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2013 Scores

Status: Not Free

Freedom Rating: 6.0

Civil Liberties: 6

Political Rights: 6

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 three 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.

Overview

Civil liberties remained severely curtailed in the Gaza Strip in 2012, despite some loosening of religious restrictions on women in particular. A May 2011 agreement between Hamas in Gaza and Fatah in the West Bank yielded no date for overdue Palestinian elections. In November 2012, Hamas and the Israel Defense Forces engaged in eight days of fighting, in which 160 Palestinians and six Israelis were killed. For the first time, Hamas rockets fired from Gaza reached the cities of Tel Aviv and Jerusalem. Under an Egyptian-brokered cease-fire, Israel eased its blockade on Gaza in return for commitments by Hamas to halt rocket attacks. At the end of November, the Fatah-led Palestine Liberation Organization won recognition for Palestine as a nonmember observer state at the UN General Assembly, a move that Hamas supported.

The Gaza Strip was demarcated as part of a 1949 armistice agreement between Israel and Egypt following the 1948 Arab-Israeli war. Populated mostly by Palestinian Arab refugees, the territory was occupied by Egypt until 1967. Israel conquered Gaza, along with the West Bank and other territories, in the 1967 Six-Day War, and ruled it thereafter through a military administration.

In 1968, Israel began establishing Jewish settlements in Gaza, a process regarded as illegal by most of the international community. Israel maintained that the settlements were legal since under international law Gaza was a disputed territory. In what became known as the first intifada (uprising), beginning in 1987, Palestinians living in the West Bank and Gaza staged massive

demonstrations, acts of civil disobedience, and attacks against Israeli settlers and Israel Defense Forces (IDF) troops in the territories, as well as attacks within Israel proper. Israel and Yasser Arafat's Palestine Liberation Organization (PLO) reached an agreement in 1993 that provided for a PLO renunciation of terrorism and recognition of Israel, Israeli troop withdrawals, and phased Palestinian autonomy in Gaza and the West Bank. In 1994, the newly formed Palestinian Authority (PA) took control of most of the Gaza Strip; the PA also came to control about 40 percent of the West Bank.

As negotiations on a final settlement and the creation of a Palestinian state headed toward collapse, a second intifada began in September 2000, and the Israeli government responded by staging military raids into PA territory.

After Arafat died in November 2004, the PA in January 2005 held its second-ever presidential election, which had been repeatedly postponed; the first voting for president and the Palestinian Legislative Council (PLC) had taken place in 1996. Mahmoud Abbas of Arafat's Fatah faction won the 2005 contest with 62 percent of the vote. In subsequent municipal voting in Gaza, the Islamist group Hamas won 77 out of 118 seats in 10 districts, to Fatah's 26 seats. Each group accused the other of fraud, and there was some election-related violence.

In 2005, Israel unilaterally "disengaged" from Gaza, withdrawing all 7,500 settlers and military personnel. However, it retained control of the territory's airspace, its coastline, and most of its land border, including the passage of goods and people.

Hamas won the 2006 elections for the PLC, securing 74 of 132 seats, while Fatah took 45. Hamas was particularly dominant in Gazan districts. The two factions formed a unity government headed by Prime Minister Ismail Haniya of Hamas. However, Israel, the United States, and the European Union (EU) refused to recognize the new government, citing Hamas's involvement in terrorism and its refusal to recognize Israel or past Israel-PA agreements. The United States and the EU, then the largest donors to the PA, cut off assistance to the government.

In June 2006, in response to the killing of eight Palestinian civilians by an artillery shell, (the source of which was disputed), Hamas declared an end to a 2005 truce with Israel and accelerated the firing of rockets at Israel from Gaza. Hamas and other militant groups subsequently carried out a raid near Gaza, killing two IDF soldiers and capturing a third, Corporal Gilad Shalit. Israel responded by invading Gaza, where the IDF destroyed rocket launchers and ammunition sites but failed to locate Shalit. The fighting killed dozens of civilians.

