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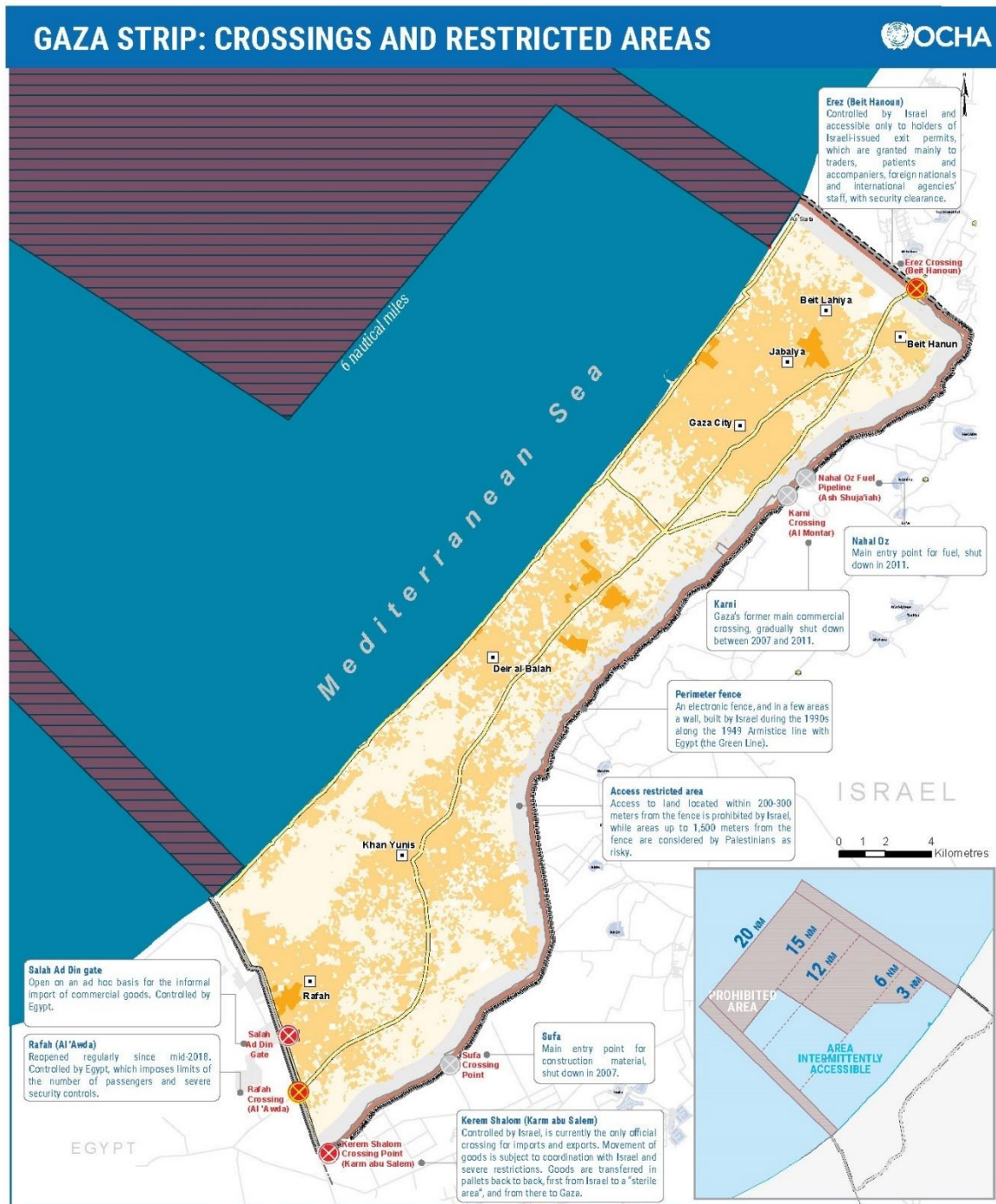
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UNHCR POSITION ON RETURNS TO GAZA

March 2022

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Map of Gaza



Source: OCHA, *Humanitarian Needs Overview* 2022, December 2021, <https://bit.ly/326JNmR>, p. 8.

List of Abbreviations

AFD	Agence Française de Développement
AFP	Agence France Presse
AP	Associated Press
CERI	Consolidated Eligibility and Registration Instructions
COGAT	Coordination of Government Activities in the Territories
DCIP	Defense for Children International – Palestine
ECOSOC	Economic and Social Council
EGP	Egyptian Pounds
ESCWA	United Nations Economic and Social Commission for Western Asia
Euro-Med Monitor	Euro-Mediterranean Human Rights Monitor
ERW	Explosive Remnants of War
FAO	Food and Agriculture Organization of the United Nations
GAGE	Gender and Adolescence: Global Evidence
GlobalR2P	Global Centre for the Responsibility to Protect
GBV	Gender-based violence
HRW	Human Rights Watch
ICC	International Criminal Court
ICHR	Independent Commission for Human Rights
ICJ	International Commission of Jurists
ICRC	International Committee of the Red Cross
IFRC	International Federation of Red Cross and Red Crescent Societies
ILO	International Labour Organization
LGBTIQ	Lesbian, gay, bisexual, transgender, intersex and queer
MAP	Medical Aid for Palestinians
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the High Commissioner for Human Rights
oPt	Occupied Palestinian territory
PA	Palestinian Authority
PCBS	State of Palestine/Palestinian Central Bureau of Statistics
PCHR	Palestinian Centre for Human Rights
SOGIE	Individuals of diverse sexual orientation and/or gender identity and expression
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNGA	United Nations General Assembly
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
UNSC	United Nations Security Council
UNSCO	Office of the United Nations Special Coordinator for the Middle East Peace Process
WASH	Water, sanitation, and hygiene
WFP	World Food Programme
WHO	World Health Organization

Summary

1. This document sets out UNHCR's position on the international protection needs of Palestinians fleeing from the Gaza Strip (hereafter referred to as "Gaza") under Articles 1A(2) and 1D of the 1951 Convention Relating to the Status of Refugees ("1951 Convention"), as well as UNHCR's position on returns to Gaza.¹ It is issued against a background of repeated outbreaks of hostilities and serious allegations over violations and abuses of international human rights law and international humanitarian law. The analysis contained in this document is informed by publicly available information and information collected by UN agencies and NGOs.
2. This position supersedes UNHCR's Position on Deportations to Gaza from February 2015.² It is based on information available up until 21 March 2022, unless otherwise stated. UNHCR's position will be reviewed as the situation evolves and will be updated as necessary.

Introduction

3. Palestinians in Gaza face "a multitude of crises".³ Since Israel's withdrawal in 2005, there have been recurrent cycles of hostilities between Israel and Palestinian armed groups in Gaza, including in 2008, 2012, 2014, and, most recently, in May 2021.⁴ Each of these had a devastating impact on the civilian population, including civilian casualties,⁵ internal displacement, massive damage to homes and infrastructure and the disruption of basic services, worsening an already "protracted humanitarian crisis and unsustainable socioeconomic conditions".⁶
4. The latest outbreak of hostilities commenced on 10 May 2021 in response to large-scale unrest in the occupied West Bank, including East Jerusalem (hereafter referred to as "the West Bank"). The "catastrophic escalation of hostilities",⁷ which included intense air and artillery bombardment by Israeli forces against densely populated areas in Gaza⁸ as well as the launching of indiscriminate attacks using rockets and mortars from Gaza into Israel by militant Palestinian groups,⁹ resulted in the deaths of at least 130 civilians, including 67 children, and the wounding of over 2,210 persons, including 685

¹ See below paras 63-70 ("Position on International Protection Needs and Non-Return Advisory").

² UNHCR, *UNHCR Position on Deportations to Gaza*, February 2015, www.refworld.org/docid/5448f2bea.html. The information included in this document also replaces UNHCR's *Country of Origin Information on the Situation in the Gaza Strip, Including on Restrictions on Exit and Return*, 23 February 2018, www.refworld.org/docid/5a9908ed4.html.

³ International Federation of Red Cross and Red Crescent Societies (IFRC), *IFRC Is Extremely Concerned about the Worsening Humanitarian Situation in Palestine*, 12 November 2021, <https://bit.ly/3oBEtPF>.

⁴ "This escalation is the fourth of its kind since 2008, with more yet to come if the root causes of such violence are not addressed"; UN Human Rights Council, *Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967*, A/HRC/47/57, 29 July 2021, www.ecoi.net/en/document/2055917.html, para. 11. See also, The New Humanitarian, *Gaza's Vicious Circle of War, Truce, and Reconstruction*, 9 June 2021, www.ecoi.net/en/document/2053895.html; Reuters, *Hamas and Israel: A History of Confrontation*, 14 May 2021, <https://reut.rs/3KkyXO>.

