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Freedom Status: Not Free

Aggregate Score: 30

Freedom Rating: 5.5

Political Rights: 6

Civil Liberties: 5

OVERVIEW

In 2015, the Fatah-led Palestinian Authority (PA) in the West Bank continued to operate without an electoral mandate or a functioning legislature. Negotiations aimed at repairing its rift with the Hamas regime in Gaza, which dated to 2007, led to an agreement in 2014. However, the terms by which the unified PA government would take control in Gaza had yet to be implemented at the end of 2015.

Meanwhile, Israeli-Palestinian peace talks remained frozen after they broke off in 2014, fueling frustration across the territories and setting the stage for an outbreak of violence in the last third of 2015.

The unrest was triggered in part by rumors that Israel planned to change the rules governing prayer at the Temple Mount/Haram al-Sharif complex, which the Israeli authorities strongly denied. Palestinians perpetrated dozens of stabbings and other attacks against Israeli civilians and security personnel, while Israeli police and soldiers cracked down severely on all forms of protest, drawing accusations of excessive force. Militant Israeli settlers contributed to the violence with attacks on Palestinian civilians.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 6 / 40

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 2007 schism left Hamas in control of the Gaza Strip, 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 Fatah-led Palestine Liberation Organization (PLO) indefinitely extended Abbas's presidential term after his electoral mandate expired in 2009. 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 more than 90 municipalities in 2012 amid some accusations of unfairness, with Hamas and Islamic Jihad boycotting. 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; others were taken by independents, including many former Fatah members.

In 2013, Abbas appointed Rami Hamdallah to replace Fayyad as prime minister. Hamdallah retained his post in the unity cabinet with Hamas that was announced in 2014, but efforts to put the agreement into practice made little progress in 2015. In August, Abbas and some of his allies resigned from the PLO's Executive Committee in an attempt to trigger new internal elections through a meeting of the organization's rarely convened, 800-member Palestinian National Council. Some observers alleged that Abbas's move was designed to purge his critics from the Executive Committee. A vote scheduled for September 2015 was indefinitely postponed amid internal opposition to the maneuver.

B. Political Pluralism and Participation: 5 / 16

The PA and Israeli forces in the West Bank have largely suppressed Hamas since 2007. PA security forces alone detained roughly 150 Hamas members in March and July 2015, although the PA denied that the arrests were political in nature and said they were related to security. A number of smaller Palestinian parties continue to operate, including through membership in the PLO. Despite the unity government deal concluded in 2014, relations between Fatah and Hamas and their respective supporters remain poor.

After Israel's annexation of East Jerusalem in 1967, which has not been recognized internationally, Arab residents were issued Israeli identity cards and given the option of obtaining Israeli citizenship, though most have rejected this option. Non-Israeli citizens 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. Israeli authorities can strip noncitizens of their Jerusalem residency if they fail to meet various conditions demonstrating that the city remains their "center of life."

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 local nongovernmental organization (NGO), the Coalition for Accountability and Integrity (AMAN), continued to detail endemic corruption in its reports during 2015, noting a decline in transparency in the PA's budget.

The PA put forward an anticorruption strategy for 2015-18, promising to strengthen legislation and improve the effectiveness of the relevant agencies, but critics argued that such measures would not be sufficient as long as the political and structural roots of the problem remained unaddressed.

Discretionary Political Rights Question B: -3 / 0

Construction of Jewish settlements and related land seizures in the West Bank continued in 2015. Meanwhile, according to partial data from the Israeli human rights group B'Tselem, Israeli authorities demolished at least 118 Palestinian housing units in the West Bank (not including East Jerusalem) during the year due to lack of building permits or as a form of punishment, leaving over 400 people homeless. In East Jerusalem, the number of housing units demolished was at least 28, and at least 29 people were left homeless.

Civil Liberties: 24 / 60 (-1)

D. Freedom of Expression and Belief: 9 / 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. 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. Reporters are also subject to administrative detention by Israeli forces. Since 2007, both the PA and Israeli forces have regularly suppressed Hamas-affiliated media outlets in the West Bank.

The Palestinian Center for Development and Media Freedoms (MADA) reported 116 press freedom violations – including physical assaults – by Palestinian forces in the West Bank in 2015, a 29 percent increase from the previous year. According to the same report, Israeli authorities were responsible for 407 violations in both the West Bank and Gaza. Journalists were repeatedly obstructed, attacked, and injured by security forces while attempting to cover protests in the West Bank.

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. However, attacks on religious sites by radical Jewish settlers, including vandalism of churches and mosques, have increased in recent years. Citing security concerns, Israel occasionally imposes age restrictions on Muslim men seeking to pray at the Temple Mount/Haram al-Sharif compound in Jerusalem. Authorities barred men under age 50 for a period in late 2015 amid clashes over increased visits to the site by Jews. However, individuals are generally able to access religious sites.

The PA has authority over Palestinian education. Israeli military closures, curfews, and the security barrier separating most of the West Bank from Israel 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.

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

Private discussion is relatively open and free, though both Israeli and PA security forces are known to monitor online activity and arrest individuals for alleged incitement or criticism of the Palestinian authorities.

E. Associational and Organizational Rights: 5 / 12 (-1)

The PA requires permits for demonstrations, and those held to protest against PA policies are generally dispersed. Israel's Military Order 101 requires a permit for all "political" demonstrations of more than 10 people; demonstrations are routinely broken up with force, occasionally resulting in fatalities. Such clashes increased in 2015, as Israeli forces sought to restrict and disperse frequent and sometimes violent demonstrations, declaring some protest areas to be closed military zones.