Armed clashes between Hamas and Fatah supporters in Gaza escalated in 2007, and in June Hamas militants took over Fatah-controlled institutions in the territory. Some 600 Palestinians were killed in the fighting, and thousands of Gazans fled – along with most Fatah militants – to the West Bank. Abbas accused Hamas of staging a coup in Gaza, dismissed the Hamas-led government, and appointed an emergency cabinet led by former finance minister Salam Fayad. This resulted in a bifurcated PA, with Hamas governing Gaza and Abbas and Fayad governing the roughly 40 percent of the West Bank not directly administered by Israel. Hamas security forces and militants subsequently pursued a major crackdown on Fatah in Gaza, closing Fatah-affiliated civic organizations and media outlets, and allegedly torturing detainees.

Meanwhile, Israel declared the Gaza Strip a "hostile entity" in response to ongoing rocket attacks, and imposed an economic blockade, granting passage only to food and certain other humanitarian supplies. However, arms and goods were regularly smuggled through a developing tunnel network between Egypt and Gaza. The blockade was eased after Hamas and Israel declared a six-month truce in June 2008.

War erupted between Hamas and Israeli forces in December 2008 after the truce expired and Hamas ramped up its rocket bombardment of Israeli towns near the Gaza border. The IDF

launched near-daily air strikes and an almost three-week ground invasion of the Gaza Strip, an operation which the IDF dubbed Cast Lead. Israel declared a unilateral cease-fire in late January 2009, and Hamas soon did the same. During the conflict, Israeli forces damaged or destroyed large portions of Gaza's military, government, and civilian infrastructure. According to the United Nations, some 50,000 homes, 800 industrial properties, 200 schools, and 39 mosques or churches were damaged or destroyed. For its part, Hamas launched over 700 rockets and mortar shells into Israeli civilian areas, often from civilian areas in Gaza. While the Palestinian Centre for Human Rights reported that 1,434 Palestinians were killed, including 960 noncombatants, the IDF reported that 1,166 Palestinians were killed, including 295 to 460 noncombatants. Thirteen Israelis were killed, including three noncombatants.

Following the ceasefire, the blockade was eased somewhat to allow the transfer of a limited number of authorized goods, as well as international aid workers and individuals with specified medical and humanitarian needs. Gaza's Rafah border crossing with Egypt opened on an ad hoc basis.

In 2010 and 2011, a series of private ships carrying food and other goods attempted to break Israel's coastal blockade of Gaza. In May 2010, Israeli soldiers intercepted a six-ship flotilla from Turkey and killed nine activists on one of the ships – the Mavi Marmara – in an ensuing confrontation. The Israeli government was widely condemned internationally for the incident, but claimed its soldiers were acting in self-defense. Israel later eased the blockade, allowing in virtually all consumer goods while continuing to ban weapons, fertilizer, gas tanks, drilling equipment, and water disinfectant, as well as all exports and almost all travel; prohibitions on construction materials were also slightly loosened. In May 2011, Egypt opened the Rafah border crossing to women, children, and men over 40; Gazan men between 18 and 40 required a permit to cross the border, which officially remained closed to overland trade.

In August 2011 the British Broadcasting Corporation (BBC) reported that the opening of the Rafah border crossing and the development of more sophisticated smuggling tunnels between Egypt and Gaza had begun to relieve shortages of construction and other goods, leading to a significant increase in construction by the Hamas authorities. Separately, in October, Israel and Hamas negotiated a prisoner exchange whereby Hamas freed IDF soldier Gilad Shalit in exchange for 1,027 Palestinian prisoners.

Fighting between Israel and Gazan militants broke out regularly during 2011 and 2012. In most cases, rocket and mortar fire into Israel from Gaza prompted Israeli air strikes and artillery bombardments, killing both combatants and civilians, including children. According to the Israeli human rights organization B'Tselem, in the first 10 months of 2012, Hamas and other militants fired 423 rockets and 90 mortar shells into Israel from Gaza.

