation methods” used by Israeli security personnel against Palestinian security detainees in the West Bank included beatings, forcing an individual to hold a stress position for long periods, threats of rape and physical harm, painful pressure from shackles or restraints applied to the forearms, sleep deprivation, and threats against families of detainees. Female prisoners and detainees reported harassment and abuse in detention by ISF. According to PCATI there was no investigation into these complaints.

The NGO HaMoked alleged that Israeli detention practices in the West Bank included prolonged solitary confinement, lack of food, exposure to the elements, and threats to demolish family homes. Military Court Watch (MCW) and HaMoked claimed Israeli security services used these techniques to coerce confessions from minors arrested on suspicion of stone throwing or other acts of violence. According to the government of Israel, detainees receive the rights to which they are entitled in accordance with Israeli law and international treaties to which Israel is a party, and all allegations of abuse and mistreatment are taken seriously and investigated.

Some human rights groups alleged ISF used excessive force while detaining and arresting some Palestinians accused of committing crimes. On August 5, a Border Police officer shot Palestinian shepherd Abd al-Rahman Jabarah in the head at close range near the village of Salim outside the city of Nablus without prior warning after mistaking him for his brother who was suspected of stealing vehicles, according to media reports. Jabarah was in a coma for several weeks after the incident and is blind as a result of the shooting. The Department for Investigation of Police Officers was investigating the incident, according to the Israeli government.

Prison and Detention Center Conditions

Conditions in PA prisons and detention centers in the West Bank were reportedly poor, largely due to overcrowding and structural problems. Conditions of Hamas prisons in Gaza were reportedly poor, with overcrowding cited as a major problem. NGOs reported all prisons in the West Bank and Gaza lacked adequate facilities and specialized medical care for detainees and prisoners with disabilities.

Physical Conditions: PA prisons were crowded and lacked ventilation, heating, cooling, and lighting systems conforming to international standards. Authorities at times held male juveniles with adult male prisoners. Security services used separate detention facilities. Conditions for women were similar to those for men. The PA used several refurbished structures and buildings as prisons, some of which lacked necessary security accommodations.

Ayman al-Qadi died September 23 after an apparent suicide in a PA police station in Bethlehem while in pretrial detention for issuing bad checks. According to media reports, his family had requested he be released due to mental disabilities, but a state-ordered psychiatric exam had determined al-Qadi was not a risk to himself or others.

The ICHR called for an investigation into the August 31 death of Hassan Barakat at the al-Shifa Hospital in Gaza after his arrest in July. Barakat was transferred from a Hamas detention facility after suffering a stroke and brain hemorrhage, which required immediate surgery, prison authorities told his family.

In June the ICHR called on Hamas to take measures to prevent suicides in detention facilities after 19-year-old Moaz Ahmed Shukri Abu Amra committed suicide by hanging on May 29. The ICHR cited a lack of accountability after previous suicides as one of the main causes of their reoccurrence.

Administration: According to HRW, procedures designed to hold employees and administrators accountable in both PA and Hamas detention facilities rarely, if ever, led to consequences for serious abuses.

Independent Monitoring: In the West Bank, the PA permitted the International Committee of the Red Cross (ICRC) access to detainees to assess treatment and conditions. The ICRC continued its regular visits to detention facilities, including interrogation centers, in accordance with its standard modalities, as in previous years. Human rights groups, humanitarian organizations, and lawyers indicated that, as in previous years, there were some difficulties in gaining access to specific detainees held by the PA, depending on which PA security organization managed the facility.

In Gaza, Hamas granted the ICRC access to detainees to assess treatment and conditions. The ICRC continued its regular visits to detention facilities, including interrogation centers, in accordance with its standard practices, as in previous years. Human rights organizations conducted monitoring visits with some prisoners in Gaza, but Hamas denied permission for representatives of these organizations to visit high-profile detainees and prisoners.

The Israeli government permitted visits by independent human rights observers to detention facilities it operated in the West Bank. NGOs sent representatives to meet with Palestinian prisoners—including those on hunger strikes—and inspect conditions in Israeli prisons, detention centers, and some ISF facilities. Palestinian families and human rights

groups reported delays and difficulties in gaining access to specific detainees from Israeli authorities. They also reported transfers of detainees without notice and claimed Israeli authorities at times used transfer practices punitively against prisoners engaging in hunger strikes. During the COVID-19 pandemic, human rights groups reported that lawyers were at times barred from seeing their clients in Israeli military prisons due to coronavirus prevention measures.

d. Arbitrary Arrest or Detention

For further information on the treatment of Palestinians in Israeli prisons as well as prison conditions in Israel, see the Israel Country Report on Human Rights Practices.

The Palestinian Basic Law, operable in the West Bank and Gaza, prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. There were reports the PA in the West Bank and Hamas in Gaza did not observe these requirements.

Israeli law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, and the government generally observed these requirements. Israeli authorities applied the same laws to all residents of Jerusalem, regardless of their Israeli citizenship status. NGOs and Palestinian residents of East Jerusalem alleged that Israeli security forces disproportionately devoted enforcement actions to Palestinian neighborhoods, particularly Issawiya, with higher numbers of temporary checkpoints and raids than in West Jerusalem. Palestinians also criticized Israeli police for devoting fewer resources on a per capita basis to regular crime and community policing in Palestinian neighborhoods. Israeli police did not maintain a permanent presence in areas of Jerusalem outside the barrier and only entered to conduct raids, according to NGOs.

Israel prosecutes Palestinian residents of the West Bank under military law and Israeli settlers in the West Bank under criminal and civil law. Israeli military law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in military court, with broad exceptions for security-related offenses. There were reports the IDF did not observe these requirements and employed administrative detention excessively.

Arrest Procedures and Treatment of Detainees

PA law generally requires a warrant for arrest and provides for prompt judicial determination of the legality of detention. There are exceptions that allow for arrests by the PA without a warrant. PA law allows police to hold detainees for 24 hours if there is sufficient evidence to charge a suspect and for up to 45 days with court approval. PA law requires that a trial start within six months of the arrest or authorities must release the detainee. PA authorities generally informed detainees of the charges against them, albeit sometimes not until interrogation. Bail and conditional release were available at the discretion of judicial authorities. PA authorities granted detainees access to a lawyer. PA courts consistently afforded the right to counsel to indigents charged with felony offenses. Indigent defendants charged with misdemeanors often did not receive counsel, although NGO efforts to represent indigent juveniles and adults in misdemeanor cases were at times successful. Amnesty International and other NGOs reported that the PASF isolated some detainees from outside monitors, legal counsel, and family throughout the duration of interrogation, effectively holding them incommunicado. There were reports that prison administrators denied some detainees visits from family members.

The PA Military Intelligence Organization (PMI) operated without a service-specific mandate to investigate and arrest PA security force personnel and civilians suspected of “security offenses,” such as terrorism. The PMI conducted these activities in a manner consistent with the other PA security services.

In Gaza Hamas detained a large number of persons during the year without giving them recourse to legal counsel, judicial review, or bail. Hamas regularly referred cases to the Hamas-run military judiciary in violation of the Palestinian Basic Law. There were also instances in which Hamas retroactively issued arrest warrants for Gaza residents already in custody.

Israeli military law applies to Palestinians in the West Bank. Israeli authorities detained inside Israel more than 80 percent of Palestinian prisoners arrested by ISF in the West Bank. According to Israel Prison Service (IPS) figures obtained by MCW, as of September the monthly average number of Palestinian minors in Israeli detention during the year was down from 2019 and at the lowest since MCW began keeping records in 2008. Israeli authorities generally provided Palestinians held in Israeli military custody access to counsel, but detainees often obtained lawyers only after initial interrogations, according to NGOs. According to MCW, many Palestinian detainees saw their lawyer for the first time when they appeared before an Israeli military court. According to testimonies collected by MCW, only 20 percent of detained Palestinian minors saw a lawyer prior to interrogation, a slight decrease from 2019. In many cases, MCW reported, minors spoke with a lawyer very briefly by telephone; in some cases the telephone speaker was on with the interrogator in the room, preventing confidential attorney-client communications.

Israeli authorities stated their policy was to post notification of arrests within 48 hours, but senior officers could delay notification for up to 12 days. An Israeli military commander may request that a judge extend this period. MCW reported that Israeli authorities did not always inform Palestinian detainees of the reasons for arrest at the time of arrest.

Israeli authorities stated their policy was to provide written notification concerning the arrest to parents when they arrested a child at home; however, the NGOs claimed this occurred only in 19 percent of cases. Israeli military law does not require the presence of a parent or guardian during interrogations, according to the NGO Parents against Child Detention, while Israeli juvenile law does. According to HaMoked and media outlets, the IPS prohibited Palestinian minors from calling their parents for months upon their initial detention. In 2019 the IPS began a program to increase telephone access, but the lack of regular access persisted, according to HaMoked and Parents against Child Detention.

Under Israeli military law, minors ages 16 and 17 may be held for 72 hours before seeing a judge. The law mandates audiovisual recording of all interrogations of minors in the West Bank but limits this requirement to non-security-related offenses. Some NGOs expressed concern that ISF entered Palestinian homes at night to arrest or photograph minors. HaMoked petitioned the Israeli High Court of Justice to demand the Israeli military issue summonses to minors wanted for questioning rather than employ night raids, which HaMoked stated had become the default method for arresting Palestinian minors.

MCW stated data from more than 450 MCW detainee testimonials collected between 2016 and 2020 showed widespread physical mistreatment by Israeli authorities of Palestinian minors detained in the West Bank. MCW reported that the majority of minors were arrested in night raids and reported ISF used physical abuse, strip searches, threats of violence, hand ties, and blindfolds. In 2019, in response to a petition to the Supreme Court regarding the blindfolding of detainees, the state prosecution clarified that “military orders and regulations forbid the blindfolding of detainees, and action to clarify the rules to the troops acting in the region has been taken and will continue to be taken on a continuous basis.” The government of Israel stated this policy applies to all detainees and blindfolds are only to be used as a rare exception. As of October, the MCW reported, more than 90 percent of minors arrested during the year reported the use of blindfolds upon arrest. Israeli military prosecutors most commonly charge Palestinian minors with stone throwing, according to MCW.

Israeli military law defines security offenses to include any offense committed under circumstances that might raise a suspicion of harm to Israel’s security and that ISF believes may link to terrorist activity. Under military law, the IPS may hold adults suspected of a security offense for four days prior to bringing them before a judge, with exceptions that allow the IPS to detain a suspect for up to eight days prior to bringing the suspect before the senior judge of a district court. Suspects between ages 12 and 14 may be held up to one day, with a possible one-day extension. Those between ages 14 and 16 may be held up to two days, with a possible two-day extension. Those between ages 16 and 18 may be held up to four days, with a possible four-day extension.

Under military law, Israeli authorities may hold adults suspected of a security offense for 20 days prior to an indictment, with the possibility of additional 15-day extensions up to 75 days. An Israeli military appeals court may then extend the detention up to 90 days at a time. Prior to an indictment on a security offense, authorities may hold minors for 15 days, with the possibility of 10-day extensions up to 40 days. An Israeli military appeals court may then extend the detention up to 90 days at a time. Israeli authorities granted or denied bail to Palestinians detained for security offenses based on the circumstances of each case, such as the severity of the alleged offense, status as a minor, risk of escape, or other factors, but in most cases bail was denied.

The Illegal Combatant Law permits Israeli authorities to hold a detainee for 14 days before review by a district court judge, deny access to counsel for up to 21 days with the attorney general’s approval, and allow indefinite detention subject to twice-yearly district court reviews and appeals to Israel’s Supreme Court.

The Emergency Powers Law allows the Israeli Ministry of Defense to detain persons administratively without charge for up to six months, renewable indefinitely.

Human rights groups such as the PCHR reported families of imprisoned Palestinians, particularly Gazans, had limited ability to visit prisoners detained inside Israel due to the difficulty of obtaining permits to enter Israel.

Arbitrary Arrest: According to the ICHR and HRW, the PA in the West Bank and Hamas in Gaza made arbitrary arrests based on political affiliation. The PA arrested individuals from areas known to support PA President Abbas’s exiled Fatah rival Muhammad Dahlan, according to HRW. In many cases detainees were held without formal charges or proper procedures. Hamas claimed that the PA detained individuals during the year solely due to their Hamas affiliation. The PA stated it charged many of these individuals with criminal offenses under PA civil or military codes. Regarding the PA, the ICHR reported receiving 174 complaints of arbitrary arrest and 72 complaints of detention without trial or charges. Regarding Hamas, the ICHR reported receiving 137 complaints of arbitrary arrest.

On September 21, the PASF arrested several supporters of Mohammad Dahlan, the former Fatah security chief whom many see as President Abbas’s main rival for the presidency, according to media reports. Among those arrested in a reported crackdown on the so-called Dahlanist faction included senior Fatah official General Salim Safiyya and Fatah Revolutionary Council member Haytham al-Halabi. A spokesperson for the Democratic Reformist Current party headed by Dahlan said the PASF arrested dozens of its members for political reasons.

From June 12-14, Hamas arrested at least nine Fatah party members who on June 11 gathered for a memorial service for a Fatah party member who died in 2007, according to al-Mezan and the PCHR.

Also in Gaza, Palestinian Islamic Jihad (PIJ) militants kidnapped a number of Gazans critical of PIJ, according to media. Hamas stated it was investigating the kidnappings. On October 15, approximately 15 PIJ members raided al-Ansar Mosque in Khan Younis in Gaza, beat and abducted three other PIJ members, and took them to a PIJ site where they were beaten further before being released, according to media reports. PIJ later released a statement denouncing the incident and apologizing to the worshippers at the mosque.

There were numerous reports that the PA and Hamas improperly detained Palestinian journalists and arrested Palestinians who posted online criticism of the PA (in the West Bank) or Hamas (in Gaza).