⁵ Between 1 January 2008 and 15 February 2022, nearly 5,300 Palestinians were killed in Gaza in the context of occupation and conflict, of whom more than half (2,749) were civilians. The majority were killed by "air-launched explosive weapons". In addition, nearly 62,500 Palestinians were injured between 1 January 2008 and 21 February 2022. For updated figures, including on casualties on the Israeli side, see OCHA, *Data on Casualties*, accessed 21 March 2022, <https://bit.ly/3nLdDFr>. See also, Associated Press (AP), *Through Four Wars, Toll Mounts on a Gaza Neighborhood*, 25 August 2021, <https://bit.ly/3i6H2qr>; Action on Armed Violence (AOAV), *A Decade of Explosive Violence Harm (2011-2020)*, 25 May 2021, www.ecoi.net/en/document/2059146.html, p. 23.

⁶ World Bank/EU/UN, *Gaza Rapid Damage and Needs Assessment: June 2021*, 6 July 2021, <https://bit.ly/3AXu3yL> (hereafter: World Bank et al., *Gaza Rapid Damage and Needs Assessment*, 6 July 2021, <https://bit.ly/3AXu3yL>), p. 25. See also, Office of the UN Special Coordinator for the Middle East Peace Process (UNSCO), *Report to the Ad-Hoc Liaison Committee*, 17 November 2021, <https://bit.ly/3HvFWPT>, p. 5; OCHA, *Escalation of Hostilities and Unrest in the oPt: Flash Appeal*, 27 May 2021, <https://bit.ly/3CWTEZh> (hereafter: OCHA, *Flash Appeal*, 27 May 2021, <https://bit.ly/3CWTEZh>), p. 4.

⁷ UNGA, *Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories: Note by the Secretary-General*, A/76/360, 29 September 2021, www.ecoi.net/en/document/2062310.html (hereafter: UNGA, *Report of the Special Committee*, 29 September 2021, www.ecoi.net/en/document/2062310.html), para. 10.

⁸ See para. 8 ("Violations of International Humanitarian Law and Human Rights Law").

⁹ "Palestinian armed groups fired 3,240 rockets and 1,158 mortar rounds indiscriminately towards Israel, including from highly populated civilian neighbourhoods (...) owing to the launching of rockets and mortars by armed groups in Gaza, 11 Israeli citizens and residents, including two children, were killed and, according to Israeli sources, 710 others were injured"; UNGA, *Israeli Practices Affecting the Human Rights of the Palestinian People in the Occupied Palestinian Territory, Including East Jerusalem: Report of the Secretary-General*, A/76/333, 20 September 2021, www.ecoi.net/en/document/2062311.html (hereafter: UNGA, *Report of the Secretary-General*, 20 September 2021, www.ecoi.net/en/document/2062311.html), para. 6. See also, Global Centre for the Responsibility to Protect (GlobalR2P), *Israel and the Occupied Palestinian Territory*, 1 March 2022, <https://bit.ly/2Y4eYwU>; UN Security Council (UNSC), *Implementation of Security Council Resolution 2334 (2016)*, S/2021/584, 18 June 2021, www.ecoi.net/en/document/2054770.html, paras 16, 19; Office of the High Commissioner for Human Rights (OHCHR), *Gaza-Israel Escalation: End Violence now, then Work to End Occupation*, Say UN Experts, 18 May 2021, <https://bit.ly/3DaXXA6>.

children.¹⁰ At the height of the hostilities, 113,000 people were displaced from their homes, seeking refuge in United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) schools, in informal shelters, or with relatives.¹¹ As at December 2021, approximately 8,250 persons remained internally displaced because their homes were either severely damaged or destroyed. These displacements come in addition to some 3,000 persons that remain displaced from previous conflict.¹² Airstrikes caused the destruction of or damage to civilian infrastructure,¹³ including to thousands of residential and commercial buildings, electricity, water and sanitation infrastructure, as well as educational and health facilities.¹⁴ A Rapid Damage and Needs Assessment (RDNA) undertaken by the World Bank, the EU and the UN in June 2021 estimated up to USD 380 million in physical damage (housing accounting for 93 per cent of the costs) and USD 190 million in economic losses, with the immediate and short-term recovery and reconstruction needs reaching up to USD 485 million.¹⁵ During and following the May 2021 violence, Israel severely restricted the movement of people and goods into and out of Gaza, including the entry of food, fuel, medicine, and other humanitarian supplies.¹⁶

5. A ceasefire between Israel and Hamas came into force on 21 May 2021¹⁷ and remains in effect at the time of writing.¹⁸ The security situation remains highly volatile,¹⁹ and occasional firing of rockets from Gaza towards Israel and Israeli retaliatory airstrikes on Gaza continue.²⁰ Renewed tensions were reported following the resumption of protests (known as the Great March of Return)²¹ near the perimeter

¹⁰ OCHA, *Response to the Escalation in the oPt: Situation Report No. 10* (September 2021), 14 October 2021, www.ecoi.net/en/document/2062247.htm (hereafter: OCHA, *Situation Report No. 10*, 14 October 2021, www.ecoi.net/en/document/2062247.htm), p. 1. "(...) entire families were killed without a clear military target nearby (...); UNGA, *Report of the Special Committee*, 29 September 2021, www.ecoi.net/en/document/2062310.html, para. 10. See also, Airwars, "Why Did They Bomb Us?" *Urban Civilian Harm in Gaza, Syria and Israel from Explosive Weapons Use*, 9 December 2021, <https://bit.ly/3IPstcq>.

¹¹ OCHA, *Humanitarian Needs Overview 2022*, December 2021, <https://bit.ly/326JNmR>, p. 28.

¹² OCHA, *Humanitarian Response Plan: oPt*, December 2021, <https://bit.ly/325R2LF>, p. 18. See also, Shelter Cluster, *Shelter Cluster Snapshot Gaza: Dashboard #2 February 2022*, 10 March 2022, <https://bit.ly/353B8De>. "Reconstruction of homes that were damaged or destroyed during past rounds of fighting has lagged for many years, leaving thousands of people displaced or in temporary housing"; Freedom House, *Gaza Strip*, 28 February 2022, <https://bit.ly/3sRpHr9>.

¹³ "Although the Israeli security forces stated that they had targeted members of armed groups and their military infrastructure and at times had adopted precautions, including warnings, Israeli attacks resulted in extensive civilian deaths and injuries as well as large-scale destruction and damage to civilian objects and infrastructure. Those include governmental and public buildings, residential buildings, apartments and commercial units (including the destruction of at least four high-rise towers), premises of humanitarian organizations, medical and educational facilities, media offices, agricultural areas and roads connecting civilians to essential services. While Israel claims that many of the structures were hosting armed groups or being used for military purposes, OHCHR has not seen evidence in that regard"; UNGA, *Report of the Secretary-General*, 20 September 2021, www.ecoi.net/en/document/2062311.html, para. 7. See also, UNGA, *Report of the Special Committee*, 29 September 2021, www.ecoi.net/en/document/2062310.html, para. 11; International Crisis Group (ICG), *The Israel-Palestine Crisis: Causes, Consequences, Portents*, 14 May 2021, www.ecoi.net/en/document/2051480.html. See below "Socio-Economic and Humanitarian Situation".

¹⁴ The Rapid Damage and Needs Assessment (RDNA) also projected that Gaza's GDP would contract by 0.3% in 2021 (this compares to an expected pre-conflict growth rate of 2.5%); World Bank et al., *Gaza Rapid Damage and Needs Assessment*, 6 July 2021, <https://bit.ly/3AXu3yL>, pp. 16-17.

¹⁵ UNGA, *Report of the Secretary-General*, 20 September 2021, www.ecoi.net/en/document/2062311.html, para. 37. See also para. 35 ("Housing and Reconstruction") and para. 52 ("Restrictions on Exit from and Entry to Gaza: Erez Crossing").

¹⁶ UN News, *UN Chief Welcomes Gaza Ceasefire Announcement Between Israel and Hamas*, 20 May 2021, <https://bit.ly/3GhxFgU>.

¹⁷ "In Gaza, a fragile calm currently prevails. But absent fundamental change, this is only temporary"; UNSCO, *Security Council Briefing on the Situation in the Middle East, Including the Palestinian Question (as Delivered by Special Coordinator Wennesland)*, 23 February 2022, <https://bit.ly/3t4bN3V>, p. 1. See also, UNSC, *Implementation of Security Council Resolution 2334 (2016): Report of the Secretary-General*, S/2021/1047, 15 December 2021, www.ecoi.net/en/document/2066460.html (hereafter: UNSC, *Report of the Secretary-General*, 15 December 2021, www.ecoi.net/en/document/2066460.html), para. 81; UN News, *Bachelet Describes 'Disastrous' Human Rights Situation Across Occupied Palestinian Territory*, 7 December 2021, <https://bit.ly/3DAAPe9>.