In November 2012, fighting between Hamas and Israel intensified. Hamas launched hundreds of rockets into Israel, and Israeli forces assassinated Ahmed Jabari, the commander of Hamas's military wing. While 75,000 IDF reserve troops were called up, the eight-day operation – dubbed the Pillar of Defense by the IDF – stopped short of a ground invasion, and Egypt brokered a cease-fire between Israel and Hamas. During the conflict, the Palestinians fired 1,500 rockets into Israel, with some approaching Tel Aviv and Jerusalem. Six Israelis and more than 160 Palestinians were killed in the fighting. The cease-fire featured a loosening of the blockade, including the extension of fishing rights from three to six nautical miles from shore and more access to land near the border. The Kerem Shalom crossing between Israel and Gaza was also reopened to the transfer of goods. The cease-fire terms required Israel to refrain from extrajudicial killing, and for Hamas to cease rocket attacks. In December 2012, Egypt and Israel allowed building materials to pass through the Rafah border crossing from Egypt into Gaza for the first time since 2007.

Political Rights and Civil Liberties

Residents of Gaza were never granted citizenship by either Egypt or Israel, and are mostly citizens of the Palestinian Authority (PA). The current Hamas-controlled government in the territory claims to be the legitimate leadership of the PA. However, the authority – a quasi-sovereign entity created by the 1993 Oslo Accords – is effectively fractured, and the Hamas government implements PA law selectively.

The PA president is elected to four-year terms, and international observers judged the 2005 presidential election to be generally free and fair. However, PA president Mahmoud Abbas lost control over Gaza after the 2007 Fatah-Hamas schism, and Prime Minister Ismail Haniya continues to lead the Hamas government despite being formally dismissed by Abbas. Other Hamas ministers remained in their posts in Gaza after almost all Fatah-affiliated officials were expelled or fled to the West Bank. When Abbas's elected term expired in 2009, Hamas argued that the PA Basic Law empowered the head of the Palestinian Legislative Council (PLC) – Aziz Dweik of Hamas – to serve as acting president.

The unicameral, 132-seat PLC serves four-year terms. Voting in Gaza during the 2006 PLC elections was deemed largely fair by international observers. However, the Hamas-Fatah rift, combined with Israel's detention of many (especially Hamas-affiliated) lawmakers, has prevented the PLC from meeting since 2007, and its term expired in 2010.

In May 2011, Hamas and Fatah agreed to form a national unity-government that would organize presidential and parliamentary elections and increase security coordination. By the end of 2012, however, no unity government had been formed, and no election date had been set. In November 2012, the Fatah-led PLO won recognition for Palestine as a nonmember observer state at the UN General Assembly. Hamas supported the move.

Humanitarian organizations and donor countries allege that Hamas exerts almost total control over the distribution of funds and goods in Gaza, and allocates resources according to political criteria with little or no transparency, creating ample opportunities for corruption.

The media are not free in Gaza. In 2008, Hamas replaced the PA Ministry of Information with a government Media Office and banned all journalists not accredited by it; authorities also closed down all media outlets not affiliated with Hamas. In 2011, officials continued to ban the import of three West Bank newspapers – Al-Ayyam, Al-Quds, and Al-Hayat al-Jadida – that are generally associated with Fatah. According to the Palestinian Center for Development and Media Freedoms (MADA), a 2011 reconciliation deal promised to end the ban as of January 2012, but the ban had not been lifted by year's end. Blogging and other online media activity has reportedly increased in recent years.

According to MADA, there were a total of 100 media freedom violations in the Gaza Strip in 2012, an increase of 54 percent over the previous year. Of those violations, 63 were allegedly committed by Israeli forces. During Operation Pillar of Defense in November 2012, the Israeli air force reportedly attacked media offices in Gaza, injuring several journalists, and killed two news photographers in a car marked as a press vehicle. MADA noted that Palestinian broadcasting frequencies were seized by the IDF to urge Palestinian residents not to cooperate with Hamas during the fighting.

Freedom of religion is restricted in Gaza. 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." Hamas authorities have enforced orthodox Sunni Islamic practices and conservative dress, and have regularly harassed worshippers at non-Hamas-affiliated mosques. However, restrictions on personal religious preferences reportedly eased somewhat during 2012. Christians, who make up less than 1 percent of the population, have also suffered routine harassment, though violent attacks have reportedly declined in recent years. There is one Christian member of the PLC based in Gaza.