Hamas practiced widespread arbitrary detention in Gaza, particularly of civil society activists, Fatah members, journalists, and those accused of publicly criticizing Hamas. Hamas also targeted persons suspected of ties to Israel for arbitrary detention.

On April 9, Hamas security forces detained Rami Aman and a number of his associates, members of a group called the Gaza Youth Committee, for taking part in an April 6 videoconference call with Israelis, according to NGOs and media reports. On September 23, a Gaza military court charged three of those arrested, including Rami Aman, under Article 153 of the Revolutionary Penal Code of 1979, which prohibits “recruiting oneself and others to serve the enemy.” A Hamas spokesperson stated conviction of “holding any activity or any contact with the Israeli occupation under any cover is a crime punishable by law and is treason to our people and their sacrifices.” On October 26, a Hamas military court convicted Rami Aman and two of his associates of “weakening revolutionary spirit” and ordered the release of the two remaining detainees, including Aman, on time already served.

In July, Hamas arrested three men at the Shohada’ graveyard in Beit Lahia after their participation in the funeral of Suleiman al-Ajjouri, who had committed suicide, according to the al-Mezan. Separately, Hamas briefly arrested two journalists at the same graveyard while they were preparing a report regarding al-Ajjouri; Hamas investigated them before releasing them the same day. Additionally, Hamas arrested four others after they attended al-Ajjouri’s wake and issued them summonses to appear, according to al-Mezan. Some of those arrested and later released said police physically assaulted them, interrogated them concerning their social media activities and involvement in peaceful protests, and confiscated their cellphones.

According to human rights NGOs, including B’Tselem, and HaMoked, throughout the year there were reports that Israeli security forces in the West Bank arbitrarily arrested and detained Palestinian protesters and activists, particularly those participating in demonstrations against demolitions or against killings of Palestinians.

Pretrial Detention: It was unclear how many Palestinians were held in pretrial detention in West Bank and Gaza prisons, but there were widespread reports of PA and Hamas detention without charge or trial. PA authorities held some prisoners detained by order of Palestinian governors in lengthy pretrial detention, according to complaints received by the ICHR. Some PA security forces reportedly detained Palestinians outside appropriate legal procedures, including without warrants and without bringing them before judicial authorities within the required time.

Detainee’s Ability to Challenge Lawfulness of Detention before a Court: Palestinian detainees faced barriers to their ability to challenge in court the legal basis or nature of their detention and to obtain prompt release and compensation if found to have been unlawfully detained. Detainees held in PA custody faced delays in the enforcement of court rulings regarding their detention, especially regarding the PA’s obligation to release suspects who have met bail.

Palestinians held by Israeli military authorities in administrative detention have no right to trial and may only challenge their detention before a military court judge. In cases in which the evidence substantiating the charges against a detainee is classified, the detainee has no means of examining the evidence (nor, in some cases, to examine the charges) to challenge the detention.

Civil society organizations and some members of the Knesset continued to criticize the Israeli government for using administrative detention excessively, adding that the practice was undemocratic since there was no due process. As of October, Israel was holding more than 300 Palestinians in administrative detention, according to the NGO Physicians for Human Rights Israel. In its 2017 submission regarding compliance with the UN Convention against Torture, Israel asserted it issued administrative detention orders “as a preventive measure where there is a reasonable basis to believe that the detention is absolutely necessary for clear security purposes. Administrative detention is not employed where the security risk may be addressed by other legal alternatives, especially criminal prosecution.” The government further emphasized the role of military judges in reviewing administrative detention orders.

On July 27, ISF arrested Maher al-Akhras and held him in administrative detention, according to multiple media reports. Al-Akhras began a hunger strike the same day to protest his detention without charges. ISF alleged he was a member of Islamic Jihad. According to media reports, al-Akhras ended his strike after 103 days and on November 26, was released.

e. Denial of Fair Public Trial

The PA basic law provides for an independent judiciary. According to the ICHR, the PA judicial system was subject to pressure from the security agencies and the executive, undermining judicial performance and independence. PA authorities did not always execute court orders.

In 2019 President Abbas issued a decree dissolving the existing High Judicial Council and establishing a transitional council, which was extended through the end of the year. The council consists of seven members, with the president appointing the chief judge and the deputy. The Palestinian Bar Association has critiqued this arrangement as undue executive influence over the judiciary. The transitional council also includes the attorney general and the undersecretary of the Ministry of Justice. The council oversees the judicial system and nominates judges for positions throughout the PA judiciary for approval by the president.

Palestinians have the right to file suits against the PA but rarely did so. Seldom-used administrative remedies are available in addition to judicial remedies.

In Gaza Hamas did not respect fair trial provisions or provide access to family and legal counsel to many detainees. Hamas-appointed prosecutors and judges operated de facto courts, which the PA considered illegal. Gaza residents may file civil suits. Rights groups reported Hamas internal security agencies regularly tried civil cases in military courts.

Israeli civil law provides for an independent judiciary, and the government generally respected Israeli civil courts' independence and impartiality. The Israeli government tried Palestinian residents of the West Bank accused of security offenses in Israeli military courts.

On January 12, an Israeli military court acquitted human rights activist Mohammed Khatib of all charges stemming from his arrest at a demonstration in 2015 at which he was alleged to have assaulted a soldier, disrupted a soldier, and participated in an unlicensed march, according to human rights groups and media reports. In October 2019, his defense presented a video taken at the demonstration, which directly contradicted the allegations against him, according to media reports. The court only agreed to acquit on the condition Khatib not take legal action against the court for his wrongful arrest; a stipulation considered illegal under the Israeli legal system, according to rights groups.

In November the United Nations expressed concern that Israeli authorities continued to hold World Vision employee Mohammed Halabi on charges of providing material support to Hamas, after four years of investigation and trial. The case continued at year's end.

Trial Procedures

PA law provides for the right to a fair and public trial, and the judiciary generally enforced this right in the West Bank. Trials are public, except when the court determines PA security, foreign relations, a party's or witness's right to privacy, protection of a victim of a sexual offense, or an alleged "honor crime" requires privacy. If a court orders a session closed, the decision may be appealed to a higher PA court. Defendants enjoy a presumption of innocence and the right to prompt and detailed information regarding the charges, with free interpretation as necessary, from the moment charged through all appeals. Amnesty International reported that PA political and judicial authorities sometimes failed to adhere to basic due process rights, including promptly charging suspects. PA law provides for legal representation, at public expense if necessary, in felony cases during the trial phase. Defendants have the right to be present and to consult with an attorney in a timely manner during the trial, although during the investigation phase, the defendant only has the right to observe. Defendants have the right to adequate time and facilities to prepare a defense. Suspects and defendants in the PA justice system have a right to remain silent when interrogated by the prosecutor, according to the law. Defendants also have a legal right to counsel during interrogation and trial. They have the right to appeal. PA authorities generally observed these rights.

Hamas in Gaza followed the same criminal procedure law as the PA in the West Bank but implemented the procedures inconsistently.

Israeli authorities tried Israelis living in West Bank settlements under Israeli civil law in the nearest Israeli district court. Israeli authorities tried Palestinians in the West Bank in Israeli military courts. The same evidentiary rules used in Israeli criminal cases apply in both Israeli military and civilian proceedings; for example, Israeli authorities may not base convictions solely on confessions. Indigent detainees do not automatically receive free legal counsel for military trials, but almost all detainees had counsel, in part because NGOs funded their representation.

Israeli military courts are conducted in Hebrew, but Palestinian defendants have the right to simultaneous interpretation at every hearing. Some human rights organizations claimed the availability and quality of Arabic interpretation was insufficient. Israeli authorities stated interrogations of Palestinians took place only in Arabic and that authorities submitted no indictments based solely on a confession written in Hebrew. MCW claimed that the majority of detained Palestinian minors were shown or made to sign documentation written in Hebrew, a language most Palestinian minors could not read, at the conclusion of their interrogation. Defendants may appeal through the Military Court of Appeals and petition Israel's High Court of Justice (HCJ). According to NGO reports, Israeli military courts rarely acquitted Palestinians charged with security offenses although they occasionally reduced sentences on appeal.

Some lawyers who defended Palestinians in Israeli courts argued that the structure of military trials—which take place in Israeli military facilities with Israeli military officers as judges, prosecutors, and court officials, and with tight security restrictions—limited Palestinian defendants' rights to public trial and access to counsel.

Political Prisoners and Detainees

NGOs reported the PASF arrested Palestinians for political reasons in the West Bank. There was no reliable estimate of the number of political prisoners the PA held in the West Bank. In 2019 there were reports Palestinian security forces arrested, intimidated, and tortured Palestinians following their participation in an international conference in Bahrain. Other sources reported that the PA was targeting the individuals for criminal behavior. Some of these individuals, labeled “collaborators” for working with or engaging with Israelis on political initiatives the PA did not support, reported direct and indirect threats of violence from Fatah, members of Fatah’s Tanzim, Hamas, and other groups, some with possible ties to the PA. They reported damage to personal property and businesses. There were reports that the families of those targeted were pressured to disown them, which would decrease risks for attackers to injure or kill them, and that they and their family members were denied medical treatment in PA health facilities, which allegedly contributed to greater health complications including death.

In Gaza Hamas detained thousands of Palestinians due to political affiliation, public criticism of Hamas, or suspected collaboration with Israel, and held them for varying periods, according to rights groups. Hamas alleged that it arrested Fatah members on criminal, rather than political charges, although many of the arrests occurred after Fatah anniversary celebrations in Gaza that Hamas would not sanction. Hamas detained some Fatah members after their participation in protests or social media activity pertaining to the 14th anniversary of the Fatah-Hamas split, according to the PCHR. Observers associated numerous allegations of denial of due process with these detentions. NGOs had limited access to these prisoners.

Some human rights organizations claimed Palestinian security prisoners held in Israel were political prisoners. The Israeli government described security prisoners as those convicted or suspected of “nationalistically motivated violence.”

Civil Judicial Procedures and Remedies

A Palestinian resident of the West Bank may file suit against the PA, including on alleged abuses of human rights, but this was uncommon.

A Palestinian resident of Gaza may file suit against Hamas, including on alleged abuses of human rights, but this was also uncommon.

Palestinian residents of the West Bank may file suit against the government of Israel. Residents of Gaza are not able to seek redress or compensation from the Israeli government for damage to property or bodily harm due to Gaza’s classification as an “enemy territory” under the Civil Wrongs (State Liability) Law.

Israel has an independent and impartial judiciary that adjudicates lawsuits seeking damages for, or cessation of, human rights violations. Administrative remedies exist, and court orders usually were enforced. Palestinian residents of Jerusalem may file suit against the government of Israel under the same rules that govern access to judicial and administrative remedies by Israel citizens. By law nonresident Palestinians may file suit in civil courts to obtain compensation in some cases, even when a criminal suit is unsuccessful and the actions against them are considered legal.

Property Restitution

The Israeli government conducted multiple demolitions of Palestinian property in the West Bank, including in Areas A and B, for lack of Israeli-issued permits, construction in areas designated for Israeli military use, location of structures within the barrier’s buffer zone, and as punishment for terrorist attacks. Several Israeli and Palestinian human rights groups and the United Nations claim punitive demolitions are a form of collective punishment that violates the Fourth Geneva Convention. Some human rights NGOs claimed that Israeli authorities often placed insurmountable obstacles against Palestinian applicants for construction permits in Israeli-controlled Area C. Obstacles include the requirement that Palestinian applicants document land ownership despite the absence of a uniform post-1967 land registration process, high application fees, and requirements to connect housing to often unavailable municipal infrastructure. Israeli authorities charged demolition fees for demolishing a home, according to the United Nations, which at times prompted Palestinians to destroy their own homes to avoid the higher costs associated with Israeli demolition.

In the majority of West Bank demolitions, the Civil Administration, a part of Israel’s Ministry of Defense, initially presents a stop-work order, which gives the property owner 30 days to submit an appeal to the Civil Administration and also apply for a retroactive permit. If neither is successful, the Civil Administration will issue a demolition order to be executed within two to four weeks, during which time the property owner may petition an Israeli court for an injunction to stop the demolition.

In the West Bank, Israeli authorities, including the Civil Administration and the Ministry of the Interior, demolished 673 Palestinian structures, a 61 percent increase from 2019, according to the UN Office for the Coordination of Humanitarian Affairs in the Occupied Palestinian Territories (UNOCHA). The demolitions included 116 inhabited residences, displacing 605 persons, including 315 minors, according to the United Nations. The demolished structures included homes, water cisterns, farm buildings, storehouses, and other structures, more than 98 percent of which were demolished on the basis that they lacked construction permits. Several rights groups, including B’Tselem and HRW, and the United Nations stated the Israeli government rarely approved Palestinian construction permit requests. From 2016 to 2018, the Civil Administration approved only 56 Palestinian construction permits in

Area C out of 1,485 filed (3.7 percent), according to the Israeli government’s response to a freedom of information request from the NGO Bimkom. During the same period, the Civil Administration issued 2,147 demolition orders for Palestinian structures in Area C, according to Bimkom.

On November 3, the Civil Administration demolished structures, including residences, belonging to 11 families totaling 74 persons, most of whom were minors, in Khirbet Humsah, according to media reports. It was the largest single-day demolition in more than 10 years, according to media reports and the UN. According to the Israeli government, these families and others in the Jordan Valley live in a declared military firing zone and are sometimes evacuated for their safety following relevant regulations.

The Palestinian Bedouin community Khan al-Ahmar, slated for Israeli demolition since 2009 due to a lack of building permits and proof of land ownership, remained standing at year’s end. On November 2, in response to a petition from the NGO Regavim, the Israeli government stated demolitions should be delayed during the coronavirus outbreak and that Khan al-Ahmar would not be demolished in the following four months. Approximately 170 residents live in the community, in an area adjacent to a highway, with unpermitted, makeshift electrical and water connections. In 2018, after nearly 10 years of litigation, the HCJ ruled that the Civil Administration’s demolition orders against the structures in Khan al-Ahmar were valid, which provided the Civil Administration legal justification to demolish the village. Residents were not able to receive permits, as the Israeli government has not approved a master plan for the area.

