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Freedom House

Freedom in the World 2019 - Gaza Strip

Not Free

11 /100

Overview:

The political rights and civil liberties of Gaza Strip residents are severely constrained. Israel's de facto blockade of the territory, along with its periodic military incursions and rule of law violations, has imposed serious hardship on the civilian population, as has Egypt's tight control over the southern border. The Islamist political and militant group Hamas gained control of Gaza in 2007, following its victory in the preceding year's legislative elections and a subsequent conflict with Fatah, the ruling party in the West Bank. The unresolved schism between Hamas and the Fatah-led Palestinian Authority (PA) has contributed to legal confusion and repeated postponement of elections, which have not been held in Gaza since 2006.

Key Developments:

Key Developments in 2018:

- More than 180 Palestinians were killed and thousands more were injured, in many cases by live ammunition from Israeli forces, during a series of demonstrations near the de facto border with Israel—known as the Great March of Return—that began in March and continued throughout the year.
- Following an Egyptian-brokered deal in 2017, reconciliation talks between Hamas and the Fatah-led PA stalled during 2018, obstructing any progress toward a functioning national unity government and new elections.
- Gaza's economy was on the verge of collapse at the end of the year due to the ongoing Israeli-imposed blockade, recent declines in overall donor support, and a reduction in budgetary transfers from the PA.
- A botched operation by Israeli forces in Gaza in November led to a brief flare-up in hostilities, with Israel carrying out air strikes and Palestinian militants launching rockets toward Israel. A cease-fire halted the fighting after two days.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 3 / 40

A. ELECTORAL PROCESS: 0 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

The PA has not held a presidential election since 2005, when the Fatah faction's Mahmoud Abbas won with 62 percent of the vote. Following its win in 2006 legislative elections and a violent rift with Fatah and the West Bank-based PA in 2007, Hamas seized control of the Gaza Strip. Abbas's four-year electoral mandate expired in 2009, though he continued to govern in the West Bank as of 2018.

Under PA laws, the prime minister is nominated by the president and requires the support of the PLC. Hamas leader Ismail Haniya was nominated and sworn in as prime minister following the 2006 elections, and again in 2007 as part of a short-lived unity government, but he was dismissed by President Abbas after the Fatah-Hamas conflict that year. Hamas did not recognize this move. Despite repeated attempts to form new PA unity governments with Fatah, Hamas officials have exercised de facto executive authority in the Gaza Strip since then. The de facto head of government as of 2018, Yahya Sinwar, was chosen in a closed election by Hamas members in February 2017.

In October 2017, Hamas and Fatah signed a reconciliation agreement brokered by Egypt, but implementation remained stalled in 2018, with the PA demanding full political and security control in Gaza. No schedule for a Palestinian presidential election had been set at year's end.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

The PA has not held elections for the 132-seat PLC since 2006, when Hamas won 74 seats and Fatah took 45. The subsequent Fatah-Hamas schism and Israel's detention of many lawmakers left the full PLC unable to function, and the body's electoral mandate expired in 2010. Nonetheless, a Hamas-led rump legislature continued to operate in the Gaza Strip. In December 2018, President Abbas ordered the formal dissolution of the PLC, backed by a Supreme Constitutional Court ruling that also called for legislative elections within six months. Hamas rejected the decision.

The PA held municipal council elections in the West Bank in 2017, but Hamas refused to participate, and no voting was held in Gaza. The Gaza Strip was also excluded from the last municipal elections in 2012.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

No open elections for any office have been held in Gaza since 2006. Decisions about the conduct of elections are highly politicized. For example, Hamas refused to participate in the 2017 PA municipal elections, which had been postponed from the previous year amid disputes between Hamas and Fatah over candidate lists. Following a 2016 PA

court ruling to exclude the Gaza Strip from the elections, ostensibly due to concerns about judicial oversight, no agreement could be reached on how to arrange balloting in Gaza.