The Israeli blockade has restricted access to school supplies. While university students are ostensibly allowed to leave Gaza, they must be escorted by foreign diplomats or contractors. In practice, Gazans are now mostly absent from West Bank universities. Hamas has taken over the formal education system, aside from schools run by the United Nations. A teachers' strike in 2009 led to the replacement of many strikers with new, Hamas-allied teachers. Hamas security officials have reportedly confiscated copies of "immoral" novels from (mostly university) bookstores, according to Human Rights Watch (HRW).

Since 2008, Hamas has significantly restricted freedoms of assembly and association, with security forces violently dispersing public gatherings of Fatah and other groups. A rare, 500-person demonstration took place in September 2012 in the Bureij refugee camp, calling for the overthrow of Hamas following the death of a 3-year old boy from a fire during a power failure. The demonstration was quickly dispersed by Hamas forces. There is a broad range of Palestinian nongovernmental organizations (NGOs) and civic groups, and Hamas itself operates a large social-services network. However, following the 2009 conflict between Hamas and Israel, Hamas restricted the activities of aid organizations that would not submit to its regulations, and many civic associations have been shut down for political reasons since the 2007 PA split. In July 2011, Hamas began enforcing its 2010 demand to audit the accounts of some 80 international NGOs in Gaza.

Independent labor unions in Gaza continue to function, and PA workers have staged strikes against Hamas-led management. However, the Fatah-aligned Palestinian General Federation of Trade Unions, the largest union body in the territories, has seen its operations greatly curtailed. Its main Gaza offices were taken over by Hamas militants in 2007, and the building was severely damaged in a December 2008 Israeli air raid.

Laws governing Palestinians in the Gaza Strip derive from Ottoman, British Mandate, Jordanian, Egyptian, PA, and Islamic law (Sharia), as well as Israeli military orders. The judicial system is not independent, and Palestinian judges lack proper training and experience. In 2007, Abbas ordered judges to boycott judicial bodies in Gaza, and Hamas began appointing new prosecutors and judges in 2008. Hamas security forces and militants continued to carry out arbitrary arrests and detentions during 2012, and torture of detainees and criminal suspects is reportedly common. The Palestinian human rights ombudsman agency – the Independent Commission for Human Rights – is banned from Hamas detention centers and Gaza's central prison.

According to B'Tselem, from February 2009 to the end of October 2012 (the period spanning two weeks after the end of Operation Cast Lead and two weeks prior to the start of Operation Pillar of Defense, 281 Palestinians in Gaza were killed by the IDF, and 56 were killed by other Palestinians. In 2012, Hamas executed 12 Palestinians in Gaza, double the number executed in 2011. Freedom of movement is severely restricted. Although Egypt opened the Rafah border crossing to women, children, and men over 40 in May 2011, with Gazan men between 18 and 40 requiring a permit to cross the border, the Israeli border remains sealed to the transfer of people, with exceptions for medical cases, students, and aid workers. The regular clashes between Israeli forces and Gaza-based militants greatly restrict freedom of movement within the Gaza Strip, as does the presence of unexploded ordnance.

Freedom of residence has been limited by the violent conflicts in and around Gaza. The conflict with Israel that ended in January 2009 was fought to a large extent in civilian neighborhoods, leading to the damage or destruction of some 50,000 homes. The November 2012 conflict resulted in the displacement of 3,000 Palestinians and the destruction of or severe damage to 450 homes, according to the United Nations.

The blockade has greatly reduced economic freedom and choice in the territory, though these conditions improved slightly in 2011 and 2012. A dense network of tunnels beneath Gaza's border with Egypt facilitates much economic activity and is used to transport weapons; they are routinely

bombed by Israel. At the end of the 2012, Israel declared that it would allow the entry of raw construction materials, passenger buses, and trucks, and improve Gazan access to the Israeli electricity network, but the Palestinian Centre for Human Rights expressed doubt that the new rules would actually change conditions.

Under Hamas, personal status law is derived almost entirely from Sharia, which puts women at a stark disadvantage in matters of marriage, divorce, inheritance, and domestic abuse. Rape, domestic abuse, and so-called "honor killings" are common, and these crimes often go unpunished. The government has barred women from wearing trousers in public and declared that all women must wear hijab in public buildings, though these and other such controls on women's behavior were enforced less frequently in 2012.

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