A broad range of Palestinian nongovernmental organizations operate freely in the West Bank. Since 2007, however, many Hamas-affiliated groups have been shut down for political reasons. Activists and others who criticize the PA leadership can face harassment and abuse by security services.

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

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 military tactics. Decisions in favor of Palestinian petitioners, while rare, have increased in recent years. Most applications regarding the security barrier have been rejected, but the Israeli Supreme Court has repeatedly ordered changes to its route after hearing petitions.

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 2005, however. The PA military courts handle cases on a range of security offenses, on collaborating with Israel, and on drug trafficking. Human rights groups regularly document allegations of arbitrary detention and torture, and PA security officers are rarely punished for such abuses. The Independent Commission for Human Rights, the Palestinian human rights ombudsman, received dozens of torture complaints from the West Bank in 2015.

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,

at the end of 2015 there were 5,723 Palestinian security detainees and prisoners from the West Bank held in Israeli prisons.

Most convictions in Israeli military courts are based on confessions, sometimes obtained through coercion. Israel's Supreme Court banned torture in a 1999 ruling, but physical coercion is considered permissible when the prisoner is believed to have vital information about impending attacks. Human rights groups criticize Israeli interrogation methods, which allegedly include some forms of physical abuse, isolation, sleep deprivation, psychological pressure, and threats of violence against detainees and their relatives.

According to Defense for Children International (DCI) Palestine, 422 Palestinian children (aged 12-17) from the occupied territories were being held in Israeli military detention as of December 2015 (up from 152 a year earlier), including 116 aged 12 to 15 (up from 10 a year earlier). Most Palestinian child detainees are serving sentences of less than a year for throwing stones or other projectiles at Israeli forces in the West Bank, handed down by a special court for minors; acquittals on such charges are very rare. DCI Palestine reports that most of these children are taken from their homes in the middle of the night, interrogated without a parent or lawyer, and subjected to threats as well as physical and verbal abuse. East Jerusalem Palestinian minors are tried in Israeli civilian juvenile courts.

The number of Palestinians in Israeli custody increased considerably in the fall of 2015, amid the broader escalation in violent demonstrations, related clashes with Israeli forces, and a series of Palestinian stabbing, vehicular, and shooting attacks on Israeli soldiers and civilians. According to B'Tselem, Israeli security forces killed a total of 117 Palestinians in the West Bank in 2015, compared with 46 in 2014 and 27 in 2013. Another nine were killed by Israeli civilians. Palestinian attackers killed 16 Israeli civilians and three Israeli security personnel. Human rights groups accused Israeli soldiers of using deadly force against some Palestinian attackers when they did not pose a lethal threat.

Militant Jewish settlers escalated attacks on Palestinian individuals and property in 2015 as part of their "price tag" campaign, launched as a response to Israeli policies aimed at limiting settlement. Most perpetrators of such activity enjoy impunity. A 2015 report by the Israeli human rights watchdog Yesh Din revealed that of 260 cases of vandalism to Palestinian-owned fruit trees investigated by Israeli police from 2005 to August 2015, only six led to indictments, and none led to convictions. The report found that Israeli police had an 85 percent failure rate overall in investigating what it called ideologically motivated crimes by Israeli civilians against Palestinians, and only 75 indictments have been served over the past decade. Among the year's most high-profile acts of violence was a July arson attack in which suspected Jewish extremists firebombed a Palestinian home in the village of Duma, killing three people, including an 18-month-old child. By year's end Israeli authorities had arrested a number of suspects in that case and in some related attacks on Palestinians or their property.

Israeli soldiers accused of harassing or assaulting Palestinian civilians are subject to Israeli military law, though convictions, which are rare, typically result in light sentences. A December 2015 report by Yesh Din showed that of 229 investigations of suspected crimes by Israeli soldiers against Palestinians in the West Bank and Gaza in 2014, only eight resulted in indictments, mostly for minor offenses.

Although LGBT (lesbian, gay, bisexual, and transgender) people in the West Bank do not face prosecution for same-sex activity, they are reportedly subject to harassment and abuse by PA authorities and members of society.

G. Personal Autonomy and Individual Rights: 5 / 16

Checkpoints and roadblocks continue to hamper freedom of movement, stunt trade, and restrict Palestinian access to jobs, hospitals, and schools. The United Nations reported at the end of 2015 that 91 new obstacles had been deployed by Israeli security forces since October, adding to 452 already in place. Most were unmanned obstructions designed to divert Palestinian traffic to routes controlled by staffed checkpoints.

Israel's West Bank security barrier, which the International Court of Justice declared illegal in 2004, has meant that 150 Palestinian communities on the eastern side need special permits to access their land in the "seam zone" between the barrier and the pre-1967 border, or Green Line. Some 11,000 Palestinians currently live in this zone.

Palestinian women are underrepresented in most professions and encounter discrimination in employment, though they have full access to universities. Palestinian laws and societal norms, derived in part from Sharia (Islamic law), disadvantage women in marriage, divorce, and inheritance. For Christians, personal status issues are governed by ecclesiastical courts. Rape and domestic abuse remain underreported and frequently go unpunished, as authorities are allegedly reluctant to pursue such cases. An increase in the number of so-called honor killings has been reported in recent years.

The PA has no law focused on combating trafficking in persons. Some Palestinians – both children and adults – reportedly work in exploitative conditions in Israeli settlements, where the PA has no jurisdiction. Israeli labor laws are rarely applied to protect such workers.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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