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FREEDOM IN THE WORLD

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West Bank *

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 2014

OVERVIEW:

In 2013, the Palestinian Authority (PA) in the West Bank continued to operate without an electoral mandate or a functioning legislature, despite the administration's ongoing state-building efforts. Negotiations aimed at repairing the six-year-old rift between the Hamas regime in Gaza and the Fatah-led PA in the West Bank made little tangible progress during the year, and no date for long-overdue elections was set. However, Hamas continued to support diplomatic plans for the Fatah-led Palestine Liberation Organization (PLO) to assert Palestinian statehood within UN institutions. In November 2012 the PLO had won recognition for Palestine as a nonmember observer state at the UN General Assembly. U.S.-mediated peace talks between the PA and Israel were ongoing at the end of 2013.

Israel doubled new West Bank settlement construction in 2013. Meanwhile, attacks by Jewish settlers on Palestinian individuals and property continued.

POLITICAL RIGHTS AND CIVIL LIBERTIES:

Political Rights: 7 / 40 (+1) [Key]

A. Electoral Process 2 / 12

Most Palestinian residents of the West Bank are citizens of the PA, a quasi-sovereign entity created by the 1993 Oslo Accords. Jewish settlers in the West Bank are Israeli citizens.

The PA president is elected to four-year terms. The prime minister is nominated by the president and requires the support of the unicameral, 132-seat Palestinian Legislative Council (PLC), which also serves four-year terms. Voting in the West Bank during the 2005 presidential and 2006 PLC elections was deemed largely free and fair by international observers. Fatah's Mahmoud Abbas won the presidency with 62 percent of the vote, but Hamas led the PLC balloting with 74 seats, leaving Fatah with 45. The two factions formed a unity government headed by Prime Minister Ismail Haniya of Hamas.

After the violent bifurcation of the PA in 2007, Abbas appointed a new cabinet in the West Bank—with Salam Fayyad as prime minister—that lacked the PLC's approval. In 2008, PA security forces arrested hundreds of Hamas members and supporters. The rift, combined with Israel's detention of many Palestinian lawmakers, prevented the PLC from functioning, and its term expired in 2010.

The PLO indefinitely extended Abbas's presidential term after his electoral mandate expired in 2009. Moreover, Abbas issued a law permitting the Fatah-affiliated minister of local government to dissolve municipal councils, leading to the replacement of nearly all Hamas-affiliated municipal officials in the West Bank with Fatah loyalists. Elections were held for over 90 municipalities in October 2012 amid some accusations of unfairness, with Hamas and Islamic Jihad boycotting the voting. Only half of eligible Palestinians registered to participate, and only 54 percent of those registered actually voted. Fatah won 40 percent of the seats at stake, and others were taken by independents, many of whom were former Fatah members.

In June 2013, Abbas appointed Rami Hamdallah to replace Fayyad as prime minister.

B. Political Pluralism and Participation 5 / 16

2014 SCORES

STATUS

Not Free

FREEDOM RATING
(1 = BEST, 7 = WORST)

5.5

CIVIL LIBERTIES
(1 = BEST, 7 = WORST)

5

POLITICAL RIGHTS
(1 = BEST, 7 = WORST)

6

The PA and Israeli forces in the West Bank have largely suppressed Hamas since 2007. However, a number of smaller Palestinian parties continue to operate in the West Bank, including through membership in the PLO. A May 2011 Hamas-Fatah agreement envisioned a unity government that would organize presidential and parliamentary elections, but no such government had been formed by the end of 2013, nor had a timetable for elections been set.

After Israel annexed East Jerusalem in 1967, Arab residents were issued Israeli identity cards and given the option of obtaining Israeli citizenship. However, most have rejected this option. They can vote in municipal and PA elections, but are subject to restrictions imposed by the Israeli municipality. In the 2006 PLC elections, Israel barred Hamas from campaigning in the city. By law, Israel strips Arabs of their Jerusalem residency if they remain outside Jerusalem for more than three months.

C. Functioning of Government 2 / 12

The 2007 schism left the West Bank PA with a cabinet that lacked the support of the legislature, and the expiration of the presidential and parliamentary terms in 2009 and 2010 further undermined the government's legitimacy. The PA's ability to implement policy decisions is limited in practice by direct Israeli control over much of the West Bank.

Abbas has overseen some improvements on corruption, and Fayyad was credited with significantly reducing corruption at the higher levels of the PA. Nevertheless, a 2013 report by the Coalition for Accountability and Integrity (AMAN) detailed endemic corruption, especially graft, and partly attributed the lack of transparency and poor functioning of government to the split between Hamas in Gaza and Fatah in the West Bank.

Discretionary Political Rights Question B -2 / 0 (+1)

Plans to build Jewish settlements in a crucial area east of Jerusalem known as E1, first announced in 2012, were halted by the Israeli government in late 2013. The PA and international observers had warned that such construction could scuttle peace talks and prevent the formation of a viable Palestinian state. Peace negotiations were ongoing at year's end. Nevertheless, settlement building elsewhere in the West Bank continued, effectively doubling from the previous year, with 2,534 new housing units begun in 2013.