While all West Bank demolitions are authorized under military orders, the Civil Administration used two particular military orders to impede Palestinians’ ability to challenge demolitions, according to the United Nations, several Israeli and Palestinian rights groups, and Israeli and Palestinian lawyers familiar with cases in which the orders were used. Under one of these military orders, the Civil Administration is authorized to demolish a newly built structure as soon as 96 hours after issuing a demolition order. During the 12-month period ending May 31, the Civil Administration used this order to demolish 47 structures, according to the United Nations.

In August the Israeli government amended a second military order, which allows for the immediate demolition or confiscation of any mobile structures to include any structures built within 90 days. The order originally allowed for the immediate removal of mobile structures within 30 days of construction. Rights groups stated the Civil Administration broadly translated the order to demolish animal pens and other structures and to confiscate building materials and vehicles. On November 3, the Civil Administration confiscated nine tractors, five utility trailers, and two cars from a village in the Jordan Valley, according to B’Tselem. Several rights groups, including Bimkom and St. Yves, stated the Israeli government is increasingly utilizing these military orders. According to the Israeli government, all land ownership cases are assessed individually by an administrative committee, which is subject to judicial review, and decisions are made according to the evidence provided.

Israel’s Civil Administration conducted punitive demolitions on structures belonging to Palestinians who carried out or allegedly carried out attacks on Israelis, according to human rights groups and media reports. The Israeli government stated such demolitions had a deterrent effect on potential assailants. NGOs, such as Amnesty International, HRW, and several Palestinian and Israeli NGOs, widely criticized punitive demolitions and stated the actions sometimes rendered nearby structures uninhabitable.

Israeli authorities executed punitive demolitions on five residences and two water cisterns and sealed one residence, displacing 33 Palestinians, including 14 minors, according to the United Nations. Some punitive demolitions and sealings of rooms occurred before or during the trial of the alleged attacker, rather than after a verdict had been reached, according to media reports. On October 21, the IDF filled with concrete the room of Nizmi Abu Bakar, the alleged killer of IDF soldier Amit Ben Yigal, after the High Court of Justice blocked the IDF’s plan to demolish the entire third floor apartment, according to media reports. The High Court stated the entire apartment could not be destroyed because Abu Bakar’s family members were unaware of and uninvolved in his alleged crime.

Israeli civil authorities ordered demolition of some private property in East Jerusalem, stating the structures were built without permits. B’Tselem reported that authorities demolished 121 housing units in East Jerusalem, and owners had self-demolished 81 units to avoid additional fines by the end of the year. This represented a decrease of 28 percent and an increase of 92 percent, respectively, with the number of self-demolitions the highest since B’Tselem began recording data in 2008. Legal experts pointed to the Kaminitz Law, which reduced administrative processing times for demolitions and increased administrative fines for those failing to demolish their own buildings, as a key factor in the increased number of demolitions in East Jerusalem. There were credible claims that municipal authorities in Jerusalem often placed insurmountable obstacles against Palestinian residents who applied for construction permits, including failure to incorporate community needs into zoning decisions, the requirement that they document land ownership despite the absence of a uniform post-1967 land registration process, the imposition of high application fees, and requirements to connect housing to municipal infrastructure that was often unavailable.

In addition NGOs asserted that there was a continuing policy intended to limit construction to prevent the creation or maintenance of contiguous neighborhoods between the West Bank and Jerusalem. Israeli official policy was to maintain an ethnic balance between Jews and non-Jews in Jerusalem, according to civil society and official reports. The Israeli MFA said that the Jerusalem Municipality did not have any such policy. Israeli law no longer prevents non-Jews from purchasing housing units, although cultural, religious, and economic barriers remain to integrated neighborhoods, according to civil society representatives.

According to the Israeli government, all land ownership cases are assessed individually by an administrative

committee, which is subject to judicial review.

According to Ir Amim and B’Tselem, discrimination is a factor in resolving disputes regarding land titles acquired before 1948. The law facilitates the resolution of claims by Jewish owners to land owned in East Jerusalem prior to 1948 but does not provide an equal opportunity for Palestinian claimants to land they owned in West Jerusalem or elsewhere in the British Mandate. Additionally, some Jewish and Palestinian landowners in Jerusalem were offered compensation by Israel for property lost prior to 1948. Civil society reports noted that many Palestinian landowners were deemed ineligible for compensation because they had to be residents of Jerusalem as of 1973. Other Palestinian landowners refused to accept compensation because they deemed it to be inadequate or in principle due to their rejection of Israeli administration. Jordanian authorities between 1948 and 1967 housed Palestinians in some property that was reclaimed by Jewish owners after Israel occupied East Jerusalem in 1967. Legal disputes continued regarding many of these properties involving Palestinian residents, who have some protection as tenants under Israeli law.

The 2020 Department of State’s *Justice for Uncompensated Survivors Today (JUST) Act Report* to Congress is available on the Department’s website: <https://www.state.gov/reports/just-act-report-to-congress>.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The PA law generally requires the PA attorney general to issue warrants for entry into and searches of private property; however, PA judicial officers may enter Palestinian houses without a warrant in case of emergency. NGOs reported it was common for the PA to harass family members for alleged offenses committed by an individual. Although the Oslo Accords authorize the PASF to operate only in Area A of the West Bank, at times they operated in Area B without Israeli authorization, including to harass or search the homes of individuals sought for political activity.

In Gaza Hamas frequently interfered arbitrarily with personal privacy, family, and home, according to reporting from local media and NGO sources. There were reports Hamas searched homes and seized property without warrants, and took control of hotels to use as quarantine facilities unlawfully and without compensation to the owners. They targeted critics of their policies, journalists, Fatah loyalists, civil society members, youth activists, and those whom Hamas security forces accused of criminal activity. Hamas forces monitored private communications systems, including telephones, email, and social media sites. They demanded passwords and access to personal information, and seized personal electronic equipment of detainees. While Hamas membership was not a prerequisite for obtaining housing, education, or Hamas-provided services in Gaza, authorities commonly reserved employment in some government positions, such as those in the security services, for Hamas members. In several instances Hamas detained individuals for interrogation and harassment, particularly prodemocracy youth activists, based on the purported actions of their family members.

In response to reported security threats, ISF frequently raided Palestinian homes, including in areas designated as under PA security control by Oslo Accords-era agreements, according to media and PA officials. These raids often took place at night, which ISF stated was due to operational necessity. Only ISF officers of lieutenant colonel rank and above may authorize entry into Palestinian private homes and institutions in the West Bank without a warrant, based upon military necessity. Israel’s Settlement Affairs Ministry published criteria for regional councils of Israeli settlers in the West Bank to apply for Israeli government funding for private drones and patrol units to monitor Palestinian building efforts, according to media reports. In recent years some Israeli settlements reportedly used drones for security purposes.

According to B’Tselem, the Israeli military compelled various communities throughout the Jordan Valley to vacate their homes in areas Israel has declared firing zones during times when the IDF was conducting military exercises.

The 2003 Israeli Law of Citizenship and Entry, which is renewed annually, prohibits Palestinians from the West Bank or Gaza, Iranians, Iraqis, Syrians, and Lebanese, including those who are Palestinian spouses of Israeli residents or citizens, from obtaining resident status unless the Ministry of the Interior makes a special determination, usually on humanitarian grounds. The government has extended the law annually due to government reports that Palestinian family reunification allows entry to a disproportionate number of persons who are later involved in acts of terrorism. HaMoked asserted that statistics from government documents obtained through Freedom of Information Act requests contradicted these terrorism allegations, and the denial of residency to Palestinians from the West Bank or Gaza for the purposes of family reunification led to cases of family separation.

According to 2018 HaMoked reports, there were approximately 10,000 Palestinians from the West Bank or Gaza living in Israel, including Jerusalem, on temporary stay permits because of the law, with no legal stipulation that they would be able to continue living with their families. There were also cases of Palestinian spouses living in East Jerusalem without legal status. Authorities did not permit Palestinians who were abroad during the 1967 war or whose residency permits the government subsequently withdrew to reside permanently in Jerusalem. Amnesty International and other human rights organizations called on the government to repeal this law and resume processing family unification applications. The law allows the entry of spouses of Israelis on a “staying permit” if the male spouse is age 35 or older and the female spouse is age 25 or older, for children up to age 14, and a special permit to children ages 14-18, but they may not receive residency and have no path to citizenship. According to the Israeli MFA, the Population & Immigration Authority received 886 family unification requests from East Jerusalem in 2020, and 616 in 2019. Of these 256 were in approved and 540 are pending from 2020, while 373 were approved and 41 pending from 2019.

Israeli authorities froze family unification proceedings for Palestinians in the West Bank and Gaza in 2000. In 2019 the Israeli High Court of Justice rejected all 18 of HaMoked’s family unification petitions, stating that the petitions had been filed too late because they referred to old family unification cases. According to HaMoked, many of the petitioners were foreign nationals who had been living in the West Bank for 10-15 years with only visitor permits, who applied for family unification when they first arrived, and who never received an answer. HaMoked stated the Palestinian Liaison Offices typically refuse to accept family unification requests because Israel refuses to review family unification requests submitted in the West Bank. In 2019, individuals from the West Bank and Gaza submitted 1,048 family unification applications, 584 of which were approved and 201 of which are pending, according to the Israeli government. In 2020, individuals from the West Bank and Gaza submitted 1,191 family unification applications, 340 of which were approved and 740 of which are pending, according to the Israeli government.

HaMoked stated there were likely thousands of foreign spouses living in the West Bank with their Palestinian partners, and often children, with only temporary tourist visas, a living situation that became more complicated under COVID-19 with the frequent closures of Allenby Bridge. HaMoked stated because these individuals used the Allenby Bridge to enter and depart the West Bank, the bridge’s closure left them with the choice of either potentially overstaying their visa or attempting to travel through Ben Gurion airport, which they are not permitted to do. HaMoked claimed the military’s refusal to review requests of foreign citizens for family unification is contrary to Israeli law and to Israeli-Palestinian interim Oslo Accords-era agreements. HaMoked stated the IDF rejected family unification requests based on a broad policy and not on the facts of the individual cases brought before it. As such, HaMoked stated, the practice does not appropriately balance relevant security needs and the right of Palestinians in the West Bank and Gaza—whom HaMoked stated were protected persons under international humanitarian law—to family life.

Israeli authorities reportedly permitted children in Gaza access to a parent in the West Bank only if no other close relative was resident in Gaza. Israeli authorities did not permit Palestinians abroad during the 1967 War or whose residency permits the Israeli government subsequently withdrew to reside permanently in the West Bank or Gaza.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The PA basic law generally provides for freedom of expression but does not specifically provide for freedom of the press. The PA enforced legislation that NGOs claimed restricted press and media freedom in the West Bank, including through PASF harassment, intimidation, and arrest. Notably, Palestinian activists complained of narrowing space for political discussion, with arrests of Fatah party opponents in the West Bank. Other Palestinian activists, especially anticorruption campaigners, complained that the emergency orders put in place to address COVID-19 were abused by the PASF to arrest preemptively 19 activists before they could begin protesting at an intended rally in July.

In Gaza Hamas restricted press freedom through arrests and interrogations of journalists, as well as harassment and limitations on access and movement for some journalists. These restrictions led many journalists to self-censor.

Israeli civil and military law provides limited protections of freedom of expression and press for Palestinian residents of the West Bank. NGOs and Palestinian journalists alleged that Israeli authorities restricted press coverage and placed limits on certain forms of expression. These included restricting Palestinian journalists’ movement, as well as using violence, arrests, closure of media outlets, and intimidation, according to media reports and the Palestinian Center for Development and Media Freedoms. The Israeli government stated it allowed journalists maximum freedom to work and investigated any allegations of mistreatment of journalists.

Freedom of Speech: Although no PA law prohibits criticism of the government, media reports indicated PA authorities arrested West Bank Palestinian journalists and social media activists who criticized or covered events that criticized the PA.

On August 19, the Preventive Security Organization arrested journalist, film director, and television producer Abdel Rahman Thaher for allegedly criticizing the PA on his Facebook page, according to his lawyer and media reports. He was released on bail on September 21. On October 27, ISF arrested Thaher at his home in Nablus, according to the Committee to Protect Journalists. On November 24, ISF released him and Thaher claimed he was arrested because of his international media activities, according to media reports.

The law restricts the publication of material that endangers the “integrity of the Palestinian state.” The PA arrested West Bank journalists and blocked websites associated with political rivals, including sites affiliated with political parties and opposition groups critical of the Fatah-controlled PA.

According to HRW, the PA arrested 1,609 individuals between January 2018 and April 2019 for insulting “higher authorities” and creating “sectarian strife.” HRW stated these charges “criminalize peaceful dissent.” The PA arrested more than 750 persons during this period for social media posts, according to data provided to HRW.

In Gaza Hamas arrested, interrogated, seized property from, and harassed Palestinians who publicly criticized Hamas. Media practitioners accused of publicly criticizing Hamas, including civil society and youth activists, social media advocates, and journalists, faced punitive measures including raids on their facilities and residences, arbitrary

detention, and denial of permission to travel outside Gaza. On May 11, Hamas arrested independent journalist Yousef Hassan after he released an investigative report on alleged corruption and extortion related to aid distribution, according to the ICHR. He was released after four days. On May 27, the PIJ abducted him for the same report and the following day handed him to Hamas Internal Security authorities, who released him. The ICHR stated the abduction violates Article 11 of the Palestinian Basic Law, which prohibits detaining, detaining, or restricting the freedom of anyone except by judicial order.