¹⁸ "While the ceasefire has largely held, tensions remain high, with a potential scenario for further conflict in 2022"; OCHA, *Humanitarian Needs Overview 2022*, December 2021, <https://bit.ly/326JNmR>, p. 23.

¹⁹ Al Jazeera, *Israel Hits Hamas Positions in Gaza after Rocket Attacks*, 2 January 2022, <https://aje.io/tv8286>; Al Jazeera, *Three Palestinians Wounded by Israeli Tank Fire on Gaza*, 29 December 2021, <https://aje.io/dxmf68>; Al Jazeera, *Israel Hits Hamas Targets in Gaza as Hostilities Escalate*, 13 September 2021, <https://bit.ly/3CUel8b>; OCHA, *Response to the Escalation in the oPt: Situation Report No. 9* (August 2021), 3 September 2021, www.ecoi.net/en/document/2059693.html (hereafter: OCHA, *Situation Report No. 9*, 3 September 2021, www.ecoi.net/en/document/2059693.html), p. 1; Al Jazeera, *Israel Bombs Hamas Sites in Gaza after Protests*, 29 August 2021, <https://bit.ly/3ZMdiVR>; Al Jazeera, *Israel Carries Out Another Air Raid on Besieged Gaza Strip*, 4 July 2021, <https://aje.io/ydq4ua>. See also OCHA's successive *Protection of Civilians Reports*, available at: www.ochaopt.org/publications/protection-of-civilians.

²⁰ Regular protests along the perimeter fence started in 2018 in response to Israel's blockade. "During the border protests in 2018 and 2019, more than 350 Palestinians were killed by Israeli fire. The protests stopped after mediators, including Egypt, Qatar and the United Nations, brokered an unofficial deal in which Israel eased some of its economic restrictions on Gaza and allowed Qatar to deliver tens of millions of dollars in monthly payments to needy Gaza families and Hamas salaries." Renewed protests in August 2021 were triggered by a decision by the newly elected Israeli Government to block Qatari payments to the de facto authorities. Payments to 100,000 families in need resumed in mid-September 2021 under a new mechanism, whereby payments are transferred to the UN and directly to Gazan families; Al Jazeera, *Qatar Resumes Aid to Thousands of Gaza Families*, 15 September 2021, <https://aje.io/7rpfpx>; AP, *24 Hurt in Gaza Border Clashes*, 21 August 2021, <https://bit.ly/3Deob4O>. See also, UNSCO, *Security Council Briefing on the Situation in the Middle East, Including the Palestinian Question (As Delivered by UN Special Coordinator Wennesland)*, 31 August 2021, <https://bit.ly/3AlgnMS>.

fence with Israel in August 2021, with Israeli gunfire resulting in the killing and wounding of protestors in Gaza.²²

6. Explosive remnants of war pose a significant threat to the population and continue to kill and injure civilians, including many children.²³
7. In the context of the Israeli occupation of Gaza,²⁴ Israel continues to control Gaza's airspace, territorial waters, and two of the three border crossing points.²⁵ The blockade, imposed by Israel in June 2007 following the June 2006 parliamentary elections in Gaza,²⁶ imposes wide-ranging restrictions on imports, including medical and other humanitarian items,²⁷ on exports²⁸ and on the movement of people to and from Gaza.²⁹ It is considered a primary cause of Gaza's extensive socio-economic and humanitarian crisis affecting nearly all of its 2.1 million inhabitants,³⁰ some 70 per cent of whom are

²² B'Tselem, *Israeli Security Forces Fatally Shoot 'Omar Abu a-Nil (13) Standing Dozens of Meters from Gaza Perimeter Fence During Protest*, 28 October 2021, <https://bit.ly/3C9UOzP>; UNGA, *Situation of Human Rights in the Palestinian Territories Occupied since 1967*, 22 October 2021, www.ecoi.net/en/document/2065165.html, para. 11; Crisis24, *Israel, PT: Anti-Israel Protests Likely to Persist in Gaza and Possibly in West Bank Through Early September*, 3 September 2021, <https://bit.ly/3bZDD9a>.

²³ "Explosive ordnance which has failed to explode, and now lies buried in the rubble of damaged buildings or in farmland, poses an immediate risk to the population, hindering the delivery of humanitarian aid, inhibiting safe movement and preventing access to basic services"; OCHA, *Humanitarian Needs Overview 2022*, December 2021, <https://bit.ly/326JNmR>, p. 35. See also, UN Mine Action Service (UNMAS), *State of Palestine*, August 2021, <https://bit.ly/3kqzOie>; Palestinian Centre for Human Rights (PCHR), *Israeli Offensive Remnants, Including Projectiles and Explosive Objects, Threaten Civilians' Lives in Gaza Strip*, 23 June 2021, <https://bit.ly/3zVu5pv>; UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), *Updated Humanitarian and Early Recovery Appeal: Hostilities in Gaza and Mounting Tensions in the West Bank*, May-December 2021, 21 June 2021, <https://bit.ly/3iJLSKs>, p. 11; Al Jazeera, *Bomb Disposal Squad in Gaza Faces Risks amid Little Protection*, 10 June 2021, <https://aje.io/zv3vbn>. In January 2021, the accidental explosion of weapons and munitions stored by a militant group in a densely populated civilian area resulted in the wounding of many children and the destruction and damage of civilian infrastructure in the surrounding area. Defense for Children International – Palestine (DCIP), *18 Palestinian Children Injured in Gaza Strip Munitions Explosion*, 11 February 2021, <https://bit.ly/3kDslaa>; UN Children's Fund (UNICEF), *Fifteen Children Reportedly Injured in the Gaza Strip Following Munitions Explosion*, 24 January 2021, <https://uni.cf/3qEtAyT>.

²⁴ "Israel withdrew its ground forces from the Gaza Strip in 2005, as part of a unilateral disengagement plan. However, consequent to the level of control still exercised by Israel over the Gaza Strip, Israel continues to be recognised as the occupying power"; Geneva Academy/RULAC, *Military Occupation of Palestine by Israel*, updated 2 February 2022, <https://bit.ly/3uKelzb>. See also, Amnesty International, *Israel's Apartheid Against Palestinians: Cruel System of Domination and Crime Against Humanity*, 1 February 2022, <https://bit.ly/3rgQQ65> (hereafter: Amnesty International, *Israel's Apartheid Against Palestinians*, 1 February 2022, <https://bit.ly/3rgQQ65>); Gisha (Israeli NGO), *Gaza Up Close*, 1 September 2021, <https://bit.ly/3AmA9ay>; Human Rights Watch (HRW), *A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution*, April 2021, www.ecoi.net/de/dokument/2050343.html (hereafter: HRW, *Israeli Authorities and the Crimes of Apartheid and Persecution*, April 2021, www.ecoi.net/de/dokument/2050343.html); International Criminal Court (ICC) / Pre-Trial Chamber I, *Decision on the Prosecution Request Pursuant to Article 19(3) for a Ruling on the Court's Territorial Jurisdiction in Palestine*, 5 February 2021, <https://bit.ly/3Fkuy8D>.

²⁵ Israel controls the Erez border crossing (for the transfer of people) and the Kerem Shalom crossing (for the transfer of authorized goods). The Rafah / Salah Al-Din crossing with Egypt is under control of Egypt. "Israel still denies sea and air access to and from Gaza and continues to control its land border crossings, with the exception of Rafah and Salah a-Din Gate, which are controlled by Egypt. (...) Israel also controls the Strip's sea and air spaces. Contrary to understandings reached as part of the Oslo Accords, Israel prohibits the construction of a seaport in Gaza and blocks the restoration of its international airport, destroyed in an Israeli air raid in 2001. Israeli drones can be heard flying over Gaza's skies at all hours of the day. Israel blocks access to Gaza's air space and also controls Gaza's electro-magnetic space, denying it 3G and 4G frequencies (...)" Gisha, *Gaza Up Close*, 1 September 2021, <https://bit.ly/3C1BSTw>. See also, World Bank, *Economic Monitoring Report to the Ad Hoc Liaison Committee*, 17 November 2021, <https://bit.ly/3oFsm3M>, para. 69. In December 2021, Israel completed the construction of a 65-kilometer upgraded barrier separating it from the Gaza Strip. The fence includes an underground barrier that stretches along the entire border with Gaza, along with a maritime border wall; Reuters, *Israel Announces Completion of Underground Gaza border Barrier*, 7 December 2021, <https://reut.rs/33QuY8A>.