According to the human rights group B'Tselem, the Israel Defense Forces (IDF) demolished 175 Palestinian housing units in the West Bank (not including East Jerusalem) in 2013 due to lack of building permits, leaving 528 people homeless, including 270 minors. In East Jerusalem, the number of home demolitions was 72, and 301 people were left homeless, including 176 minors.

Civil Liberties: 24 / 60

D. Freedom of Expression and Belief 8 / 16

The media are not free in the West Bank. Under a 1995 PA press law, journalists may be fined and jailed, and newspapers closed, for publishing "secret information" on PA security forces or news that might harm national unity or incite violence. Several small media outlets are routinely pressured to provide favorable coverage of the PA and Fatah. Journalists who criticize the PA or Fatah face arbitrary arrests, threats, and physical abuse. Since 2007, both the PA and Israeli forces have shut down most Hamas-affiliated broadcast outlets in the West Bank.

According to a report by the Palestinian Center for Development and Media Freedoms (MADA), there were a total of 179 media freedom violations—ranging from physical violence to detentions, threats, and equipment confiscations—in the West Bank in 2013, a slight decrease from the previous year. Of those violations, 151 were allegedly committed by Israeli forces. International press freedom groups regularly criticize Israel for blocking journalists' access to conflict zones, harming and sometimes killing reporters during armed clashes, and harassing Palestinian journalists. Israel insists that reporters risk getting caught in crossfire but are not targeted deliberately.

The PA Basic Law declares Islam to be the official religion of Palestine and states that "respect and sanctity of all other heavenly religions (Judaism and Christianity) shall be maintained." Blasphemy against Islam is a criminal offense. Synagogues are occasionally attacked by Palestinian militants. Some Palestinian Christians have experienced intimidation and harassment by radical Islamist groups and PA officials.

Israel generally recognizes freedom of religion in the West Bank, though recent years have featured a spike in mosque vandalism and other attacks by radical Israeli settlers. Citing the potential for violence, Israel occasionally restricts Muslim

men under age 50 from praying at the Temple Mount/Haram al-Sharif compound in Jerusalem.

The PA has authority over all levels of Palestinian education. Israeli military closures, curfews, and the security barrier restrict access to academic institutions, particularly those located between Israel and the barrier. Schools have sometimes been damaged during military actions, and student travel between the West Bank and the Gaza Strip has been limited. Israel accuses the PA of teaching incitement in schools, though a February 2013 report by the Council of Religious Institutions of the Holy Land—funded by a U.S. State Department grant—found that “dehumanizing and demonizing characterizations of the other as seen in textbooks elsewhere and of concern to the general public are rare in both Israeli and Palestinian books.”

Israeli academic institutions in the West Bank are increasingly subject to international and domestic boycotts. Primary and secondary education in West Bank settlements is administered by Israel, though religious schools have significant discretion over curriculum. According to the Association for Civil Rights in Israel (ACRI), East Jerusalem’s schools are badly underfunded compared with schools in West Jerusalem.

E. Associational and Organizational Rights 6 / 12

The PA requires permits for demonstrations, and those against PA policies are generally dispersed. However, in December 2012 the authorities allowed the first Hamas rally in several years. Israel’s Military Order 101 requires an IDF permit for all “political” demonstrations of more than 10 people, though demonstrations are routinely broken up with force, which occasionally results in fatalities. In 2013, Israeli forces continued to restrict and disperse frequent and sometimes violent demonstrations in opposition to the security barrier, declaring some protest areas to be closed military zones. They regularly used rubber-coated bullets, stun grenades, and tear gas to break up demonstrations. According to B’Tselem, Israeli security forces killed 27 Palestinians in the West Bank in 2013, compared with 8 in 2012. B’Tselem also reported that in June 2013 IDF soldiers were filmed beating a reporter and a photojournalist from a Palestinian television station during a demonstration. The journalists were detained for two days.

A broad range of Palestinian NGOs operate in the West Bank, and their activities are generally unrestricted. Since 2007, however, many Hamas-affiliated civic associations have been shut down for political reasons. Researchers, lawyers, and activists are sometimes beaten by the PA security services, according to Human Rights Watch.

Workers may establish and join unions without government authorization. Palestinian workers seeking to strike must submit to arbitration by the PA Labor Ministry. There are no laws in the PA-ruled areas to protect the rights of striking workers. Palestinian workers in Jerusalem are subject to Israeli labor law.

F. Rule of Law 5 / 16

The PA judicial system is partly independent. West Bank laws derive from Ottoman, British Mandate, Jordanian, Israeli, and PA legislation, as well as Israeli military orders. The High Judicial Council oversees most legal proceedings. Israel’s Supreme Court hears petitions from non-Israeli residents of the West Bank regarding home demolitions, land confiscations, road closures, and IDF tactics. Decisions in favor of Palestinian petitioners, while rare, have increased in recent years.