Freedom of Press and Media, Including Online Media: Independent Palestinian media operated under restrictions in the West Bank and Gaza. The PA Ministry of Information requested that Israeli reporters covering events in the West Bank register with the ministry. According to the PA deputy minister of information, the ministry provides permits to Israeli journalists only if they do not live in a settlement. While officially the PA allowed Israeli reporters to cover events in the West Bank, at times Palestinian journalists reportedly pressured Israeli journalists not to attend PA events.

Hamas permitted broadcasts within Gaza of reporting and interviews featuring PA officials. Hamas allowed, with some restrictions, the operation of non-Hamas-affiliated broadcast media in Gaza. For example, the PA-supported Palestine TV continued to operate in Gaza.

Hamas arrested, detained, and interrogated several journalists throughout the year for reporting on suicides in Gaza, according to media reports. For example, on July 11, Hamas arrested journalist Osama al-Kahlout on charges of encouraging a man to commit suicide after al-Kahlout posted on social media a photo of a young man asking for help and threatening to take his own life. Other journalists said the charge was an attempt to distract attention from a spate of suicides that they alleged was a source of embarrassment for Hamas, according to NGOs and media reports.

In April, Hamas arrested Palestine TV (which is PA-owned) reporter Mohammed Abu Hatab and photographer Mohammed Nassar at the Jabalia camp in northern Gaza for lacking an official permit to film there. Hamas also confiscated their equipment, according to the ICHR. Authorities released them two hours later, returned their confiscated equipment, and made them sign a pledge always to obtain an official permit before filming.

On July 15, Hamas banned Saudi-owned media outlets al-Arabiya and al-Hadath, accusing them of “deceit,” publishing “fabricated information,” and “spreading rumors and lies.” In a July 12 report, al-Arabiya alleged Hamas arrested several Hamas members for collaborating with Israel and a Hamas military commander had fled to Israel. The Palestinian journalists union and Reporters without Borders called for the ban’s reversal.

In areas of the West Bank to which Israel controlled access, Palestinian journalists claimed Israeli authorities restricted their freedom of movement and ability to cover stories. ISF did not recognize Palestinian press credentials or credentials from the International Federation of Journalists. Few Palestinians held Israeli press credentials.

There were reports of Israeli forces detaining journalists in the West Bank. For example, on October 1, ISF arrested journalist Tareq Abu Zeid at his home in Nablus, according to media reports and the Committee to Protect Journalists. Abu Zeid’s wife said Israeli soldiers blew up their front door at 3 a.m. and took her husband, his cell phone, and computers without explaining why he was being arrested.

Violence and Harassment: There were numerous reports that the PA harassed, detained (occasionally with violence), prosecuted, and fined journalists in the West Bank during the year based on their reporting.

The PA occasionally obstructed the West Bank activities of media organizations with Hamas sympathies and limited media coverage critical of the PA. For example, on May 15, PA police at a checkpoint stopped, assaulted, and arrested Anas Hawari, a journalist for Hamas-affiliated Quds News Network, according to media reports and rights groups, including the Committee to Protect Journalists. Hawari’s lawyer said police knocked out one of Hawari’s teeth during the incident and confiscated his cell phone. On May 21, police released Hawari on bail after charging him with insulting an official, resisting arrest, and violating COVID-19 lockdown measures. The case continued at year’s end.

The PA also had an inconsistent record of protecting Israeli and international journalists in the West Bank from harassment by Palestinian civilians or PA personnel.

In Gaza Hamas at times arrested, harassed, and pressured, sometimes violently, journalists critical of its policies. Hamas reportedly summoned, detained, and questioned Palestinian journalists to intimidate them. Hamas also constrained journalists’ freedom of internal movement in Gaza during the year, attempting to ban access to some official buildings.

Throughout the year, there were reports of Israeli actions that prevented Palestinian or Arab-Israeli journalists from covering news stories in the West Bank and Gaza. These actions included alleged harassment and acts of violence against journalists by Israeli soldiers. Palestinian journalists also claimed that Israeli security forces detained Palestinian journalists and forced them to delete images and videos under threat of violence, arrest, or administrative detention. Israeli authorities defended these detentions on security grounds.

Palestinian journalists who were able to obtain permits to enter Israel, as well as Jerusalem-based Arab journalists, reported incidents of harassment, racism, and occasional violence when they sought to cover news in Jerusalem, especially in the Old City and its vicinity. In June the Journalists’ Support Committee, a nonprofit journalist

advocacy organization, stated Israeli security forces committed more than 50 human rights violations against Palestinian journalists working in Jerusalem in the first half of the year, including arrests and expulsions from the city. In May, then Israeli public security minister Gilad Erdan extended for six months the closure order against Palestine TV’s East Jerusalem office, according to media reports. In November 2019 Erdan first ordered the closure when Israeli police raided the office.

Israeli police officers detained, used violence against, and confiscated equipment of journalists during demonstrations in Jerusalem. On June 8, police officers hit, shoved to the floor, and then detained *Haaretz* photojournalist Tomer Appelbaum at the end of a demonstration against the extension of Israeli sovereignty to the West Bank. Witnesses indicated that Appelbaum was clearly identified as a journalist; however, police stated they did not notice his press credentials until after the incident.

Censorship or Content Restrictions: The PA prohibits calls for violence, displays of arms, and racist slogans in PA-funded and -controlled official media. There were no confirmed reports of any legal action against, or prosecution of, any person publishing items counter to these PA rules. Media throughout the West Bank and Gaza reported practicing self-censorship. There were reports of PA authorities seeking to erase images or footage from journalists’ cameras or cell phones.

In Gaza, civil society organizations reported Hamas censored television programs and written materials, such as newspapers and books.

The Israeli government raided and closed West Bank Palestinian media sources, primarily on the basis of allegations the media sources incited violence against Israeli civilians or security services. Conviction of acts of incitement under military law is punishable by up to 10 years’ imprisonment. NGOs and observers stated Israeli military regulations were vaguely worded and open to interpretation. ISF generally cited two laws in its military orders when closing Palestinian radio stations: the 1945 Defense Emergency Regulations and the 2009 Order Concerning Security Provisions. These laws generally define incitement as an attempt to influence public opinion in a manner that could harm public safety or public order.

While the Israeli government retained the authority to censor the printing of publications for security concerns, anecdotal evidence suggested authorities did not actively review the Jerusalem-based *al-Quds* newspaper or other Jerusalem-based Arabic publications. Editors and journalists from those publications, however, reported they engaged in self-censorship.

Libel/Slander Laws: There were some accusations of slander or libel against journalists and activists in the West Bank and Gaza.

According to Human Rights Defenders Fund, Israeli individuals and right-wing NGOs used defamation lawsuits to discourage public criticism of the Israeli occupation of the West Bank. For example, on July 13, the Samaria Regional Council sued former Member of the Knesset and the head of the Zulat Institute Zehava Galon after she criticized on Twitter their granting of a certificate of honor to two settlers who in 2019 allegedly shot and killed an alleged Palestinian attacker. According to B’Tselem, the settlers purportedly continued to shoot the Palestinian after he no longer posed a threat. In June an additional libel lawsuit against Galon, B’Tselem, and three individuals who tweeted on the incident was filed by Yehusha Sherman, who shot the attacker. The lawsuits continued at year’s end.

National Security: Human rights NGOs alleged that the PA restricted the activities of journalists on national security grounds.

Internet Freedom

Internet was generally accessible throughout the West Bank and Gaza. Frequent power outages in Gaza interrupted accessibility. According to HRW, between January 2018 and March 2019, both the PA and Hamas arrested dozens of persons for their social media posts and brought charges of “harming revolutionary unity” and “misuse of technology.”

The PA actively monitored social media to pressure and harass activists and journalists. There were instances when the PA arrested or detained Palestinians because of their posts on social media. In 2018 the PA arrested and brought to trial Palestinian human rights activist Issa Amro for a social media post critical of the PA’s arrest of a Palestinian journalist, according to media reports. Amro’s trial continued at year’s end. Amro was also subject to legal action by Israeli authorities (see Freedom of Peaceful Assembly).

Gaza-based Palestinian civil society organizations and social media practitioners stated Hamas authorities monitored the internet activities of Gaza residents and took action to intimidate or harass them. On September 1, local media reported that the Hamas authorities arrested a Gazan youth after he posted allegations on Facebook claiming Hamas distributed COVID-19-related food donations and financial aid to its affiliates and excluded others. The youth was released the next day.

Academic Freedom and Cultural Events

The PA did not restrict academic freedom in the West Bank, and there were no known reports of PA censorship of school curricula, plays, films, or exhibits. Palestinian law provides for academic freedom, but individuals or officials from academic institutions reportedly self-censored curricula. Faculty members reported PA security agents were

present on university campuses among the student body and faculty members, which may have contributed to self-censorship. NGOs claimed that authorities closely monitored criticism of the PA by university students and professors.

Public schools as well as UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) schools in Gaza followed the same curriculum as West Bank schools. Palestinians in Gaza reported substantially decreased interference by Hamas in public schools at the primary, secondary, and university levels due to COVID-19 related school closures and a focus on online schooling.

Students and faculty from Gaza participating in certain cultural and education programs (including programs sponsored by foreign governments and international organizations) faced questioning from Hamas, according to the ICHR.

Israeli restrictions on movement (see section 2.d.) adversely affected academic institutions and access to education and cultural activities for Palestinians. As of October 9, a total of 52 Palestinian schools in Area C were under pending demolition or stop-work orders, according to the PA Ministry of Education.

Israeli civil law prohibits institutions that receive government funding from engaging in commemoration of the “Nakba,” or “catastrophe,” the term used by Palestinians to refer to the displacement of Palestinians during Israel’s 1948 War of Independence. Activities forbidden by the law include rejecting the existence of Israel as a “Jewish and democratic state” or commemorating “Israel’s Independence Day or the day on which the State was established as a day of mourning.”

Israeli authorities provided an edited version of the Palestinian Authority curriculum that deleted certain information on Palestinian history and culture to schools in neighborhoods in East Jerusalem. Israeli authorities sought to tie funding for those schools to the use of Israeli curriculum. Some Palestinians expressed concern at what they perceived as Israeli efforts to impose Israeli views on these students. Others welcomed the Israeli curriculum, and the additional resources associated with it, as better preparing students in Jerusalem to work in the Israeli workforce, compared to lower paying employment in PA-controlled areas in the West Bank or in manual labor and low-wage sectors in Israel.

The Israeli government maintained prohibitions on some prominent Jerusalem-based Palestinian institutions, such as the Jerusalem Chamber of Commerce and the Orient House, which had been the de facto Palestine Liberation Organization office. The government renewed a closure order for these and other institutions under a 1994 law passed after the Oslo Accords that requires the PA to obtain Israeli permission to open a representative office or hold a meeting in areas Israel recognizes as under its sovereignty. The government likewise continued to shut down Palestinian institutions and cultural events in Jerusalem that the government stated had PA participation or support, incited violence against Israel, or had anti-Israel or other objectionable content. Israeli authorities said they would also detain and ban PA-affiliated officials in Jerusalem from conducting PA-related activities. According to *Haaretz*, the Ministry of Public Security approved dozens of such orders during the year. PA officials publicly point to the 1993 letter sent by then Israeli foreign minister Shimon Peres to his Norwegian counterpart Johan Holst as proof of an agreement to allow Palestinian institutions and activities in East Jerusalem.

b. Freedoms of Peaceful Assembly and Association

Authorities in the West Bank and Gaza limited and restricted Palestinian residents’ freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

PA law permits public meetings, processions, and assemblies within legal limits. The law requires permits for rallies, demonstrations, and large cultural events. Both the PA and Hamas security forces selectively restricted or dispersed peaceful protests and demonstrations in the West Bank and Gaza during the year.

In July the PASF arrested 22 anticorruption activists gathering for protests after their permit request was denied under coronavirus emergency regulations, according to media reports. The PASF arrested several of the activists as they were heading to the protest location, according to the ICHR. The ICHR claimed the activists were also arrested for social media posts critical of the PA. The PASF released 10 activists shortly after their arrest; the remaining 12 were released on bail after criticism from human rights groups of the arrests. The trials continued at year’s end. Some NGOs claimed the PASF used the emergency COVID-19 measures as a pretext to crack down on dissent.

According to a Hamas decree, any public assembly or celebration in Gaza requires prior permission. Hamas used arbitrary arrest to prevent some events from taking place, including political events affiliated with Fatah. Hamas also attempted to impede criticism of its policies by imposing arbitrary demands for the approval of meetings on political or social topics.

A 1967 Israeli military order stipulates that a “political” gathering of 10 or more persons requires a permit from the regional commander of military forces, which Israeli commanders rarely granted. The penalty for conviction of a breach of the order is up to 10 years’ imprisonment or a fine. The IDF Central Command declared areas of the West Bank to be “closed military zones” in which the IDF prohibited public assembly by Palestinians. Israeli military law prohibits Palestinians from insulting a soldier, participating in an unpermitted demonstration or march consisting of more than 10 persons, and “incitement” (encouraging others to engage in civil disobedience).

Palestinian human rights activist Issa Amro faced 16 charges in a trial in an Israeli military court that began in 2016 and continued through the year. The charges include participation in a march without a permit, assaulting a soldier, and incitement, according to human rights groups. Human rights organizations such as Amnesty International stated Amro’s actions during these incidents were consistent with nonviolent civil disobedience. The latest hearing in his case took place in September. *Haaretz* reported the IDF detained Amro at least 20 times at various checkpoints since 2018. In August, IDF soldiers detained Amro at a checkpoint in Hebron and released him two hours later with no explanation, according to rights groups.

Freedom of Association

PA law allows freedom of association. PA authorities sometimes imposed limitations on the freedom of association in the West Bank, including on labor organizations (see section 7.a.). NGOs stated a regulation subjecting “nonprofit companies” to PA approval prior to receiving grants impeded their independence and threatened the ability of both local and international nonprofits to operate freely in the West Bank.