²⁶ See footnote 34.

²⁷ "The dual-use items include 62 types and hundreds of goods and commodities that are essential to the life of the population. (...) These items include communications equipment, pumps, big generators, iron bars, iron pipes in all diameters, welding equipment and welding rods used in welding, various types of wood, UPS devices that protect the electric devices from breaking down when the electricity suddenly cuts off, X-ray machines, cranes and heavy vehicles, elevators, types of batteries and several types of fertilizers"; PCHR, *State of the Gaza Strip Border Crossings (01 - 28 February 2022)*, 14 March 2022, <https://bit.ly/3D6Yrso>, p. 4. "Israel's list of dual-use goods, the vague, broad categories it contains, the lack of transparency surrounding it, and the labyrinthine process for coordinating entry of items continue to impact countless aspects of everyday life in the Strip"; Gisha, *Red Lines, Gray Lists*, 11 January 2022, <https://bit.ly/3Kr6Fij>. "Severe movement restrictions and obstructions to people's access to essential goods and services, including specialised healthcare, generate immense suffering"; UN News, *Bachelet Describes 'Disastrous' Human Rights Situation Across Occupied Palestinian Territory*, 7 December 2021, <https://bit.ly/3DAAPe9>.

²⁸ "Israel controls all aspects of exporting from the Gaza Strip, including the types of goods that can be exported, where they can be exported to and when they can leave the territory"; Amnesty International, *Israel's Apartheid Against Palestinians*, 1 February 2022, <https://bit.ly/3rgQQ65>, p. 169. See also, PCHR, *State of the Gaza Strip Border Crossings (01 - 28 February 2022)*, 14 March 2022, <https://bit.ly/3D6Yrso>, pp. 6-7; Gisha, *Red Lines, Gray Lists*, 11 January 2022, <https://bit.ly/3Kr6Fij>; and below para. 35 ("Housing and Reconstruction").

²⁹ "Restrictions on freedom of movement continued throughout the Occupied Palestinian Territory as a method for Israel to enforce its regime of occupation. Restrictions were imposed on the movement of Palestinians between the West Bank, including East Jerusalem, the Gaza Strip and with regard to travelling abroad"; UNGA, *Situation of Human Rights in the Palestinian Territories Occupied since 1967: Note by the Secretary-General*, A/76/433, 22 October 2021, www.ecoi.net/en/document/2065165.html (hereafter: UNGA, *Situation of Human Rights in the Palestinian Territories Occupied since 1967*, 22 October 2021, www.ecoi.net/en/document/2065165.html), para. 13. Israel also maintains control over the Palestinian population registry in Gaza based on which the Palestinian Authority (PA) issues ID cards and travel documents. Due to these travel restrictions, the PA normally issues ID cards and passports only to Gaza and West Bank residents who are included in the Israeli-controlled population registry; see below para. 47 ("Restrictions on Exit from and Entry to Gaza").

³⁰ See below paras 19-45 ("Socio-Economic and Humanitarian Situation").

Palestinian refugees.³¹ The situation is compounded by continued restrictions on movement between Gaza and Egypt,³² repeated exposure to conflict,³³ and the long-standing intra-Palestinian political divide between authorities in the West Bank and in Gaza.³⁴ Steps to end the political, administrative and geographic divide, including the holding of national elections in 2021,³⁵ have not yet materialized.³⁶

Violations of International Humanitarian Law and Violations and Abuses of Human Rights Law

Violations of International Humanitarian Law and Human Rights Law

8. In the context of the continued Israeli occupation of Gaza and successive hostilities between Israel and Hamas,³⁷ there have been serious allegations over violations of international human rights law and international humanitarian law,³⁸ including acts that may amount to war crimes.³⁹ The UN, the International Committee of the Red Cross (ICRC) and human rights observers have referred to the continued blockade and restrictions imposed by Israel on the movement of people and goods in and out of Gaza as amounting to the “collective punishment” of the entire population, which is prohibited

³¹ In this document, the term “Palestinian refugees” refers to Palestinians who fall within the scope of Article 1D of the 1951 Convention as set out in: UNHCR, *Guidelines on International Protection No. 13: Applicability of Article 1D of the 1951 Convention Relating to the Status of Refugees to Palestinian Refugees*, December 2017, HCR/GIP/17/13, www.refworld.org/docid/5a1836804.html, para. 8. For UNRWA’s definition of “Palestine refugees” for its operational purposes, see footnote 189.

³² See paras 54-62 (“Restrictions on Exit from and Entry to Gaza: Rafah Crossing”).

³³ See paras 3-4 (“Introduction”).

³⁴ The violent takeover of Gaza by Hamas from the Fatah-dominated PA in June 2007 following the former’s win in the 2006 parliamentary elections resulted in the political and geographic separation between the West Bank and Gaza. Hamas established its own administration in Gaza, which includes ministries, judicial systems, municipalities, and security forces. Efforts to reconcile the two separate administrations have been unsuccessful; Freedom House, *Freedom in the World 2022: Gaza Strip*, 28 February 2022, <https://bit.ly/3sRpHr9> (hereafter: Freedom House, *Gaza Strip*, 28 February 2022, <https://bit.ly/3sRpHr9>); Washington Institute for Near East Policy, *Palestinian Politics Are More Divided than Ever*, 27 May 2021, <https://bit.ly/3uuuCGT>; European Council on Foreign Relations (ECFR), *Mapping Palestinian Politics*, 30 April 2018, <https://bit.ly/3bYKQGR>.

³⁵ The first national parliamentary and presidential elections scheduled for May and July 2021, respectively, were indefinitely postponed by Palestinian President Mahmoud Abbas in April 2021; UN News, *Free, Fair Palestinian Elections, Must Include East Jerusalem: UN Experts*, 26 July 2021, <https://shar.es/aWh79H>; Reuters, *Palestinian Leader Delays Parliamentary and Presidential Elections, Blaming Israel*, 30 April 2021, <https://reut.rs/3F5awvN>.

³⁶ UNRWA, *Occupied Palestinian Territory Emergency Appeal 2022*, 19 January 2022, <https://bit.ly/33KRZnc>, p. 14; OCHA, *Humanitarian Needs Overview 2022*, December 2021, <https://bit.ly/326JNmR>, p. 11.

³⁷ Hereafter referred to as “de facto authorities”.

³⁸ “International human rights law and international humanitarian law apply concurrently in the Occupied Palestinian Territory”; UN Human Rights Council, *Implementation of Human Rights Council Resolutions S-9/1 and S-12/1: Report of the United Nations High Commissioner for Human Rights (Advance Edited Version)*, A/HRC/49/83, 18 February 2022, <https://bit.ly/3KYR0pM> (hereafter: UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights*, 18 February 2022, <https://bit.ly/3KYR0pM>), para. 6. See also, UN Human Rights Council, *The Allocation of Water Resources*, 23 September 2021, <https://bit.ly/3ISZ1km>, paras 6-14.

³⁹ “(...) the high number of civilian casualties and extensive damage to *prima facie* civilian objects caused by Israeli airstrikes, the absence of indications of the existence of a particular military objective or lack of information thereon, the use of explosive weapons with wide-area effects in densely populated areas and, in some cases, apparent failure to verify that targets were military objectives raise serious concerns regarding Israel’s compliance with the principles of distinction, proportionality and precautions under international humanitarian law”; UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights*, 18 February 2022, <https://bit.ly/3KYR0pM>, para. 28. “Despite Israel’s claims that many of these buildings were hosting armed groups or being used for military purposes, we have not seen evidence in this regard. (...) Such strikes raise serious concerns of Israel’s compliance with the principles of distinction and proportionality under international humanitarian law. If found to be indiscriminate and disproportionate in their impact on civilians and civilian objects, such attacks may constitute war crimes”; OHCHR, *To Avoid Next Round Violence, Root Causes Must Be Addressed: Bachelet on Escalation in Gaza and the Occupied Palestinian Territory*, 27 May 2021, <https://bit.ly/3lhmKww>. “The conflict has led to a new wave of unprecedented mass destruction of civilian homes and infrastructure, including electrical grids in Gaza, and indiscriminate or deliberate missile attacks on civilians and residential areas in Israel and Gaza, that violate not only international human rights standards, but amount as well to crimes under international law for which there is individual and State responsibility. The indiscriminate or deliberate bombardment of civilians and towers housing civilians in Gaza and Israel, as well as media organizations and refugee camps in Gaza, are war crimes that are, *prima facie*, not justified by the requirements of proportionality and necessity under international law”; OHCHR, *Gaza-Israel: UN Experts Welcome Ceasefire, Call for ICC Probe*, 21 May 2021, www.ecoi.net/en/document/2052222.html. See also, GlobalR2P, *Israel and the Occupied Palestinian Territory*, 1 March 2022, <https://bit.ly/2Y4eYwU>; HRW, *Gaza: Apparent War Crimes During May Fighting*, 17 July 2021, www.ecoi.net/en/document/2056836.html. Regarding the reported violations of international human rights and humanitarian law, including some that may constitute war crimes or crimes against humanity, in the context of the Great March of Return, see UN Human Rights Council, *Report of the Detailed Findings of the Independent International Commission of Inquiry on the Protests in the Occupied Palestinian Territory*, A/HRC/40/CRP.2, 18 March 2019, www.ecoi.net/en/document/2005716.html. Regarding the reported violations of international humanitarian law and international human rights law by Israel on the context of the 2014 hostilities, see e.g., UN Human Rights Council, *Ensuring Accountability and Justice for all Violations of International Law in the Occupied Palestinian Territory, Including East Jerusalem: Report of the United Nations High Commissioner for Human Rights*, A/HRC/46/22, 15 February 2021, www.ecoi.net/en/document/2045769.html, para. 32; The Office of the Prosecutor of the ICC, *Situation in Palestine: Summary of Preliminary Examination Findings*, December 2019, <https://bit.ly/3uoGfYC>; UN Human Rights Council, *Report of the Independent Commission of Inquiry Established Pursuant to Human Rights Council Resolution S-21/1*, A/HRC/29/52, 15 June 2015, www.ecoi.net/en/document/1035221.html.