Though most applications have been rejected, the Israeli Supreme Court has repeatedly ordered changes to the route of the West Bank security barrier after hearing petitions from NGOs and Palestinians; for example, a section of the barrier near Bil’in was moved in June 2011, four years after the relevant ruling. In April 2013 the Supreme Court accepted a conditional access compromise (involving an underground passageway) between the Israeli state and the Hajajleh family, whose home is being cut off from the village of Al-Walajah by the barrier.

The PA also has a military court system that lacks almost all due process, including the right to appeal sentences, and can impose the death penalty. No executions have been carried out since Abbas took power in 2005, however. These courts handle cases on a range of security offenses, collaborating with Israel, and drug trafficking. There are reportedly hundreds of administrative detainees in Palestinian jails. Human rights groups regularly document torture complaints, but security officers rarely face punishment for such abuses. The Independent Commission for Human Rights (ICHR), the Palestinian human rights ombudsman, received 145 torture complaints from the West Bank in 2013, down slightly from 160 in 2012.

Palestinians accused of security offenses by Israel are tried in Israeli military courts, which grant some due process protections but limit rights to counsel, bail, and appeal. According to B’Tselem, as of the end of December 2013 there were 4,387

Palestinian security detainees and prisoners from the West Bank being held in Israeli prisons. Under terms set during Israeli-Palestinian peace negotiations, Palestinian prisoners were released in three batches of 26 in August, October, and December.

A temporary order in effect since 2006 permits the detention of suspects accused of security offenses for 96 hours without judicial oversight, compared with 24 hours for other detainees. Most convictions in Israeli military courts are based on confessions, sometimes obtained through coercion. Israel outlawed the use of torture to extract security information in 2000, but milder forms of coercion are permissible when the prisoner is believed to have vital information about impending terrorist attacks. Human rights groups criticize the Israeli interrogation methods, which include binding detainees to a chair in painful positions, slapping, kicking, and threatening violence against detainees and their relatives.

According to Defence for Children International (DCI) Palestine, there were 154 Palestinian children being held in Israeli jails as of December 2013, including 14 youths aged 12 to 15. Most were serving sentences of less than a year for throwing stones at Israeli forces in the West Bank, handed down by a special court for minors; acquittals on such charges are very rare. A 2012 report from DCI found that of 311 testimonies gathered from minors detained between 2008 and 2012, 90 percent reported being blindfolded, 95 percent had their hands tied, 75 percent experienced physical violence, and 60 percent were arrested between midnight and 5 a.m. East Jerusalem Palestinian minors are tried in Israeli civil juvenile courts.

Militant Jewish settlers escalated attacks on Palestinian individuals and property in 2013 as part of their “price tag” campaign, so named to imply retribution for Israeli policies aimed at limiting settlement—though the attacks increasingly lack any specific triggering action by Israeli authorities. A report by the human rights watchdog group Yesh Din revealed that of 211 incidents of vandalism to Palestinian fruit trees from 2005 to June 2013, only four led to indictments, while 183 cases were closed in what the group termed “investigative failure.” Settlers also occasionally face violence from Palestinians. In 2013, according to B’Tselem, two Israeli civilians were killed by Palestinians in the West Bank.

Israeli soldiers accused of harassing or assaulting Palestinian civilians are subject to Israeli military law. Soldiers convicted of abuses typically receive relatively light sentences. Citing B’Tselem figures, an August 2013 report by Yesh Din showed that some 5,000 Palestinians had been killed by Israeli forces in the occupied territories since September 2000. Of 179 criminal investigations opened against soldiers for the deaths of Palestinians from 2003 to 2013, only 16 led to indictments.

G. Personal Autonomy and Individual Rights 5 / 16

The easing of checkpoints and roadblocks and the wider deployment of PA security forces has improved freedom of movement in the West Bank in recent years. B’Tselem cites OCHA’s count of 256 “flying checkpoints” as of December 2013, down from the previous year, and notes that as of February 2013 there were 98 fixed checkpoints, including 40 representing the last point before entry into Israel. These obstacles stunt trade and restrict Palestinian access to jobs, hospitals, and schools.

Israel’s West Bank security barrier, which was declared illegal by the International Court of Justice in 2004, has meant that 150 Palestinian communities need special permits to access their land. It was 62 percent complete by mid-2013. Some 11,000 Palestinians currently live in the zone between the barrier and the pre-1967 border, or Green Line.

All West Bank residents must have identification cards to obtain entry permits to Israel and East Jerusalem. While most roads are open to both Israelis and Palestinians, 65 kilometers are open only to Israelis.

Palestinian women are underrepresented in most professions and encounter discrimination in employment, though they have full access to universities and to many professions. Palestinian laws and societal norms, derived in part from Sharia (Islamic law), put women at a disadvantage in matters of marriage, divorce, and inheritance. For Christians, such personal status issues are governed by ecclesiastical courts. Rape, domestic abuse, and so-called “honor killings” are not uncommon. These murders often go unpunished.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

[Full Methodology](#)

EXPLANATORY NOTE:

Whereas past editions of *Freedom in the World* featured one report for Israeli-occupied portions of the West Bank and Gaza Strip and another for Palestinian-administered portions, the latest four editions divide the territories based on geography, with one report for the West Bank and another for the Gaza Strip. As in previous years, Israel is examined in a separate report.

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