In Gaza Hamas attempted to prevent various organizations from operating. This included some organizations Hamas accused of being Fatah-affiliated, as well as private businesses and NGOs that Hamas deemed to be in violation of its interpretation of Islamic social norms. Hamas claimed supervisory authority over all NGOs, and Hamas representatives regularly harassed NGO employees and requested information on staff, salaries, and activities.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

PA law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights, with some exceptions. The PA’s May 20 decision to end security coordination with Israel exacerbated many of the issues that constrain Palestinian movement. For example, during the olive harvest some Palestinian farmers were left to coordinate access to their olive groves with Israel’s Civil Administration without the assistance of a PA intermediary, according to human rights groups.

Hamas restricted some foreign travel into and out of Gaza, and required exit permits for Palestinians departing through the Gaza-Israel Erez crossing. Hamas also prevented some Palestinians from exiting Gaza based on the purpose of their travel or to coerce payment of taxes and fines. There were some reports unmarried women faced restrictions on travel out of Gaza. Hamas restricts the entry of foreigners into Gaza unless a recognized local entity applies for their entrance prior to arrival. Hamas prohibited several international journalists from entering due to a lack of local agencies or persons applying for permits on their behalf.

Citing security concerns and frequent attempted terrorist attacks, Israel occasionally imposed significant restrictions on Palestinian movement in the West Bank and between the West Bank and Jerusalem. Israeli authorities often prohibited travel between some or all Palestinian West Bank towns and deployed temporary checkpoints for that purpose. Palestinians who lived in affected villages stated that “internal closures” continued to have negative economic effects, lowering their employment prospects, wages, and days worked per month. During periods of potential unrest, including on some major Israeli, Jewish, and Muslim holidays, Israeli authorities enacted “comprehensive external closures” that prevented Palestinians from leaving the West Bank and Gaza.

Israel placed restrictions on Palestinian farmers accessing their land in the so-called seam zone west of the barrier and east of the green line, according to human rights groups, and there were some reports that soldiers operating the checkpoints at seam-zone access points did not allow farmers to move farming implements and machinery, including trucks for transporting olive harvests, into the area.

The Israeli travel permit system restricts Palestinians’ ability to travel from Gaza to the West Bank. Palestinian higher education contacts reported that permits for Gazans to attend West Bank universities were seldom granted. According to HaMoked, Israeli authorities required Palestinians from the West Bank who are married to a Palestinian in Gaza and reside in Gaza to sign a “Gaza resettlement form” and permanently forego their right to move back to the West Bank.

Israel has declared access-restricted areas (ARAs) on both the coastal and land borders around Gaza, citing evidence that Hamas exploited these areas at times to conduct attacks or to smuggle weapons and goods into Gaza. The lack of clear information regarding the ARAs created risks for Palestinians in Gaza who lived or worked either on the Mediterranean Coast or near the perimeter fence. No official signage exists for the line of demarcation, and official policy changed frequently. Hamas’s use of certain technologies for rockets, drones, other weapons, and surveillance systems led Israel to restrict importation of dual-use equipment into Gaza including Global Positioning System (GPS) devices. The lack of GPS devices made it more difficult for fishermen to locate and avoid restricted maritime activity areas. In addition the permitted maritime activity area for Palestinians along the coastal region of Gaza changed between zero and 15 nautical miles multiple times throughout the year, according to Gisha, an Israeli organization that focuses on Palestinian freedom of movement. Gisha called the changes a form of collective punishment. Human rights NGOs asserted that confusion over permitted activity areas led to multiple instances of Israeli forces firing upon farmers and fishermen. According to the Israeli government, Hamas attempted to conduct

terrorist activities by sea. According to the United Nations, regular electrical outages often made it necessary for Gazan farmers to work their fields after dark; in some instances, IDF soldiers shot at farmers near the ARA when farmers irrigated their fields at night.

On September 25, Egyptian naval forces shot and killed two brothers and wounded another fishing off the Gaza coast near Rafah, according to media reports. It was unclear whether the brothers’ boat had crossed into Egyptian waters.

In February 2019 Israeli naval forces allegedly shot Gaza fisherman Khader al-Saaidy with rubber-coated bullets in the face and chest at close range, and he lost sight in both eyes as a result. After examining the case, the Military Prosecutor did not find that the actions of IDF forces raised grounds for any suspicion of criminal misconduct and decided not to launch a criminal investigation, according to the Israeli government.

The barrier that divides the majority of the West Bank from Israel, including Jerusalem, and some parts of the West Bank, significantly impeded Palestinian movement. Israeli authorities stated they constructed the barrier to prevent attacks by Palestinian terrorists. In some areas the barrier divides Palestinian communities in the West Bank and Jerusalem. At its widest points, the barrier extends 11 miles into the West Bank. B’Tselem estimated that 27,000 Palestinians resided in communities west of the barrier who were required to travel through Israeli security checkpoints to reach the remainder of the West Bank.

Other significant barriers to Palestinian movement included internal ISF road closures and Israeli restrictions on the movement of Palestinian persons and goods into and out of the West Bank and Gaza. Major checkpoints, such as Container and Za’tara, caused major disruptions in the West Bank when closed, according to media reports. When Container (near Bethlehem) is closed, it cuts off one-third of the West Bank population living in the south, including Bethlehem and Hebron, from Ramallah and the north. Similarly, Za’tara checkpoint blocks traffic in and out of the entire northern part of the West Bank, including Nablus, Tulkarem, and Jenin, according to media reports. UNOCHA reported during the year that there were 593 permanent obstacles throughout the West Bank. Israeli restrictions on movement affected virtually all aspects of Palestinian life, including attendance at weddings and funerals, access to places of worship, employment, access to agricultural lands, schools, and hospitals, as well as the conduct of journalism and humanitarian and NGO activities. There were also reports of patients dying in traffic before reaching hospitals and ambulances on the way to accidents or scenes of attacks being stopped by the IDF for hours at a time.

The barrier that divided the majority of the West Bank from Israel also divided some communities in Jerusalem, affecting residents’ access to places of worship, employment, agricultural lands, schools, and hospitals, as well as the conduct of journalism and humanitarian and NGO activities. For example, restrictions on access in Jerusalem had a negative effect on Palestinian patients and medical staff trying to reach the six Palestinian hospitals in East Jerusalem that offered specialized care, including delays at checkpoints lasting up to two hours. Authorities sometimes restricted internal movement in Palestinian neighborhoods of Jerusalem and Jerusalem’s Old City and periodically blocked entrances to the East Jerusalem neighborhoods of Issawiya, Silwan, and Jabal Mukabber. The government stated that the barrier was needed for security reasons and restrictions on movement in Jerusalem were temporary and implemented only when necessary for investigative operations, public safety, public order, and when there was no viable alternative.

Israeli officials imposed restrictions on movement of materials, goods, and persons into and out of Gaza based on security and economic concerns. Amnesty International and HRW reported difficulties by foreign workers in obtaining Israeli visas, which affected the delivery of humanitarian assistance in the West Bank and Gaza. Amnesty International and HRW also reported that the Israeli government denied permits to Amnesty International and HRW employees to enter Gaza from Israel. The United Nations and several international NGOs reported that the Israeli government denied permits to the UN’s and NGO’s local Gazan staff to exit Gaza into Israel. The Israeli government stated all Gaza exit requests are reviewed on a case-by-case basis in accordance with security considerations arising from Hamas’s de facto control of Gaza.

PA-affiliated prosecutors and judges claimed that ISF prohibitions on movement in the West Bank, including Israeli restrictions on the PA’s ability to transport detainees and collect witnesses, hampered their ability to dispense justice.

UNRWA reported staff movement continued to be restricted and unpredictable at several checkpoints, notably those controlling access to East Jerusalem or through the barrier. Movement restrictions in the West Bank, including East Jerusalem, resulted in the loss of at least 27 staff days. According to UNRWA, on two occasions at checkpoints in the West Bank, including for entry into East Jerusalem, Israeli authorities demanded to search UNRWA vehicles and on at least three occasions personnel assigned to UNRWA’s West Bank Field Office were denied access through a checkpoint and prevented from attending work.

From March to June, Israeli authorities required that each individual UNRWA staff movement between Israel and the West Bank, in both directions, be coordinated through the UN Access Coordination Unit and approved by Israeli authorities, amounting to hundreds of individual approvals, according to UNRWA. This requirement was later removed for West Bank staff entering Israel and East Jerusalem. As of the end of the year, however, UNRWA staff who hold Israeli-issued residency in East Jerusalem or who are Israeli nationals needing to travel from East Jerusalem to the West Bank (Areas A and B where the majority of UNRWA operations are located) were still required to submit a coordination request through the UN Access Coordination Unit, according to UNRWA.

In-country Movement: In an effort to combat the spread of COVID-19, Hamas occasionally enforced restrictions on internal movement in Gaza. Pressure to conform to Hamas’s interpretation of Islamic norms generally restricted movement by women, who often must travel in groups when visiting certain public areas such as the beach. There were sporadic reports of security officers requiring men to prove a woman with them in a public space was their spouse.

In the West Bank, ISF routinely detained Palestinians for several hours and subjected them to interrogations, according to human rights groups.

Israeli authorities allegedly damaged Palestinian property in the West Bank during raids, sealed off entries and exits to homes and other buildings, and confiscated vehicles and boats. The Israeli government stated that it imposed collective restrictions only if an armed forces commander believed there was a military necessity for the action and that the imposition on the everyday lives of Palestinian civilians was not disproportionate.

Israeli authorities restricted or prohibited Palestinian travel on 29 roads and sections of roads (totaling approximately 36 miles) throughout the West Bank, including many of the main traffic arteries, according to B’Tselem. ISF also imposed temporary curfews confining Palestinians to their homes during ISF arrest operations. Israel continued to restrict movement and development near the barrier, including access by some international organizations.

Palestinian farmers continued to report difficulty accessing their lands in Israeli-controlled Area C of the West Bank. NGOs and community advocates reported numerous Palestinian villages owned land rendered inaccessible by the barrier. A complicated Israeli permit regime (requiring more than 10 different permits) prevented these Palestinians from fully using their lands. Israeli NGO HaMoked reported that government of Israel data showed a marked reduction in permit approvals, compared to previous years, to cross the barrier. Data showed 84 percent of permit applications were denied, although only 1 percent were reportedly denied for security reasons. HaMoked also reported that Israeli authorities opened gates to these areas late, which the NGO stated reduced access for Palestinian farmers to cultivate their land.

Israeli restrictions on the importation of dual-use items, including wires, motors, and fiberglass which could be used for the production of weaponry or explosives, prevented some fisherman from being able to repair their boats.

In the West Bank, Israeli military authorities continued to restrict Palestinian vehicular and foot traffic and access to homes and businesses in downtown Hebron. They cited a need to protect several hundred Israeli settlers resident in the city center. ISF continued to occupy rooftops of private Palestinian homes in Hebron as security positions, forcing families to leave their front door open for soldiers to enter. In response to these reports, the Israeli government stated that freedom of movement is not an absolute right but must be balanced with security and public order.

The Israeli government, citing security concerns, continued to impose intermittent restrictions on Palestinian access to certain religious sites, including the Haram al-Sharif or Temple Mount. Israeli officials cited security concerns when imposing travel restrictions, including limiting access to Jerusalem during major Jewish holidays as well as continuing construction of Israel’s barrier, which impeded the movements of Palestinian Muslims and Christians in the West Bank.

UNOCHA reported Palestinians in Gaza considered areas up to 1,000 feet from the perimeter fence to be a “no-go” area, and up to 3,300 feet to be “high risk,” which discouraged farmers from cultivating their fields. UNOCHA estimates nearly 35 percent of Gaza’s cultivable land is in these areas.

Foreign Travel: Hamas in Gaza occasionally enforced movement restrictions on Palestinians attempting to exit Gaza to Israel via the Erez Crossing and to Egypt via the Rafah Crossing. Palestinians returning to Gaza were regularly subject to Hamas interrogations regarding their activities in Israel, the West Bank, and abroad.

After the PA’s May 20 decision to end security coordination with Israel, Gazans were not able to get advanced medical care outside of Gaza for several weeks. The Palestinian Center for Human Rights and the ICRC filled the gap temporarily then ceded the coordination role to the World Health Organization until coordination resumed.

Citing security concerns, Israeli authorities often denied or did not respond to Palestinian applications for travel permits through the Erez Crossing, including patients seeking medical care unavailable inside Gaza. Israeli authorities largely limited entry and exit from Gaza at the Erez Crossing to humanitarian cases and limited permits to businesspersons and day laborers working in Israel. These limitations prevented some Palestinians from transiting to Jerusalem for visa interviews; to Jordan (often for onward travel) via the Allenby Bridge; and to the West Bank for work or education. The Israeli Ministry of Foreign Affairs stated there were no new restrictions on items that could be brought through Erez into Israel, but Gazans reported additional restrictions, including not being allowed to carry cell phone chargers or more than one pair of shoes.

The Israeli government continued selective revocations of residency permits of some Palestinian residents of Jerusalem. This meant those residents could not return to reside in Jerusalem. Reasons for revocation included holding residency or citizenship of another country; living in another country, the West Bank, or Gaza for more than seven years; or, most commonly, being unable to prove a “center of life” (interpreted as full-time residency) in Jerusalem. The Israeli Ministry of Foreign Affairs report that as of October 28 the Israeli government had revoked 17 residency permits in Jerusalem on the grounds of regulation 11A of Israel’s Entry Regulations, regarding

individuals who stayed outside of Israel for more than 7 years or have acquired Citizenship/ Permanent Residence Status outside of Israel. Some Palestinians who were born in Jerusalem but studied abroad reported losing their Jerusalem residency status, but the government denied revoking residency status of anyone who left for the sole purpose of studying abroad. The government added that the residency of individuals who maintain an “affinity to Israel” would not be revoked and that former residents who wished to return to Israel could receive renewed residency status under certain conditions.