under international humanitarian law.⁴⁰ In addition, Israeli security forces are reported to have used excessive force off Gaza's coast,⁴¹ and near the perimeter fence separating Gaza from Israel, killing and injuring civilians.⁴²

9. Palestinian civilians in Gaza "have virtually no protection against airstrikes and military operations carried out in one of the most densely populated areas of the world."⁴³ According to the UN Secretary-General and others, these violations take place in a climate of impunity.⁴⁴ On 27 May 2021, the UN Human Rights Council established an independent commission of inquiry "to investigate violations of international humanitarian law and all alleged violations and abuses of international human rights law leading up to and since 13 April 2021, and all underlying root causes of recurrent tensions."⁴⁵

Human Rights Abuses by the de Facto Authorities and Other Non-State Actors

10. The *de facto* authorities reportedly subject civilians to a wide range of human rights abuses, including arbitrary arrests and *incommunicado* detention;⁴⁶ torture and other forms of ill-treatment;⁴⁷ and trials

⁴⁰ GlobalR2P, *Israel and the Occupied Palestinian Territory*, 1 March 2022, <https://bit.ly/2Y4eYwU>; UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights*, 18 February 2022, <https://bit.ly/3KYR0pM>, para. 15; UN Human Rights Council, *The Allocation of Water Resources in the Occupied Palestinian Territory, Including East Jerusalem: Report of the United Nations High Commissioner for Human Rights*, A/HRC/48/43, 23 September 2021, <https://bit.ly/3iSZ1km> (hereafter: UN Human Rights Council, *The Allocation of Water Resources*, 23 September 2021, <https://bit.ly/3iSZ1km>), para. 70(a); Al Mezan Center for Human Rights (Al Mezan), *The Effects of Israel's Tightened Blockade on the Economic and Humanitarian Conditions in the Gaza Strip*, 5 July 2021, <https://bit.ly/2WkoiMv>; Amnesty International, *The State of the World's Human Rights: Israel and the Occupied Palestinian Territories 2020*, 7 April 2021, www.ecoi.net/en/document/2048699.html; OHCHR, *Israel's Collective Punishment of Palestinians Illegal and an Affront to Justice: UN Expert*, 17 July 2020, <https://bit.ly/3ief4sQ>. "The whole of Gaza's civilian population is being punished for acts for which they bear no responsibility. The closure therefore constitutes a collective punishment imposed in clear violation of Israel's obligations under international humanitarian law"; ICRC, *Gaza Closure: Not Another Year!*, 14 June 2010, <https://bit.ly/35AGDsV>.

⁴¹ Between January and July 2021, "Israel's navy has perpetrated 199 attacks against Palestinian fishers in Palestinian territorial waters (...); Al Mezan, *Al Mezan Calls for the Immediate Release of Two Palestinian Fishers Arbitrarily Arrested and Detained by Israeli Naval Forces*, 2 August 2021, <https://bit.ly/2WnIUeL>. See also, Gisha, *Israeli Navy Continues Boat Seizures and Harassment of Fishermen in Gaza's Fishing Zone*, 20 December 2021, <https://bit.ly/3Agp5h4>; UNGA, *Report of the Secretary-General*, 20 September 2021, www.ecoi.net/en/document/2062311.html, para. 47; OCHA's successive *Protection of Civilians Reports*, available at: www.ochaopt.org/publications/protection-of-civilians; and PCHR's successive *Weekly Reports on Israeli Human Rights Violations in the Occupied Palestinian Territory*, available at: <https://bit.ly/32S47Zr>. See also below para. 24 ("Poverty, Unemployment and Food Insecurity").

⁴² Freedom House, *Gaza Strip*, 28 February 2022, <https://bit.ly/3sRpHr9>; UNGA, *Report of the Secretary-General*, 20 September 2021, www.ecoi.net/en/document/2062311.html, para. 46. See also OCHA's monthly *Protection of Civilians reports*, available at: <https://bit.ly/3FJQ9HN>. On the killing and wounding of civilians during protests along the perimeter fence in August 2021 and in 2018-2020, see above para. 5 ("Introduction").

⁴³ OHCHR, *To Avoid Next Round Violence, Root Causes Must Be Addressed: Bachelet on Escalation in Gaza and the Occupied Palestinian Territory*, 27 May 2021, <https://bit.ly/3lhmKww>. See also, UN News, *UN Rights Chief Calls for Inclusive Peace Process to end Palestine Occupation*, 27 May 2021, <https://shar.es/aW6y3h>.

⁴⁴ "Lack of accountability for international human rights and international humanitarian law violations by Israeli security forces remained pervasive"; UNGA, *Report of the Secretary-General*, 20 September 2021, www.ecoi.net/en/document/2062311.html, para. 5. See also, UN Human Rights Council, *Human Rights Situation in the Occupied Palestinian Territory, Including East Jerusalem, and the Obligation to Ensure Accountability and Justice: Report of the United Nations High Commissioner for Human Rights*, A/HRC/49/25, 23 February 2022, <https://bit.ly/3BOH6n7> (hereafter: UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights*, 23 February 2022, <https://bit.ly/3BOH6n7>); UNGA, *Report of the Special Committee*, 29 September 2021, www.ecoi.net/en/document/2062310.html, para. 14; HRW, *Gaza: Apparent War Crimes During May Fighting*, 17 July 2021, www.ecoi.net/en/document/2056836.html.

⁴⁵ UN Human Rights Council, *Human Rights Council Establishes International Commission of Inquiry to Investigate Violations in the Occupied Palestinian Territory, Including East Jerusalem, and in Israel*, 27 May 2021, <https://bit.ly/305V3i5>. On 3 March 2021, the ICC prosecutor opened an investigation into alleged serious crimes committed in Palestine since June 2014; Office of the Prosecutor of the ICC, *Statement of ICC Prosecutor, Fatou Bensouda, Respecting an Investigation of the Situation in Palestine*, 3 March 2021, <https://bit.ly/3Dk3Smm>; *ibid.*, *Situation in Palestine: Summary of Preliminary Examination Findings*, undated, <https://bit.ly/3BIM0bd>.

⁴⁶ " 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. (...) there were widespread reports of (...) Hamas detention without charge or trial"; US Department of State, *2020 Country Reports on Human Rights Practices: Israel, West Bank and Gaza (West Bank and Gaza)*, 30 March 2021, www.ecoi.net/en/document/2048134.html (hereafter: US Department of State, *2020 Country Reports on Human Rights Practices*, 30 March 2021, www.ecoi.net/en/document/2048134.html). See also, Freedom House, *Gaza Strip*, 28 February 2022, <https://bit.ly/3sRpHr9>; GlobalR2P, *Israel and the Occupied Palestinian Territory*, 1 March 2022, <https://bit.ly/2Y4eYwU>; HRW, *World Report 2022: Israel and Palestine*, 13 January 2022, www.ecoi.net/en/document/2066491.html; Al-Haq, *Al-Haq Semi-Annual Field Report on Human Rights Violations: 2021*, 25 August 2021, <https://bit.ly/3kTBRf6>.