B. POLITICAL PLURALISM AND PARTICIPATION: 2 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4

Since 2007, Gaza has functioned as a de facto one-party state under Hamas rule, although smaller parties—including Islamic Jihad, the Popular Front for the Liberation of Palestine (PFLP), the Democratic Front for the Liberation of Palestine (DFLP), and a faction of Fatah not supported by President Abbas—are tolerated to varying degrees. Some of these groups have their own media outlets and hold rallies and gatherings. However, those affiliated with President Abbas and his supporters in Fatah are subject to persecution. An apparent assassination attempt was made against PA prime minister Rami Hamdallah during his visit to Gaza in March 2018; Hamas and the PA blamed each other for the incident.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

The indefinite postponement of elections in Gaza has prevented any opportunities for a change in the political status quo. Implementation of the 2017 reconciliation agreement, which would have eventually led to elections, faltered in part over the issue of control over Gaza's internal security, with Hamas seeking to retain its independent armed wing and a dominant security position in the territory.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 0 / 4

Israel's ongoing blockade of Gaza continued to hamper the development of normal civilian political competition, partly by providing a pretext for most political factions to maintain armed wings, seek patronage from foreign powers with their own political agendas, and neglect basic governance concerns.

During 2017, the West Bank-based PA reduced payments for electricity supplies and salaries for government employees in the Gaza Strip as part of an effort to increase political pressure on Hamas. The PA continued to cut funding in 2018, with aggregate PA transfers to the territory declining by an average of \$30 million per month from 2017.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Hamas makes little effort to address the rights of marginalized groups within Gazan society. Women enjoy formal political equality under PA laws, and some women won seats in the PLC in 2006. However, women are mostly excluded from leadership positions in Hamas and absent from public political events in practice. Gazan women do actively participate in civil society gatherings that touch on political issues. There were no meaningful openings in the repressive environment for LGBT (lesbian, gay, bisexual, and transgender) people in Gaza during 2018.

C. FUNCTIONING OF GOVERNMENT: 1 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

The expiration of the presidential and parliamentary terms has left Gaza's authorities with no electoral mandate. In 2018, Hamas continued to govern Gaza unilaterally, assigning responsibilities to its own officials as the reconciliation deal with Fatah remained unfulfilled.

The ability of Palestinian officials to make and implement policy in Gaza is severely circumscribed by Israeli and Egyptian border controls, Israeli military actions, and the ongoing schism with the PA in the West Bank. Israel maintains a heavy security presence around Gaza's land and sea perimeters, using live fire to keep anyone from entering buffer zones near these boundaries, which further reduces local control over the territory.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Hamas has been accused of corruption in public service delivery and aid distribution, which is crucial to daily life in Gaza given that about 80 percent of the population depends on international assistance due to the blockade. In its 2017 annual report, the Coalition for Accountability and Integrity (AMAN) reported some civil society initiatives in Gaza that are meant to promote accountability, but it also highlighted continued challenges, including misuse of public funds and problems with corruption at the border crossings. No new anticorruption safeguards were announced when PA officials deployed to the border crossings in November 2017 as part of the reconciliation deal.

C3. Does the government operate with openness and transparency? 0 / 4

The Hamas-controlled government has no effective or independent mechanisms for ensuring transparency in its funding, procurements, or operations. Minor improvements in transparency were noted in AMAN's 2017 report, including civil society-organized discussions about consumer protection and the improvement of information dissemination on some government websites. However, political decision-making and the operations of Hamas's armed wing remain largely out of public view.

CIVIL LIBERTIES: 8 / 60 (-1)

D. FREEDOM OF EXPRESSION AND BELIEF: 4 / 16

D1. Are there free and independent media? 0 / 4

The media are not free in Gaza. West Bank-based newspapers have been permitted in the territory since 2014, and a number of political factions have their own media outlets. However, Gazan journalists and bloggers continue to face repression, usually at the hands of the Hamas government's internal security apparatus. In a 2018 report, Human Rights Watch detailed the arrest, interrogation, and in some cases beating and torture of journalists in Gaza.

The Palestinian Center for Development and Media Freedoms (MADA) documented 41 violations of press freedom by Palestinian authorities in the Gaza Strip during 2018, including numerous short detentions and interrogations as well as some physical attacks. Major Israeli violations were also reported, most notably shooting deaths and injuries of journalists covering the Great March of Return protests near the border fence. Journalists Yassir Murtaja and Ahmed Abu Hussein were killed by Israeli forces during the protests in April, despite the fact that they were wearing vests and helmets identifying them as members of the press. During the brief outbreak of fighting between Gaza-based militants and Israeli forces in November 2018, Israeli air strikes targeted and destroyed the headquarters of Al-Aqsa TV, which is affiliated with Hamas; workers had evacuated the building shortly before the attack.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