Palestinians possessing residency permits issued by the Israeli government but no PA or Jordanian identity document needed special documents to travel abroad.

During the year the Israeli Supreme Court continued to uphold, with few exceptions, the ban imposed in 2000 on students from Gaza attending West Bank universities. Students in Gaza generally did not apply to West Bank universities because they understood Israeli authorities would deny permits or could revoke them during the school year.

Delays in permit approvals by Israeli officials caused some Palestinians to miss the travel dates for exchange programs abroad and matriculation in foreign universities. In some cases authorities asked students to submit to security interviews prior to receiving permits. Israeli authorities detained some students indefinitely without charge following their security interview, which caused other students to refuse to attend these interviews due to fear of being detained.

According to Gisha, Israeli authorities denied some exit permit applications by residents of Gaza on the grounds that the applicants were “first-degree relative[s] [of] a Hamas operative.” UNOCHA reported that some of their staff members were denied exit permits out of Gaza because UNOCHA coordinates with Hamas as the de facto government in Gaza to facilitate the entry, exit, and transportation of UN personnel.

e. Status and Treatment of Internally Displaced Persons

According to the United Nations, 1,001 persons were displaced in the West Bank and East Jerusalem due to demolitions.

UNRWA and other humanitarian organizations provided services to IDPs in Gaza and the West Bank, with some limitations due to Israeli restrictions on movement and border access.

f. Protection of Refugees

Abuse of Migrants, Refugees, and Stateless Persons: Israeli security operations in the West Bank led to three fatalities of Palestinian UNRWA beneficiaries, one of whom was killed while reportedly conducting an attack on ISF or Israeli civilians. ISF conducted an estimated 560 operations in West Bank refugee camps, injuring 180 Palestinians, according to the UN. Of these injuries, 43 persons, including eight minors, were injured with live ammunition, the United Nations reported. Israeli authorities demolished 220 structures belonging to UNRWA beneficiaries, which resulted in the displacement of 287 refugees, according to the UN.

In July 2019 the most recent fatality in the Deheisha refugee camp south of Bethlehem occurred when ISF shot and killed 14-year-old Arkan Thaer Mizher. According to the Israeli government, the investigation has concluded and the MAG was reviewing the findings.

UNRWA provided education, health care, and social services in areas of Jerusalem, the West Bank, and Gaza; however, the agency continued to experience funding shortfalls throughout the year that caused temporary delays in salary payments to staff. A 2019 UN Office of Internal Oversight Services investigation into allegations of corruption and mismanagement by UNRWA’s senior management team found no evidence of fraud or misuse of donor funds, although it did highlight mismanagement and significant shortcomings in human resources and accountability mechanisms. UNRWA stated it would continue to prioritize a series of management initiatives to address concerns regarding transparency, accountability, and inclusive decision making at the agency.

Access to Asylum: Palestinian residents of the West Bank who claimed to be in a life-threatening situation due to their sexual orientation or other reasons, such as domestic violence, did not have access to the asylum system in Israel; however, many of them resided in Israel without legal status. NGOs stated this situation left these persons, who claimed they could not return to the West Bank due to fear of persecution, vulnerable to human traffickers, violence, and exploitation. Some lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) Palestinians were able to obtain a temporary permit allowing them to stay in Israel without authorization to work or access to social services from the Coordinator of Government Activities in the Territories (COGAT), but. A Supreme Court petition by NGOs demanding these rights was pending as of the year’s end. According to UNHCR, prior to the issuance of permits, COGAT requested proof of efforts to resettle in a third country. The government stated that COGAT examined the issue on a case-by-case basis. Following a HIAS administrative petition, on March 1, PIBA launched a program that allowed Palestinians recognized as trafficking victims to work in Israel.

Access to Basic Services: Palestinian refugees in the West Bank and Gaza were eligible to access UNRWA schools and primary health care clinics, although in some cases, movement restrictions limited access to UNRWA services and resources in the West Bank (see section 1.d.).

All UNRWA projects in the West Bank and Gaza required Israeli government permits, but UNRWA does not apply

for permits in refugee camps.

Socioeconomic conditions in Gaza severely affected refugees. UNRWA reported that food security continued to be at risk. In March, UNRWA temporarily suspended food distribution at its official distribution centers to avoid spreading COVID-19 but began door-to-door delivery as an alternative soon afterwards.

Israeli import restrictions on certain commodities considered as dual use continued to impede humanitarian operations in Gaza, including those directed toward refugees. In 2016 Israeli authorities introduced a requirement whereby approval of UNRWA projects remained valid for only one year. As project implementation timelines often exceeded one year, this requirement necessitated applications for reapproval of projects, which hampered implementation and increased transaction costs for multiple UNRWA projects.

g. Stateless Persons

According to NGOs, 40,000 to 50,000 Palestinians in Gaza lacked identification cards recognized by Israel. Some were born in Gaza but never recognized by Israel as residents; some fled Gaza during the 1967 war; and some left Gaza for various reasons after 1967 but later returned. A small number lacking recognized identification cards were born in Gaza and never left but had only Hamas-issued identification cards. Under the Oslo Accords, the PA administers the Palestinian Population Registry, although status changes in the registry require Israeli government approval. The Israeli government has not processed changes to the registry since 2000.

The PA’s decision to suspend civil and security coordination with Israel caused travel and work disruptions for many Palestinians and left multiple gaps in processes for obtaining work and medical travel permits and other documents. Between May and November, the Palestinian Civil Affairs Ministry did not transfer population registry updates to Israel’s Civil Administration reflecting births, deaths, or passport and ID card numbers. Without this information, Israel did not recognize PA identity cards issued during the suspension. COGAT confirmed that without accurate and updated records in Israeli databases, Israeli authorities cannot process Palestinians’ movement in and out of the West Bank and Gaza.

There was no process for foreign spouses or foreign-born children of Palestinians to obtain permanent legal status in the West Bank. As a result many Palestinian children and young adults, especially those born abroad, are without legal status in the region where they have spent most or all of their lives. In 2019 a court granted Maen Abu Hafez a one-year visitor’s permit to stay in the West Bank, which expired during the year, and his renewal request was rejected. HaMoked requested a renewal on his behalf, but he remained without legal status in the interim. Abu Hafez reportedly lived in the Jenin refugee camp since he was three, when he moved there with his Palestinian father and Uruguayan mother. His family reunification request has been on hold for several years. In 2017 he was detained at a checkpoint and was held for more than two and a half years in an Israeli prison in Ramle. The Israeli government sought to deport him to Brazil, where he was born, although he has no ties there and does not speak Portuguese.

Section 3. Freedom to Participate in the Political Process

The PA basic law provides Palestinians the ability to choose their government and vote in periodic free and fair elections held by secret ballot and based on universal, equal suffrage. The PA has not held national elections in the West Bank or Gaza since 2006, preventing Palestinians from being able to choose their own government or hold it accountable. Civil society organizations in Gaza, which has been under Hamas control since 2007, stated Hamas and other Islamist groups did not tolerate public dissent, opposition, civic activism, or the promotion of values contrary to Hamas’s political and religious ideology.

Israeli law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. Palestinian residents of Jerusalem who have permanent residency status may vote in municipal elections and seek some municipal offices, but not mayorships, and they may not vote in general elections or serve in the Knesset.

Elections and Political Participation

Recent Elections: There have been no national elections in the West Bank and Gaza since 2006. Elections were due to be held in 2010, but President Abbas refused to announce an election. In 2017 municipal elections were held in the West Bank. In 2018 President Abbas announced that the PA Constitutional Court had issued a decision dissolving the Palestinian Legislative Council (PLC) and calling for PLC elections within six months. Those elections never happened. Fatah and Hamas leadership discussed the possibility of elections in late 2019 and returned to the issue in 2020, with President Abbas again promising elections at his address to the UN General Assembly in September.

Political Parties and Political Participation: The PA allowed a limited range of political parties to exist in the West Bank and limited the ability of Hamas members to campaign and organize rallies. In Gaza Hamas allowed other political parties but restricted their activities, primarily in the case of Fatah. According to HRW, the PA and Hamas arbitrarily arrested each other’s supporters solely because of their political affiliation or expression of views.

Participation of Women and Members of Minority Groups: No PA laws limit participation of women or members of minority groups in the political process, and they did participate. Legally women and minorities may vote and participate in political life, although women faced significant social and cultural barriers in both the West Bank and Gaza. There was a 20 percent quota for women on the Palestinian Legislative Council, but the council’s activity has been suspended since 2007. There are three women and four Christians in the 22-member PA cabinet.

Hamas generally excluded women from leadership positions in Gaza.

Section 4. Corruption and Lack of Transparency in Government

PA law provides criminal penalties for conviction of official corruption, but little was done to prosecute corrupt officials.

Corruption: Allegations of corrupt practices among Fatah officials continued, particularly related to favoritism and nepotism in public-sector appointments, which were rarely advertised publicly. In July public resentment, as shown by a variety of public opinion polls, peaked after several relatives of high-profile politicians received preferential appointments despite serious fiscal constraints caused by the PA refusal to accept tax clearance revenues from Israel after cutting security coordination with Israel in May.

In Gaza local observers and NGOs alleged instances of Hamas complicity in corrupt practices, including preferential purchasing terms for real estate and financial gains from tax and fee collections from Gazan importers. Hamas severely inhibited reporting and access to information.

Local business representatives in Gaza alleged the PA Ministry of Civil Affairs, which submits applications to Israeli authorities for the entry of restricted materials into Gaza, engaged in nepotism and gave preferential treatment to Gaza-based importers close to the ministry.

Financial Disclosure: PA ministers are subject to financial disclosure laws, but there was little accountability for nondisclosure. The PA publicized financial disclosure documents from public-sector employees, including ministers, via the PA Anticorruption Commission. Hamas in Gaza did not require financial disclosure.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Palestinian human rights groups and international organizations reported restrictions on their work in the West Bank. Some of these organizations reported the PASF and PA police harassed their employees and pressured individuals and organizations not to work with them. Several PA security services, including General Intelligence and the Palestinian Civil Police, appointed official liaisons who worked with human rights groups.

Some Israeli and Palestinian human rights NGOs operating in the West Bank, Gaza, or both, including B’Tselem, Rabbis for Human Rights, and Breaking the Silence, reported harassment from Israeli settlers and anonymous sources. These groups as well as NGO Yesh Din and HRW reported some of their employees were subjected to questioning by security services, interrogations, intimidation, death threats, or physical assault. Yesh Din reported some Palestinian field workers were detained for several hours at checkpoints after Yesh Din research materials were found in their possession. The NGOs claimed these behaviors increased during periods in which Israeli government officials spoke out against the NGOs’ activities or criticized them as enemies or traitors for opposing Israeli government policy.

Gaza-based NGOs reported that Hamas representatives appeared unannounced at their offices to seek tax payments, demand beneficiary lists and salary information, and summon NGO representatives to police stations for questioning.

Humanitarian organizations continued to raise concerns regarding the shrinking operational space for international NGOs in Gaza, including Israeli travel bans affecting their Gaza-based staff.

Palestinian, Israeli, and international NGOs monitored the Israeli government’s practices in the West Bank and Gaza and published their findings.

The United Nations or Other International Bodies: PA officials generally cooperated with and permitted visits by representatives of the United Nations and other international organizations.

The Israeli government continued its policy of nonengagement with the UN Human Rights Council’s “special rapporteur on the situation in the Palestinian territories occupied since 1967.” On February 12, the government suspended relations with the United Nations High Commissioner for Human Rights (OHCHR) following publication of a United Nations Human Rights Council database of companies and “business activities related to settlements in the Occupied Palestinian Territory.” OHCHR staff told the news outlet Middle East Eye that since June the government did not extend staff visas due to the suspension of relations, and that as of October 15, nine of the 12 OHCHR foreign staff had left the country. On October 20, 17 human rights and civil society organizations in Israel sent a letter to the minister of foreign affairs demanding that the ministry reverse its measures against OHCHR and resume issuing visas.

There were numerous reports Hamas harassed members of international organizations.

Government Human Rights Bodies: The ICHR continued serving as the PA’s ombudsman and human rights commission. The ICHR issued monthly and annual reports on human rights violations within PA-controlled areas; the ICHR also issued formal recommendations to the PA. The ICHR was generally independent but faced resource shortages that limited its ability to work effectively. Local and international human rights NGOs cooperated with the ICHR.

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

Women

In January, Mahmoud al-Habbash, chief justice of the Sharia Court, said that, although the PA has signed onto the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the PA was only committed to what is consistent with Islamic law, according to media reports. In another statement Habbash said the long-awaited draft Family Protection Bill (FPB) was in conflict with Sharia law, according to media reports.

As of the end of the year, the PA had not published the CEDAW in the Official Gazette, which would give the Convention a binding legal status, nor passed the FPB, according to the Women’s Center for Legal Aid and Counseling. Several Israeli and Palestinian rights groups, and the UN, called on the PA to support civil society organizations in responding to social movements opposed to both the CEDAW and the FPB in the face of threats and intimidation. According to human rights groups, the Attorney General’s Office and the security services disregarded death threats directed at employees and employees’ family members at a women’s rights organization.

Rape and Domestic Violence: Rape is illegal under PA law, but the legal definition does not address spousal rape. Punishment for conviction of rape is five to 15 years in prison. The PA repealed a law that relieved a rapist of criminal responsibility if he married his victim. Neither the PA nor Hamas effectively enforced laws pertaining to rape in the West Bank and Gaza.

According to the PA’s Central Bureau of Statistics, one in five Palestinian women in the West Bank and Gaza reported at least one incident of physical abuse from their husbands. Women in Gaza were twice as likely to be a victim of spousal abuse as women in the West Bank. PA law does not explicitly prohibit domestic violence, but assault and battery are crimes.