⁴⁷ Between 1 November 2020 to 31 October 2021, the Independent Commission for Human Rights (ICHR) received 164 complaints of ill-treatment or torture, including 14 complaints from women. "(...) individuals arrested by Gaza de facto authorities' security forces alleged ill-treatment or torture, restricted access to legal aid and other concerns in fair trial guarantees. In particular, a number of people detained by the Internal Security Agency alleged having been held in incommunicado detention and subjected to beating, suspension, sleep deprivation, stress positions and forced exercise with the aim to extract their confessions"; UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights*, 18 February 2022, <https://bit.ly/3KYR0pM>, paras 51, 53. See also, PCHR, *Annual Report 2020*, 15 July 2021, www.ecoi.net/en/document/2058263.html, p. 88; Al-Haq, *Al-Haq Reiterates the Need for Absolute and Non-Derogable Prohibition against Torture as a Measure to Support its Victims*, 5 July 2021, <https://bit.ly/3meSGAG>; Amnesty International, *The State of the World's Human Rights: Palestine (State of)* 2020, 7 April 2021, www.ecoi.net/en/document/2048736.html (hereafter: Amnesty International, *Palestine 2020*, 7 April 2021, www.ecoi.net/en/document/2048736.html); AP, *Gaza Activist: After Lengthy Torture, Hamas Forced Me to Divorce*, 2 April 2021, <https://bit.ly/3oh3YHc>.

that fall short of international fair trial standards, including in military courts⁴⁸ and in death penalty cases.⁴⁹ Death sentences continue to be imposed, including, *inter alia*, for collaboration with Israel.⁵⁰ Executions were carried out by the *de facto* authorities between 2007 and 2017,⁵¹ but no executions have been reported since 2018.⁵² Detention centres are reported to be overcrowded, with detainees facing poor conditions.⁵³ Deaths in detention, including in some instances due to the possible use of torture and ill-treatment, have been reported.⁵⁴ The *de facto* authorities are reported to commit human rights abuses with impunity.⁵⁵

11. Real or perceived critics and opponents of the *de facto* authorities are particularly singled out for arbitrary arrest and detention, and other human rights abuses.⁵⁶ Affiliates or sympathizers of rival political organizations such as Fatah,⁵⁷ individuals accused of collaboration with Israel,⁵⁸ journalists,⁵⁹

⁴⁸ Freedom House, *Gaza Strip*, 28 February 2022, <https://bit.ly/3sRpHr9>; UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights*, 18 February 2022, <https://bit.ly/3KYR0pM>, para. 28; Al-Monitor, *Drug Dealers in Gaza Risk Hamas Military Trials*, 4 November 2021, <https://bit.ly/31URRXf>; Amnesty International, *Palestine 2020*, 7 April 2021, www.ecoi.net/en/document/2048736.html.

⁴⁹ "Over the last 12 months [since October 2020], courts in Gaza have handed down 14 death sentences. There are serious concerns that many of these death sentences and others, are handed down in the absence of fair trial guarantees and some follow calls by tribal elders to implement death sentences. One absolute requirement is that the death penalty can only be imposed after a fair trial. This is currently not possible in Gaza, neither legally nor practically"; UN, EU and UN Human Rights Office in Palestine Mark the World Day Against the Death Penalty, 21 October 2021, <https://bit.ly/3Gduiri>. See also, UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights*, 18 February 2022, <https://bit.ly/3KYR0pM>, para. 53; Freedom House, *Gaza Strip*, 28 February 2022, <https://bit.ly/3sRpHr9>; PCHR, *Annual Report 2020*, 15 July 2021, www.ecoi.net/en/document/2058263.html, p. 85.

⁵⁰ Between January and February 2022, one death sentence was issued, bringing the total number of death sentences issued by courts in Gaza since 2007 to 164; PCHR, *First Case in 2022: PCHR Demands Death Penalty Moratorium in Gaza*, 24 February 2022, <https://bit.ly/3Haw2eI>. In 2021, PCHR recorded the issuance of 23 death sentences: 16 at courts of first instance (including 9 by military courts against civilians) and 7 by appeal courts; PCHR, *A Heinous Crime Does Not Null Necessary Justice Guarantees: PCHR Condemns Death Sentence by Gaza Military Court Following Speedy Trial*, 1 December 2021, <https://bit.ly/3IOD5bU>. See also, Al-Monitor, *Human Rights Organizations Call on Hamas to Halt Death Sentences Against Israeli Agents, Drug Dealers*, 16 November 2021, <https://bit.ly/3s3X0pI>; PCHR, *Annual Report 2020*, 15 July 2021, www.ecoi.net/en/document/2058263.html, p. 87.

⁵¹ Between 2007 and 2017, 28 death sentences were executed, all without the ratification of the Palestinian President as required by law; PCHR, *Annual Report 2020*, 15 July 2021, www.ecoi.net/en/document/2058263.html, p. 86. See also, US Department of State, *2020 Country Reports on Human Rights Practices*, 30 March 2021, www.ecoi.net/en/document/2048134.html.

⁵² According to PCHR, some Hamas officials continued to call for the execution of death sentences; PCHR, *Annual Report 2020*, 15 July 2021, www.ecoi.net/en/document/2058263.html, pp. 85-86. See also, UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights*, 18 February 2022, <https://bit.ly/3KYR0pM>, para. 28; HRW, *World Report 2022: Israel and Palestine*, 13 January 2022, www.ecoi.net/en/document/2066491.html.

⁵³ PCHR, *Annual Report 2020*, 15 July 2021, www.ecoi.net/en/document/2058263.html, p. 88; US Department of State, *2020 Country Reports on Human Rights Practices*, 30 March 2021, www.ecoi.net/en/document/2048134.html.

⁵⁴ In 2020, PCHR recorded the death of three persons in detention: "one was arrested on political grounds and dies in circumstances suspicious of torture by the Internal Security Service; 2 others were arrested on criminal grounds: one died due to a heart attack in conditions suspicious of medical neglect and the other was found hanged in his cell"; PCHR, *Annual Report 2020*, 15 July 2021, www.ecoi.net/en/document/2058263.html, p. 29. See also, US Department of State, *2020 Country Reports on Human Rights Practices*, 30 March 2021, www.ecoi.net/en/document/2048134.html.

⁵⁵ Amnesty International, *Palestine 2020*, 7 April 2021, www.ecoi.net/en/document/2048736.html; UN Human Rights Council, *Ensuring Accountability and Justice for all Violations of International Law in the Occupied Palestinian Territory, Including East Jerusalem: Report of the United Nations High Commissioner for Human Rights*, A/HRC/46/22, 15 February 2021, www.ecoi.net/en/document/2045769.html, paras 21, 26-28.

⁵⁶ UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights*, 18 February 2022, <https://bit.ly/3KYR0pM>, para. 36; HRW, *World Report 2022: Israel and Palestine*, 13 January 2022, www.ecoi.net/en/document/2066491.html; PCHR, *Annual Report 2020*, 15 July 2021, www.ecoi.net/en/document/2058263.html, p. 90; Amnesty International, *Palestine 2020*, 7 April 2021, www.ecoi.net/en/document/2048736.html; US Department of State, *2020 Country Reports on Human Rights Practices*, 30 March 2021, www.ecoi.net/en/document/2048134.html.

⁵⁷ "(...) those affiliated with Abbas and his supporters in Fatah are subject to persecution"; Freedom House, *Gaza Strip*, 28 February 2022, <https://bit.ly/3sRpHr9>. See also, PCHR, *Annual Report 2020*, 15 July 2021, www.ecoi.net/en/document/2058263.html, pp. 29; Amnesty International, *Palestine 2020*, 7 April 2021, www.ecoi.net/en/document/2048736.html; US Department of State, *2020 Country Reports on Human Rights Practices*, 30 March 2021, www.ecoi.net/en/document/2048134.html.

⁵⁸ "(...) following its May 2021 military confrontation with Israel, Hamas reportedly arrested 43 Gazans on charges of spying for Israel – so-called collaborators – who will be tried in military court and likely executed. In the past, human rights groups sharply criticized Hamas violations against suspected collaborators, including torture, other due process violations and summary executions"; UN Human Rights Council, *Written Statement Submitted by United Nations Watch, a Non-Governmental Organization in Special Consultative Status*, A/HRC/48/NGO/31, 30 August 2021, <https://bit.ly/3mc183C>, p. 3. See also, UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights*, 23 February 2022, <https://bit.ly/3BOH6n7>, para. 32; Al-Monitor, *Hamas to Try Collaborators in Military Courts, Claiming Legality*, 27 May 2021, <https://bit.ly/39NSQJB>.