Freedom of religion is restricted. The PA Basic Law declares Islam to be the official religion of Palestine and states that "respect and sanctity of all other heavenly religions (Judaism and Christianity) shall be maintained." Blasphemy is a criminal offense. Hamas authorities have enforced conservative Sunni Islamic practices and attempted to exert political control over mosques. However, they have not enforced prayers in schools or compelled women to wear hijab in Gaza's main urban areas to the extent that they did in the early years of Hamas control.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Primary and secondary schools in the Gaza Strip are run by Hamas, the UN Relief and Works Agency (UNRWA), or private entities. In the Hamas-run Islamic University, people are separated by gender, and women are obliged to cover their hair. Hamas intervenes in the schools under its control to uphold its views on Islamic identity and morality. It does not intervene extensively in private universities, but Hamas-led police have violently suppressed student demonstrations, including at least two in March 2018 at Al-Azhar University, which is overseen by the PA's Ministry of Higher Education in Ramallah. Some Gazan academics are believed to practice self-censorship. Israeli and Egyptian restrictions on trade and travel limit access to educational materials and academic exchanges.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

Intimidation by Hamas militants and other armed groups has some effect on open and free private discussion in Gaza, and the authorities monitor social media for critical content. A 2018 Human Rights Watch report documented a number of incidents of Hamas intimidation, detention, and abuse of individuals in response to their social media activity or attendance at political events, most notably those perceived to be supportive of Fatah or opposed to the Hamas government. For example, individuals have been detained and questioned about social media posts that were critical of the Hamas leadership and its handling of the electricity crisis.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 2 / 12 (-1)**E1. Is there freedom of assembly? 0 / 4 (-1)**

Hamas significantly restricts freedom of assembly, with security forces violently dispersing unapproved public gatherings. However, Hamas authorities actively encouraged the so-called Great March of Return, which began in March 2018 as a weekly demonstration to demand the return of Palestinian refugees to what is now Israel. Some of the participants engaged in violent acts, and Israeli forces positioned along the de facto border regularly fired on demonstrators with live ammunition, ostensibly to prevent any breaches of the fence, resulting in scores of fatalities. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), more than 180 Palestinians had been killed during the demonstrations in Gaza by year's end, and more than 25,000 had been injured, including those affected by tear gas.

Score Change: The score declined from 1 to 0 because over 180 people were killed and thousands more were injured during a series of demonstrations at the Israeli border that prompted a heavy-handed response by Israeli forces, including live fire.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

There is a broad range of Palestinian nongovernmental organizations (NGOs) and civic groups, and Hamas operates a large social-services network. However, Hamas has restricted the activities of aid organizations that do not submit to its regulations, and many civic associations have been shut down for political reasons since the 2007 PA split. Aid and reconstruction efforts by NGOs after the 2014 conflict with Israel have been held up in part by disagreements over international and PA access to the territory and control over border crossings. A 2017 Human Rights Watch report detailed tighter Israeli restrictions on access to Gaza for human rights researchers and NGO staff in recent years.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

The Fatah-aligned Palestinian General Federation of Trade Unions, the largest union body in the territories, has seen its operations curtailed in Gaza. It still negotiates with employers to resolve labor disputes, but workers have little leverage due to the dire economic situation, extremely high unemployment, and the dysfunctional court system, which impedes enforcement of labor protections.

Hamas sometimes intervenes in labor union elections or in the activities of professional associations that are linked to Fatah, but no major interventions of this kind were reported in 2018. Hamas has established its own, parallel professional associations to compete with existing organizations that are more strongly affiliated with Fatah and rival groups. The civil servants' union for the Hamas-controlled public sector occasionally holds rallies and strikes.

F. RULE OF LAW: 0 / 16

F1. Is there an independent judiciary? 0 / 4

Hamas maintains an ad hoc judicial system that is separate from the PA structures headquartered in the West Bank, which do not operate in the territory. The system is subject to political control, and Palestinian judges lack proper training and experience. There are also reportedly long delays in hearing cases related to a range of issues, including land disputes and personal status matters.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Hamas security forces and militants regularly carry out arbitrary arrests and detentions. The court system overseen by Hamas generally fails to ensure due process, and in some cases civilians are subject to trial by special military courts.