PA and Hamas did not enforce the law effectively in domestic violence cases in the West Bank and Gaza. NGOs reported Palestinian women were frequently unwilling to report cases of violence or abuse to the PA or Hamas due to fear of retribution or little expectation of assistance. Women’s rights and child advocacy groups reported sharp increases in incidents of domestic violence and abuse related to coronavirus mitigation measures including lockdowns and business closures.

Other Harmful Traditional Practices: The law precludes “family honor” as protection for perpetrators in “honor killing” crimes. In 2018 the PA amended the law to prohibit the practice of judges giving lighter sentences for crimes against women and children versus crimes against men. NGOs claimed the amended law was not sufficiently enforced. According to the Democracy and Media Center (SHAMS), 32 women were killed in the West Bank and Gaza from January through October. On October 21, Palestinian police began an investigation into the death of a pregnant woman at her home in the West Bank town of Nabi Elias, according to media reports. Shortly after the investigation began, the PA Ministry of Social Affairs stated the woman’s husband had killed her. The investigation continued, but no charges had been brought as of the year’s end.

On September 21, the PA attorney general charged three male family members with murder in the 2019 death of Israa Ghraieb in an alleged honor killing, according to media reports. Hearings in the case were postponed several times due to coronavirus emergency measures. The case continued at year’s end.

Sexual Harassment: No PA law specifically relates to sexual harassment, which was a significant and widespread problem in the West Bank and Gaza. Some women claimed that when they reported harassment, authorities held them responsible for provoking men’s harassing behavior.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: Inheritance for Muslims in the West Bank and Gaza falls under the Palestinian Basic Law, which is based on sharia. Under the Palestinian Basic Law, women have a right to inheritance but generally received less than men. According to human rights groups, in some cases women have been attacked by male family members for asserting their right to an inheritance. While recognized Christian communities have separate civil court systems, there is no separate civil law for Christians, so those communities also utilize the Palestinian Basic Law. Men may marry more than one wife. Women may add conditions to marriage contracts to protect their interests in the event of divorce and child custody disputes but rarely did so. Local officials sometimes advised such women to leave their communities to avoid harassment. Hamas enforced a conservative interpretation of Islam in Gaza that discriminated against women. According to press and NGO reports, in some instances teachers in Hamas-run schools in Gaza sent

girls home for not wearing conservative attire, although enforcement was not systematic. Reports of gender-based employment discrimination in Gaza against women were common, and factories often did not hire pregnant or newly married women in order to avoid the need to approve maternity leave.

Children

Birth Registration: The PA registers Palestinians born in the West Bank and Gaza, and Israel requires the PA to transmit this information to Israel’s Civil Administration. The PA may not determine citizenship. Children of Palestinian parents may receive a Palestinian identity card issued by the Civil Administration if they are born in the West Bank or Gaza to a parent who holds a Palestinian identity card. The PA Ministry of Interior and Israel’s Civil Administration both play a role in determining a person’s eligibility for that card.

The Israeli government registers the births of Palestinians born in Jerusalem, although some Palestinians who have experienced the process reported that administrative delays can last for years. The St. Yves Society estimated that more than 10,000 children in East Jerusalem remained undocumented.

Education: In Gaza primary education is not universal. UNRWA, Hamas, religious institutions, and private foundations all provided instruction. In addition to the PA curriculum, UNRWA provided specialized classes on human rights, conflict resolution, and tolerance. There were reports Hamas offered courses on military training in its schools during youth summer camps, to which school-age children could apply for admission.

In the West Bank, Palestinian government officials and Palestinian university officials accused ISF of disrupting university campuses, especially in areas close to Israeli settlements. The United Nations documented 113 instances of “interference of education” by Israeli forces in the West Bank, 18 percent of which involved the firing of tear gas canisters, stun grenades, or other weapons in or near schools.

According to some NGOs, the difficulty of obtaining permits to build schools and the Israeli destruction of schools built without permits prevented many West Bank Palestinian children from getting an education. Israeli restrictions on construction in Area C of the West Bank and East Jerusalem also negatively affected Palestinian students’ access to education. As of October, 44 Area C schools and eight East Jerusalem schools, serving an estimated 5,200 students, were under pending partial or full demolition or stop-work orders, according to the UN. B’Tselem further reported that on September 10 Israel’s Civil Administration confiscated tin roofing panels, 30 chairs, and 12 classroom tables from an elementary school in Ras al-Tin, east of Ramallah. The Civil Administration conducted demolitions in the West Bank and East Jerusalem that displaced 510 Palestinian minors, complicating their ability to attend school, according to the UN.

There were reportedly insufficient classrooms to accommodate schoolchildren in Jerusalem. Based on population data from the Central Bureau of Statistics, the NGO Ir Amim estimated in previous years a shortage of 2,500 classrooms for Palestinian children who are residents in East Jerusalem. Ir Amim also estimated that 18,600 Palestinian children in Jerusalem were not enrolled in any school.

Child Abuse: Child abuse was reportedly widespread. PA law prohibits violence against children; however, PA authorities and Hamas in Gaza rarely punished perpetrators convicted of family violence. Reports of domestic abuse increased under coronavirus emergency orders.

On July 9, Ahmad Medhat al-Jamali beat his 11-year-old daughter Amaal al-Jamali to death with a stick in Gaza City, according to child advocacy groups. An autopsy found wounds on her entire body including a fractured skull. Her father had accused her of stealing the equivalent of \$30 from her stepmother, according to reports. The case continued at year’s end.

There were reports Hamas trained children as combatants.

Child, Early, and Forced Marriage: Child marriage did not appear to be widespread in the West Bank and Gaza, according to NGOs including the Women’s Center for Legal Aid and Counseling. President Abbas issued a presidential decree declaring a marriage legal only if both parties enter into the marriage willingly and both are 18 years old. The decree provides an exemption for minors if a judge agrees the marriage is in “the best interest of both parties.” As of the end of October, the chief justice of the Sharia Court, Mahmoud al-Habash, granted 400 exemptions out of 2,000 requests, according to Palestinian media outlets. Some of the justifications for granting exemptions were not sufficient reason to provide an exception, according to the Women’s Center for Legal Aid and Counseling, who claimed some of the accepted justifications included “the girl agreed to marriage without coercion,” and “the husband agrees to let his wife complete her studies.”

Sexual Exploitation of Children: The PA considers statutory rape a felony, based on the Jordanian penal code. Punishment for conviction of rape of a victim younger than 15 includes a minimum sentence of seven years’ imprisonment. In Gaza, under the rule of Hamas, suspects convicted of rape of a victim younger than 14 are eligible for the death penalty. There were reports that societal norms in Gaza led to underreporting to Hamas of sexual exploitation of children.

Displaced Children: Conflict and demolition orders (see section 2.d.) displaced significant numbers of Palestinian children in the West Bank and Gaza.

Anti-Semitism

Israeli settlements in the West Bank had approximately 427,800 Jewish residents as of early 2019 and 441,600 by the end of 2019, according to the Israeli Central Bureau of Statistics.

Some Palestinians and Muslim religious leaders used anti-Semitic rhetoric, including Holocaust denial. Anti-Semitism also regularly featured in public discourse, including expressions of longing for a world without Israel and glorification of terror attacks on Israelis. PA officials made comments linking Israel and the spread of COVID-19 in the West Bank. Media reported PA government spokesman Ibrahim Melhem said at an April 13 press conference that Israelis “are not only exporting [the virus]. They are agents of this virus. These are not accusations. These are facts.” Fatah announced September 26 on its official Facebook site that Facebook had restricted Fatah’s ability to boost stories on its site. The Israeli NGO Palestinian Media Watch (PMW) claimed this was due to concerns it had raised regarding Fatah’s promotion of terror and incitement to violence. During times of heightened tensions between Israeli authorities and Palestinians, Palestinian press and social media sometimes circulated cartoons encouraging terrorist attacks against Israelis, and official PA media outlets published and broadcast material that included anti-Semitic content.

Civil society organizations cited problematic content in Palestinian textbooks, including inappropriately militaristic examples directed against Israel as well as the absence of Judaism alongside Christianity and Islam when discussing religion. The PA Ministry of Education has named at least 31 schools after terrorists and an additional three schools after Nazi collaborators, while at least 41 school names honor “martyrs,” according to PMW. In August 2019 the UN Committee on the Elimination of Racial Discrimination released a report that expressed concern regarding “hate speech in certain media outlets, especially those controlled by Hamas, social media, public officials’ statements, and school curricula and textbooks, which fuels hatred and may incite violence, particularly hate speech against Israelis, which at times also fuels anti-Semitism.”

In August 2019 the Jerusalem-based Center for Near East Policy Research reported that PA teacher guides published in 2016-18 delegitimize Jews’ presence, and demonize Jews as “aggressive, barbarous, full of hate, and bent on extermination,” and “enemies of Islam since its early days.” Palestinian Prime Minister Mohammad Shtayyeh and Palestinian Education Minister of Education Marwan Awartani both stated that positive improvements would be made to the textbooks. On May 18, a Palestinian cabinet announcement approved a plan to make changes to the PA curriculum for the 2020-21 school year. According to NGO IMPACT-SE the Palestinian curriculum moved further away from meeting UNESCO standards and the newly published textbooks were found to be more radical than those previously published.

In Gaza and the West Bank, there were instances in which media outlets, particularly outlets controlled by Hamas, published and broadcast material that included anti-Semitic content, sometimes amounting to incitement to violence.

Trafficking in Persons

No PA law specifically prohibits trafficking in persons, and small numbers of Palestinian children and adults reportedly experienced forced labor in both the West Bank and Gaza (see section 7.b.).

Persons with Disabilities

PA law prohibits discrimination due to a permanent or partial disability in physical, psychological, or mental capabilities. It does not mandate access to buildings, information, or communications. The ICHR reported a lack of accessible transportation in Palestinian areas across the West Bank. UNRWA’s policy is to provide accessibility in all new structures in refugee camps.

Israeli authorities advanced plans to build an elevator at the Ibrahimi Mosque/ Tomb of the Patriarchs in Hebron to provide access for persons in wheelchairs. Under the Oslo Accords, the Hebron PA municipality would need to issue a permit for the construction, and it has refused to do so, according to media reports. PA officials have called the construction criminal and tantamount to annexation of Palestinian land.

Persons with disabilities received inconsistent and poor quality services and care in the West Bank and Gaza. The PA in the West Bank and Hamas in Gaza partially depended on UN agencies and NGOs to care for persons with physical disabilities, and both the PA and Hamas offered substandard care for persons with mental disabilities, according to advocacy groups. HRW stated neglect from Hamas and the Israeli closure of Gaza significantly affected the lives of persons with disabilities in Gaza, contributing to a lack of access to assistive devices and widespread stigma. Palestinians in Gaza reported little to no infrastructure accommodations for persons with mobility disabilities, as well as difficulty in importing wheelchairs and other mobility aids. Hamas was more likely to provide prostheses and mobility aids to individuals injured in Israeli airstrikes or in the protests at the Gaza fence than to those born with disabilities, according to NGOs.

On May 30, a border police officer in Jerusalem chased and then shot and killed Iyad Halak, a Palestinian man with autism, after he had failed to heed calls to stop (see section 1.a.).

Members of National/Racial/Ethnic Minority Groups

According to Bimkom, an estimated 35,000 Palestinian Bedouins lived in Area C of the West Bank. Many were UNRWA-registered refugees. Bedouins were often resident in areas designated by Israel as closed military zones or planned for settlement expansion. Demolition and forced displacement by the Israeli government of Bedouin and herding communities continued in Area C. Many of these communities lacked access to water, health care, education, and other basic services.

Throughout the year there were “price tag” attacks, which refer to violence by Jewish individuals and groups against Palestinians and Arab citizens of Israel and property with the stated purpose of exacting a “price” for actions taken by the government against the attackers’ interests. The Israeli government classifies any association using the phrase “price tag” as an illegal association and classifies a price tag attack as a security (as opposed to criminal) offense. The most common offenses, according to police, were attacks on vehicles, defacement of real estate, harm to Muslim and Christian holy sites, assault, and damage to agricultural lands. For example, on January 24, unknown perpetrators set fire to a mosque in the Sharafat neighborhood of Jerusalem in a suspected hate crime, according to media reports. Graffiti sprayed on the side of the mosque indicated the suspected arson was related to an unpermitted West Bank outpost, portions of which the Israeli Border Police demolished on January 15.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

In the West Bank, PA law, based on the 1960 Jordanian penal code, does not prohibit consensual same-sex sexual activity. NGOs reported PA security officers and neighbors harassed, abused, and sometimes arrested individuals due to their sexual orientation or gender identity. In Gaza, under the British Mandate Penal Code of 1936, sexual acts “against the order of nature” are criminalized. NGOs reported Hamas security forces harassed and detained persons due to their sexual orientation or gender identity.

HIV and AIDS Social Stigma

While the PA Ministry of Health provided treatment and privacy protections for patients with HIV or AIDS, societal discrimination against affected individuals in the West Bank was common. Anecdotal evidence suggested societal discrimination against HIV and AIDS patients was also very common in Gaza.

Other Societal Violence or Discrimination

On April 22, Israeli Border Police shot and killed Ibrahim Halsal after Halsal rammed his car into a Border Police officer, then exited his vehicle and stabbed the officer, according to B’Tselem and media reports.

The IDF reported the following Palestinian attacks on Israelis in the West Bank: approximately 1,500 incidents of rock throwing, 31 cases of live fire incidents, and nine stabbing attacks. West Bank-based Israeli volunteer organization Rescuers without Borders reported 2,273 Palestinian attacks on Israeli civilians in the West Bank, including 1,884 incidents of rock throwing, 495 firebombs thrown at vehicles, and the setting of 39 improvised explosive devices.