⁵⁹ According to Reporters Without Borders (RSF), journalists in Gaza routinely face "threats, heavy-handed interrogation, arrest without charge, intimidatory lawsuits and prosecutions, and bans on covering certain events" at the hands of the *de facto* authorities; RSF, *Palestine: Harassed Journalists*, accessed 21 March 2022, <https://rsf.org/en/palestine>. See also, Freedom House, *Gaza Strip*, 28 February 2022, <https://bit.ly/3sRpHr9>; Committee to Protect Journalists (CPJ), *Hamas Security Forces Arrest Journalist Alaa al-Mashrawi in Gaza*, 2 November 2021, <https://cpj.org/?p=142040>; PCHR, *Annual Report 2020*, 15 July 2021, www.ecoi.net/en/document/2058263.html, p. 100; Amnesty International, *Palestine 2020*, 7 April 2021, www.ecoi.net/en/document/2048736.html; US Department of State, *2020 Country Reports on Human Rights Practices*, 30 March 2021, www.ecoi.net/en/document/2048134.html.

protestors,⁶⁰ civil society activists and human rights defenders are profiles that may be singled out.⁶¹ The *de facto* authorities are reported to monitor phones and online activities.⁶² Members of international aid organizations have reported harassment and at times arrest at the hands of the *de facto* authorities.⁶³ Organizations affiliated with Fatah⁶⁴ as well as civil society groups are reported to face difficulties in carrying out their work.⁶⁵ Academics and students who participate in cultural or educational programmes funded by foreign organizations, as well as Palestinians returning from the West Bank or from abroad are reported to be at risk of interrogation.⁶⁶ In some instances, individuals have reportedly also been targeted on account of their family members' political activities.⁶⁷

12. The militant Palestinian Islamic Jihad group has also been reported to have committed human rights abuses in Gaza.⁶⁸
13. **Women and girls** reportedly face legal, political and societal discrimination,⁶⁹ as well as specific forms of violence on account of their gender, including domestic violence,⁷⁰ sexual harassment⁷¹ and violence

⁶⁰ "PCHR documented the arrest of some citizens (...) during peaceful activities organized by citizens or institutions, such as peaceful protests and sit-in, as security services forcibly suppressed these gatherings, arrested some of participants and referred them to trial"; PCHR, Annual Report 2020, 15 July 2021, www.ecoi.net/en/document/2058263.html, pp. 88, 103. See also, BBC, *Palestinians Vent Against Hamas in Rare Online Event*, 29 January 2022, <https://bbc.in/32JFcaz>.

⁶¹ PCHR, Annual Report 2020, 15 July 2021, www.ecoi.net/en/document/2058263.html, p. 88; AP, *Gaza Activist: After Lengthy Torture, Hamas Forced Me to Divorce*, 2 April 2021, <https://bit.ly/3oh3YHc>; US Department of State, *2020 Country Reports on Human Rights Practices*, 30 March 2021, www.ecoi.net/en/document/2048134.html; UN Human Rights Council, *Situation of Human Rights in the Occupied Palestinian Territory, Including East Jerusalem, with a Focus on Collective Punishment: Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967*, A/HRC/44/60, 22 December 2020, www.ecoi.net/en/document/2034310.html (hereafter: UN Human Rights Council, *Report of the Special Rapporteur on the Situation of Human Rights*, 22 December 2020, www.ecoi.net/en/document/2034310.html), para. 21; Amnesty International, *State of Palestine: Authorities Must End Arbitrary Detention of Critics amid Coronavirus Outbreak*, 7 May 2020, www.ecoi.net/en/document/2029333.html.

⁶² "Social media users, particularly women, also reportedly face online harassment for expressing political views"; Freedom House, *Gaza Strip*, 28 February 2022, <https://bit.ly/3sRpHr9>. "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. (...) 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"; US Department of State, *2020 Country Reports on Human Rights Practices*, 30 March 2021, www.ecoi.net/en/document/2048134.html.

⁶³ Two UNRWA staff remained in detention by the *de facto* authorities in Gaza at the time of writing; Information provided by UNRWA, 2 March 2022 (email communication with UNHCR); UNRWA, *Annual Operational Report: 2020*, 10 August 2021, <https://bit.ly/3my1KAX>, p. 18.

⁶⁴ Fatah is the political party dominating the PA; see above footnote 34.

⁶⁵ "Arbitrary punitive acts, including the forced dissolution of NGOs or replacement of their boards, have reportedly been undertaken against (...) Fatah-affiliated NGOs in the Gaza Strip"; International Center for Not-for-Profit Law, *Civic Freedom Monitor: Palestine*, last updated 14 March 2022, www.ecoi.net/en/document/2059852.html. "(...) 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"; US Department of State, *2020 Country Reports on Human Rights Practices*, 30 March 2021, www.ecoi.net/en/document/2048134.html. See also, Freedom House, *Gaza Strip*, 28 February 2022, <https://bit.ly/3sRpHr9>; PCHR, *Annual Report 2020*, 15 July 2021, www.ecoi.net/en/document/2058263.html, pp. 105-106.

⁶⁶ US Department of State, *2020 Country Reports on Human Rights Practices*, 30 March 2021, www.ecoi.net/en/document/2048134.html.

⁶⁷ "In several instances Hamas detained individuals for interrogation and harassment, particularly prodemocracy youth activists, based on the purported actions of their family members"; US Department of State, *2020 Country Reports on Human Rights Practices*, 30 March 2021, www.ecoi.net/en/document/2048134.html.

⁶⁸ "On October 13, a group of approximately 15 gunmen associated with the PIJ [Palestinian Islamic Jihad] terrorist organization kidnapped and beat three worshippers from a mosque east of Khan Younis in Gaza during dawn prayers. According to media and NGO reports, the assailants targeted the victims because of a PIJ factional dispute. The kidnappers released all three victims, two of whom suffered broken bones, later that morning. Hamas stated it launched an investigation into the incident"; US Department of State, *2020 Report on International Religious Freedom: Israel – West Bank and Gaza*, 12 May 2021, www.ecoi.net/en/document/2051576.html.

⁶⁹ "(...) women are mostly excluded from leadership positions in Hamas and absent from public political events in practice. (...) The legal system operating in Gaza offers few protections against harassment and discrimination for women (...). Palestinian laws and societal norms, derived in part from Sharia (Islamic law), put women at a disadvantage in matters such as marriage and divorce"; Freedom House, *Gaza Strip*, 28 February 2022, <https://bit.ly/3sRpHr9>. See also, UNICEF/WHO/UNFPA/AFD, *Knowledge, Attitudes, and Practices among Men in the Gaza Strip Related to Sexual and Reproductive Health and Rights and Child-Rearing*, October 2021, <https://bit.ly/3r0gZGr> (hereafter: UNICEF et al., *Knowledge, Attitudes, and Practices among Men in the Gaza Strip*, October 2021, <https://bit.ly/3r0gZGr>), p. 36; UNGA/UNSC, *Peaceful Settlement of the Question of Palestine: Report of the Secretary-General*, A/76/299-S/2021/749, 24 August 2021, <https://bit.ly/3GEPebH> (hereafter: UNGA/UNSC, *Report of the Secretary-General*, 24 August 2021, <https://bit.ly/3GEPebH>), para. 54; Amnesty International, *Palestine 2020*, 7 April 2021, www.ecoi.net/en/document/2048736.html; US Department of State, *2020 Country Reports on Human Rights Practices*, 30 March 2021, www.ecoi.net/en/document/2048134.html.

⁷⁰ According to the Palestinian Central Bureau of Statistics (PCBS), in 2019, 38% "of the currently married or ever married women [in Gaza] experienced 'at least once' a form of violence such as psychological, physical, sexual, social or economic violence by their husbands in Palestine" in the 12 months preceding the survey; PCBS, *Preliminary Results of the Violence Survey in the Palestinian Society: 2019*, November 2019, <https://bit.ly/3kskeCD>, pp. 20, 23. See also, PCHR, *Man Kills Wife in Gaza, PCHR Demands Swift Enactment of Domestic Violence Protection Bill*, 19 February 2022, <https://bit.ly/35aCBay>; Al-Monitor, *Violence Against Women Rises in Gaza*, 25 June 2021, <https://bit.ly/3FcHqxA>.