There were 298 Palestinian security detainees and prisoners from Gaza in Israeli prisons as of December 2018, according to the Israeli human rights organization B'Tselem, which has noted that transporting prisoners outside of occupied territory is a breach of international law. Israel's military courts, which handle the cases of such detainees, lack the full due process guarantees of civilian courts.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Hamas-led authorities have applied the death penalty without due process or adequate opportunity for appeals, and without the legally required approval from the PA president. A total of 13 death sentences were issued during 2018, down slightly from 16 the previous year, and no new executions were carried out.

B'Tselem reported that Israeli forces killed a total of 255 Palestinians in Gaza during 2018, the most in a single year since the open warfare of 2014. Many of the casualties were civilian protesters near the border fence, but other deaths resulted from Israeli air strikes and exchanges of fire with Gaza-based militants. Intense hostilities occurred over the course of about two days in November, after a botched undercover operation

by Israeli troops in the southern Gaza Strip triggered a gun battle that killed one Israeli and seven militants. Seven other Palestinians were killed as Israeli warplanes bombed the territory and Hamas launched hundreds of rockets toward Israel; a cease-fire eventually ended the episode.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

The legal system operating in Gaza offers few protections against harassment and discrimination for women and other vulnerable groups, including LGBT people. Laws dating to the British Mandate era authorize up to 10 years in prison for sexual acts between men.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 2 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 0 / 4

Freedom of movement for Gaza residents is severely limited, and conditions have continued to worsen in recent years. Both Israel and Egypt exercise tight control over border areas, and Hamas imposes its own restrictions. Israel often denies Gaza residents permits to travel outside of the territory on security grounds, permitting only certain medical patients and other individuals to leave. University students have difficulty acquiring the necessary permits to leave the territory to study abroad. Hamas allowed PA officials to deploy to Gaza's border crossings in 2017, but this did not lead to any practical changes in freedom of movement for Gazans. Corruption and the use of bribes at crossing points is common.

Beginning in May 2018, Egypt partially reduced its restrictions on the Rafah crossing, but it was still extremely difficult for individuals to receive the Hamas government clearance to travel and to be processed by Egyptian authorities, and the number of crossings each month remained low by historical standards.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

While Gaza residents are able to own property and engage in business activity, their rights have been seriously undermined by the effects of periodic conflicts between Hamas and Israel, among other factors. Only a fraction of the homes damaged or destroyed during the 2014 conflict had been reconstructed by the end of 2018, and nearly 20,000 people remained displaced during the year. Impediments to private enterprise in Gaza include persistent Israeli bans on imports of many raw materials.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Palestinian laws and societal norms, derived in part from Sharia (Islamic law), put women at a disadvantage in matters such as marriage and divorce. Rape and domestic violence remain underreported and frequently go unpunished, as authorities are allegedly reluctant to pursue such cases. So-called honor killings reportedly continue to occur, though information on the situation in Gaza is limited. The Hamas authorities have enforced restrictions on personal attire and behavior that they deem immoral, though enforcement has relaxed in recent years.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 0 / 4

PA officials have little ability to enforce legal protections against exploitative labor conditions in Gaza, and most private-sector wage earners receive less than the legal minimum, which is itself lower than the poverty threshold.

The blockade of the Gaza Strip's land borders and coastline has greatly reduced economic opportunity in the territory. Approximately 54 percent of Gaza's labor force was unemployed as of mid-2018, one of the highest unemployment rates in the world. Israel's intermittent restrictions on the entry of construction materials have hampered the economy. Israeli forces also prevent farming near the border fence and limit Gazan fishermen's access to coastal waters. Hamas has imposed price controls that may further dampen economic activity.

Inconsistent access to fuel imports and electricity due to Israeli, PA, and Egyptian policies hinders all forms of development in the territory, including domestic desalination that could improve access to clean water. In October 2018, Israel lifted some restrictions on fuel transfers, and Qatar began financing fuel and other aid to improve electricity generation and overall economic conditions.

Explanatory Note:

*** Indicates a territory as opposed to an independent country.**

The numerical ratings and status listed above do not reflect conditions in Israel or the West Bank, which are examined in separate reports. Prior to its 2011 edition, Freedom in the World featured one report for Israeli-occupied portions of the West Bank and Gaza Strip and another for Palestinian-administered portions.

ecoi.net summary:

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