UNOCHA reported 327 incidents of settler attacks that resulted in Palestinian fatalities, injuries, or property damage, which represented a 2.4 percent decrease from 2019. Some NGOs alleged that some Israeli settlers used violence against Palestinians to intimidate them from using land that settlers sought to acquire. In 2019 B’Tselem released video footage of an off-duty Israeli soldier igniting a bush fire on Palestinian-owned farmland near Burin village. The IDF suspended the soldier from his combat unit, and according to media reports, the incident remained under Israeli police investigation. Various human rights groups, including Yesh Din, Rabbis for Human Rights, and B’Tselem, continued to claim Israeli authorities insufficiently investigated and rarely prosecuted settler violence. Palestinian residents were reportedly reluctant to report incidents due to fears of settler retaliation and because they were discouraged by a lack of accountability in most cases, according to NGOs.

On December 21, Israeli police were chasing a car in the West Bank when the car flipped over and one of its occupants, 16-year-old settler Ahuvia Sandak, died, according to media reports. Sandak and the other four occupants, who were also settlers, were reportedly throwing stones at Palestinians before the incident occurred. Sandak’s death sparked violent protests outside police stations in Jerusalem as some questioned the actions of police involved in the incident. In the West Bank, settlers reportedly blocked roads in protest of the police’s role in the incident, threw rocks at cars with license plates that identified them as Palestinian, and raided some Palestinian homes, according to media reports. Israeli police were reportedly considering charges of negligent homicide against the other four occupants of the vehicle. The case continued at year’s end.

There were several reports of settler violence during the olive harvest. In the first 23 days of the season, Yesh Din stated it recorded 33 incidents, including 10 attacks on farmers, 10 instances of burning or cutting olive trees, 12 instances of crop theft, and one case in which soldiers allegedly denied a farmer access to his land without basis. In response to some of these events, Israeli security forces provided medical assistance to injured farmers, arrested at least three settlers suspected of stone throwing, and were investigating other incidents of violence and property damage, according to media reports.

Israeli authorities investigated reported attacks against Palestinians and Arab citizens of Israel, primarily in Jerusalem, by members of organizations that made anti-Christian and anti-Muslim statements and objected to social relationships between Jews and non-Jews.

The Israeli government and settler organizations in Jerusalem made efforts to increase property ownership by Jewish Israelis. Civil society organizations and representatives of the Palestinian Authority stated the efforts sought to emphasize Jewish history in Palestinian neighborhoods. UNOCHA and NGOs such as Bimkom and Ir Amim alleged that the goal of Jerusalem municipal and Israeli national policies was to decrease the number of Palestinian residents of Jerusalem. Official Israeli government policy was to maintain a 60 percent majority of Jews in Jerusalem. Jewish landowners and their descendants, or land trusts representing the families, were entitled to reclaim property they had

abandoned in East Jerusalem during fighting prior to 1949, but Palestinians who abandoned property in Israel in the same period had no reciprocal right to stake their legal claim to the property. In some cases private Jewish organizations acquired legal ownership of reclaimed Jewish property in East Jerusalem, including in the Old City and through protracted judicial action sought to evict Palestinian families living there. Authorities designated approximately 30 percent of East Jerusalem for Israeli neighborhoods/settlements. Palestinians were able in some cases to rent or purchase Israeli-owned property, including private property on Israeli government-owned land, but faced significant barriers to both. Israeli NGOs stated that after accounting for Israeli neighborhoods/settlements, Israeli government property, and declared national parks, only 13 percent of all land in East Jerusalem was available for construction by Palestinians or others.

Although the law provides that all residents of Jerusalem are fully and equally eligible for public services provided by the municipality and other Israeli authorities, the Jerusalem municipality and other authorities failed to provide sufficient social services, education, infrastructure, and emergency planning for Palestinian neighborhoods, especially in the areas between the barrier and the municipal boundary. Approximately 117,000 Palestinians lived in that area, of whom approximately 61,000 were registered as Jerusalem residents, according to government data. According to the Jerusalem Institute for Policy Research, 78 percent of East Jerusalem’s Arab residents and 86 percent of Arab children in East Jerusalem lived in poverty in 2017.

Social services in Israeli settlements in the West Bank, including housing, education, and health care, were available only to Israelis, according to NGOs.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

PA law provides for the rights of workers to form and join independent unions and conduct legal strikes. The law requires conducting collective bargaining without any pressure or influence but does not include protections for employees and unions to engage effectively in collective bargaining. Antiunion discrimination and employer or government interference in union functions are illegal, but the law does not specifically prohibit termination for union activity or provide for job reinstatement for termination due to union activity.

The PA labor code does not apply to civil servants or domestic workers, although the law allows civil servants the right to form unions. The requirements for legal strikes are cumbersome, and strikers had little protection from retribution. Prospective strikers must provide written notice two weeks in advance of a strike (four weeks in the case of public utilities). The PA Ministry of Labor may impose arbitration; workers or their trade unions faced disciplinary action if they rejected the result. If the ministry cannot resolve a dispute, it may refer the dispute to a committee chaired by a delegate from the ministry and composed of an equal number of members designated by the workers and the employer. Disputes may move finally to a specialized labor court, although authorities had not established the court as required by labor legislation.

The government did not effectively enforce labor laws and procedures were subject to lengthy delays and appeals. Penalties were not commensurate with those for similar criminal violations, and inspection was not sufficient to enforce compliance. The PA enforced the prohibitions on antiunion discrimination and employer interference in union functions, but it inconsistently enforced laws regarding freedom of association. The PA did not seek to enforce collective bargaining rights for unions, with the exception of those representing PA employees. Hamas continued to maintain de facto control of worker rights in Gaza, where the PA was unable to enforce labor law. Hamas continued to suppress labor union activities, including placing restrictions on celebrating Labor Day and suppressing public gatherings of labor unions.

The PA respected freedom of association and the right to collective bargaining in the West Bank, with some significant exceptions. Labor unions were not independent of authorities and political parties in the West Bank or Gaza. Two main labor unions in the West Bank (the Palestinian General Federation of Trade Unions and the Federation of Independent and Democratic Trade Unions and Workers) competed for membership and political recognition.

Israel applies Israeli civil law to Israeli settlements in the West Bank, but authorities did not enforce it uniformly. Despite a 2007 ruling by the HCJ requiring the government to apply Israeli law to Palestinian workers in Israeli settlements, the Israeli government did not fully enforce the ruling. Most Israeli settlements continued to apply the Jordanian labor law applicable prior to 1967 to Palestinian workers; that law provides for lower wages and fewer protections than does Israeli law.

b. Prohibition of Forced or Compulsory Labor

PA law does not expressly forbid forced or compulsory labor or human trafficking. Forced labor occurred in the West Bank and Gaza. Women working as domestic workers were vulnerable to forced labor conditions in both the West Bank and Gaza, since the PA and Hamas authorities do not regulate domestic labor within households or in the large informal sector.

c. Prohibition of Child Labor and Minimum Age for Employment

PA law prohibits the employment of minors younger than 15. PA law classifies children as persons younger than 18 and restricts employment for those between ages 15 and 18. The law permits hiring children between ages of 15 and 18 for certain types of employment under set conditions. The law allows children younger than 15 to work for immediate family members under close supervision.

PA law prohibits children from working more than 40 hours per week; operating certain types of machines and equipment; performing work that might be unsafe or damage their health or education; and working at night, in hard labor, or in remote locations far from urban centers. A presidential decree includes provisions on child labor and explicit penalties for conviction of violations. PA authorities may penalize repeat offenders by having fines doubled or fully or partially closing the offender’s facility.

The government did not effectively enforce the law. Penalties for child labor were not always criminal nor commensurate with those for similar serious crimes such as kidnapping. Inspectors did not operate in all sectors and did not have the authority to assess penalties. The worst forms of child labor occurred in construction and illicit activities such as smuggling drugs and commercial sexual exploitation. In 2019, the latest year for which data were available, PA Ministry of Labor officials found 194 cases involving child labor (younger than 15). The Ministry of Labor fined and gave warnings to businesses employing children illegally. The ministry inspected only businesses operating in the formal economy and was unable to conduct investigations in Gaza. It did not have access to Israeli-controlled Area C of the West Bank. Many cases of child labor in the West Bank reportedly occurred in home environments, for example on family farms, which were not open to labor ministry inspection.

In the first quarter, 2 percent of children between ages 10 and 17 were employed (3 percent in the West Bank and 1 percent in Gaza). Palestinian child laborers deemed by the PA to be most vulnerable to forced labor generally worked in shops, as roadside and checkpoint street vendors, in car washes, in factories, in small manufacturing enterprises, or on family farms.

Hamas did not effectively enforce child labor laws in Gaza; however, Gaza continued to have a lower percentage of child labor than the West Bank. While the United Nations previously reported child labor was increasing in Gaza due to widespread economic hardship, high unemployment across all segments of society has led to high competition for jobs, thus decreasing the demand for child labor. Hamas reportedly encouraged children to work gathering gravel and scrap metal from bombsites to sell to recycling merchants; Hamas increased recruitment of youth for tunnel-digging activities. Children were also reported to be working informally in the automotive and mechanics sector, often changing tires and working as mechanics’ assistants. There were also reports Hamas trained children as combatants. Due to the rising economic hardship in Gaza, street begging, predominantly by children as young as age three, was common throughout Gaza and Hamas no longer attempted to discourage the practice.

The Israeli government stated it did not issue permits for Palestinian West Bank residents younger than 18 to work in Israeli settlements in the West Bank, except in the Jordan Valley where the law allows issuing permits to persons age 16 and older. There were reports during the year that some Palestinian children entered the settlements or crossed into Israel illegally, often smuggled, to seek work. According to a 2015 Human Rights Watch report, Palestinian children younger than 16 worked on Israeli settlement farms. The PA reported that Palestinian children engaged in child labor in Israeli settlements in the West Bank faced security risks, exploitation, and harassment, since they did not have access to legal protection or labor inspection.

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

PA laws and regulations do not prohibit discrimination regarding race, language, sexual orientation or gender identity, HIV-positive status or other communicable diseases, or social status. While PA laws prohibit discrimination based on gender and disabilities, penalties were not commensurate with penalties for similar violations, and the PA did not effectively enforce those laws and regulations in the West Bank, nor did Hamas in Gaza. PA labor law states that work is the right of every capable citizen; however, it regulates the work of women, preventing them from employment in dangerous occupations. As a result most women are not able to work at night, or in the mining or energy sectors.

There was discrimination in the West Bank and Gaza based on the above categories with respect to employment and occupation. Persons with disabilities faced discrimination in hiring and access to the workplace. Women endured prejudice and, in some cases, repressive conditions at work. The Palestinian female labor force participation rate was 14.7 percent in Gaza and 15.8 percent in the West Bank.

e. Acceptable Conditions of Work

The PA’s monthly minimum wage was significantly below the poverty line. The PA estimated 30 percent of residents in the West Bank and 64 percent of residents in Gaza lived below the poverty line.

According to PA law, the maximum official Sunday-to-Thursday workweek was 48 hours. The law also allows for paid official and religious holidays, which employers may not deduct from annual leave. Workers must be paid time and a half for each hour worked beyond 45 hours per week and may not perform more than 12 hours of overtime work per week.

The PA Ministry of Labor was responsible for setting appropriate occupational health and safety standards. Responsibility for identifying unsafe work conditions lies with inspectors and not the worker. Palestinian workers do not have the legal protection to remove themselves from situations that endangered their health or safety without jeopardy to their employment. Mechanisms for lodging complaints were generally not utilized due to fear of retribution, according to NGOs.

The government did not effectively enforce the law on wages, hours of work, and occupational safety and health standards, in part due to lack of sufficient inspection staff. Penalties were not commensurate with penalties for similar violations. Labor inspectors could conduct unannounced visits and initiate legal action but did not have authority to levy fines. In 2019 the Ministry of Labor’s Inspection Department visited larger business establishments (16,322 visits) and took legal actions against the establishments violating the law (e.g., warnings, partial shutdowns, total shutdowns, and referring to the court). The PA did not effectively monitor smaller worksites or those in the informal sector, which were at times below legal safety standards.

The ministry does not have authority to enforce Palestinian labor law west of Israel’s barrier, or in Israeli settlements in the West Bank.

Israeli authorities did not conduct labor inspections in Israeli settlements, where Palestinian workers constituted a significant part of the workforce. The lack of a competent labor authority in the settlements increased workers’ vulnerability to exploitation. NGOs such as Kav LaOved stated that exploitative practices in Israeli settlements were widespread. The International Labor Organization estimated one-half of all such workers with permits continued to pay exorbitant monthly fees to brokers to obtain and maintain valid work permits. Approximately 92,000 Palestinians worked in Israel and Israeli settlements as of the second quarter, mostly in construction and agriculture. These workers were more vulnerable to exploitation and were not eligible for worker benefits, such as paid annual and sick leave. Kav LaOved brought cases to Israeli labor courts on behalf of Palestinian workers employed by enterprises in Israel and West Bank settlements. Many of these cases related to nonpayment or misreporting of wages, inadequate medical care following workplace injury, and the settlement of subsequent health insurance claims within the Israeli system.

According to the Palestine Central Bureau of Statistics *Labor Force Survey*, 34 percent of wage employees received less than the minimum wage in the second quarter. In the West Bank approximately 8 percent of wage employees in the private sector received less than the minimum monthly wage. In Gaza, 82 percent of wage employees in the private sector received less than the minimum monthly wage. Palestinians working in Israeli settlements reported 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.

Respect for occupational safety and health standards was poor. There continued to be workplace fatalities of Palestinian laborers, including 10 in the hazardous construction sector and among those working in Israel, during the year. Kav LaOved documented dozens of cases where employers instructed employees to return to the West Bank following workplace injury rather than provide for medical attention inside Israel.

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Annual report on human rights
in 2020

Country:

State of Palestine

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[USDOS – US Department of State](#)

Original link:

<https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/israel-west-bank-and-gaza/west-bank-and-gaza/>

Document type:

Periodical Report

Language:

English

Published:

30 March 2021

Document ID:

2048134

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ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