⁷¹ "For girls, sexual harassment is so common that only 17% feel safe outside their homes after dark. Girls reported that travel to and from school – and schools themselves – are especially dangerous"; Gender and Adolescence: Global Evidence (GAGE), *Adolescents in Protracted*

(including rape),⁷² as well as femicide and “honour killings”.⁷³ Some women are reported to have committed suicide in order to escape domestic violence.⁷⁴ Child marriage is also reported to remain prevalent,⁷⁵ and widows are reported to be at risk of forced remarriage.⁷⁶ Divorcees and widows are reported to be particularly vulnerable to domestic violence and social stigma.⁷⁷ Survivors of gender-based violence often face difficulties to access services, including due to prevailing prejudice.⁷⁸ The combined effects of the COVID-19 pandemic, rising poverty and cycles of conflict are reported to have caused a rise in incidents of gender-based violence against women and girls, while simultaneously increasing the barriers to accessing services.⁷⁹ Women and girls are often reluctant to report violence perpetrated against them, including due to fear of familial retribution and societal stigmatization, as well as a reluctance on the part of the authorities to investigate such incidents.⁸⁰

Displacement: Exploring Risks of Age- and Gender-Based Violence among Palestine Refugees in Jordan, Lebanon and the State of Palestine, October 2021, <https://bit.ly/3lfYNHg> (hereafter: GAGE, *Adolescents in Protracted Displacement*, October 2021, <https://bit.ly/3lfYNHg>), p. 74. “Sexual harassment, specifically harassment of women in public space, is becoming more and more an everyday risk for women in cities, towns and villages. Women and girls have to constantly deal with unwelcome remarks and inappropriate conduct towards them. These include ogling, inappropriate touch, stalking, harassment by authorities and verbal abuse by men”; UN Human Settlements Programme (UN-Habitat), *Khan Younis, Gaza / Palestine: Eliminating Violence Against Women in the West Bank and Gaza Strip*, July 2021, <https://bit.ly/3DoPrOD>, p. 43. See also, US Department of State, *2020 Country Reports on Human Rights Practices*, 30 March 2021, www.ecoi.net/en/document/2048134.html.

⁷² “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”; US Department of State, *2020 Country Reports on Human Rights Practices*, 30 March 2021, www.ecoi.net/en/document/2048134.html.

⁷³ “Impunity for gender-related killings remains pervasive in both the West Bank and Gaza.” Between 1 November 2020 and 31 October 2021, OHCHR recorded 11 cases of possible gender-related killings in Gaza with only three indictments issued; UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights*, 23 February 2022, <https://bit.ly/3BOH6n7>, para. 28. “In 2021 alone, the absence of the rule of law has led to the death of at least six women in the Gaza Strip and the injury of 27 others”; Al Mezan, *On the International Day for the Elimination of Violence Against Women, Al Mezan Demands that Duty Bearers Respect and Protect Palestinian Women's Rights*, 25 November 2021, <https://bit.ly/3lhEdUV>. Article 18 of the 1936 Penal Code stipulates that perpetrators of murder in the name of “honour” can obtain a reduced sentence considering mitigating circumstances. However, “many of the perpetrators had been released just months after committing the crime, as a result of a reduced sentence based on the legal amendment No.3 of 2009 in force in the Gaza Strip. This amendment was added to Article 18 of the law and stipulates that ‘the court may consider a pardon on the part of the guardian of the victim or blood money as a ground for reduced sentence’”; Zenith, *No Justice for Women Killed in Gaza*, 4 March 2021, <https://bit.ly/3zSAvp6>. “Honour” crimes “constitute a manifestation of culturally inherited values of inequality that impose upon women socially expected behaviours deriving from patriarchal norms and standards. Women’s transgressions of these social norms are considered a violation of the honour of the family and men, and legitimize violence against women as a disciplinary measure to maintain or restore the family honour”; UN Human Rights Council, *Report of the Special Rapporteur on Violence Against Women, its Causes and Consequences, on Her Mission to the Occupied Palestinian Territory/State of Palestine*, A/HRC/35/30/Add.2, 14 November 2019, <https://bit.ly/3l2uqvN>, para. 26. See also, PCHR, *Annual Report 2020*, 15 July 2021, www.ecoi.net/en/document/2058263.html, pp. 81-82; Al Mezan, *Al Mezan Calls for an Investigation into the Femicide of a 17-Year-Old Pregnant Girl in Gaza and Demands Justice*, 15 June 2021, <https://bit.ly/3oA5R2b>; UN Human Rights Council, *Written Statement* Submitted by United Nations Watch, a Non-Governmental Organization in Special Consultative Status*, A/HRC/47/NGO/73, 8 June 2021, <https://bit.ly/3qAZVGu>; US Department of State, *2020 Country Reports on Human Rights Practices*, 30 March 2021, www.ecoi.net/en/document/2048134.html.

⁷⁴ In October 2021, humanitarian partners reported “high numbers of high-risk GBV cases in need of medical and sheltering services, increase in suicides and attempted suicides of women in Gaza (...)”; OCHA, *Situation Report No. 10*, 14 October 2021, www.ecoi.net/en/document/2062247.htm, p. 6. See also, Zenith, *No Justice for Women Killed in Gaza*, 4 March 2021, <https://bit.ly/3zSAvp6>.

⁷⁵ On child marriage, see para. 16 (“Children”).

⁷⁶ “Women who have lost their husbands face the most serious threats. (...) these women are at risk of forced remarriage, often to a member of their former husband’s family”; UN Women, *Gender and Wars in Gaza Untangled: What Past Wars Have Taught Us?*, 23 June 2021, www.ecoi.net/en/document/2054672.html, p. 14.

⁷⁷ “Divorced women are arguably exposed to the most severe social sanctions due to the ‘social stigma’ surrounding divorced women, who are often viewed as the cause of their own misfortune, with divorce largely considered ‘shameful’ for women, but not for men”; UNICEF et al., *Knowledge, Attitudes, and Practices among Men in the Gaza Strip*, October 2021, <https://bit.ly/3r0gZGr>, p. 32. “While married women may have some form of social protection acquired by virtue of marriage, women who are abandoned, divorced or widowed are a vulnerable social group who suffer not only from domestic violence, but also from social stigma”; Islamic Relief, *How Stigma Makes Gazan Women Vulnerable to Gender-Based Violence*, October 2020, <https://bit.ly/3Bw7VLV>. Furthermore, widows “suffer a lack of protection in accessing rights to child custody and guardianship, as well as control over inheritance from a deceased spouse. Women’s organizations reported receiving calls to their hotlines from women asking about humanitarian assistance, loss of legal documentation, legal rights, and damage assessments and compensation”; OCHA, *Flash Appeal*, 27 May 2021, <https://bit.ly/3CWTEZh>, p. 10. See also, UN Economic and Social Commission for Western Asia (ESCWA), *Social and Economic Situation of Palestinian Women and Girls (July 2018 - June 2020)*, September 2021, www.ecoi.net/en/document/2061736.html, p. 29.

⁷⁸ UN Women, *Gender Alert: Needs of Women, Girls, Boys and Men in Humanitarian Action in Palestine*, September 2021, <https://bit.ly/2YK3EGy> (hereafter: UN Women, *Gender Alert*, September 2021, <https://bit.ly/2YK3EGy>), p. 15.

⁷⁹ “According to the Palestinian Ministry of Women’s Affairs, gender-based violence has soared by 300 per cent since the COVID-19 pandemic began (...)”; UNGA/UNSC, *Report of the Secretary-General*, 24 August 2021, <https://bit.ly/3GEPebH>, para. 54. See also, UNRWA, *Occupied Palestinian Territory Emergency Appeal 2022*, 19 January 2022, <https://bit.ly/33KRZnc>, pp. 10, 12; OCHA, *Humanitarian Needs Overview 2022*, December 2021, <https://bit.ly/326JNmR>, p. 35; Al Mezan, *On the International Day for the Elimination of Violence Against Women, Al Mezan Demands that Duty Bearers Respect and Protect Palestinian Women's Rights*, 25 November 2021, <https://bit.ly/3lhEdUV>; UNGA, *Report of the Special Committee*, 29 September 2021, www.ecoi.net/en/document/2062310.html, para. 43; UN Women, *Gender and Wars in Gaza Untangled: What Past Wars Have Taught Us?*, 23 June 2021, www.ecoi.net/en/document/2054672.html, pp. 5-6, 13-14.

⁸⁰ “(...) of the women surveyed for the 2019 PCBS report who experienced violence, just 1.4 per cent sought counselling or legal assistance, while 60.6 per cent of domestic violence survivors said they did not tell anyone about the abuse, including friends, family members, colleagues or neighbours, indicating a persistent culture of silence around domestic violence. One reason may be the fear of reprisal; that disclosure would be

14. The *de facto* authorities continue to impose some restrictions, in line with their interpretation of Islamic norms, on women's behaviour in public.⁸¹ In February 2021, the Hamas-affiliated Supreme Judicial Council issued a decision that permits a male guardian to apply to a court to prevent an unmarried female relative from travelling if they assess that the travel will cause "*absolute harm*".⁸²
15. **Children:**⁸³ Children in Gaza suffer as a result of the impacts of successive hostilities and economic deprivation.⁸⁴ Large numbers of adolescents and children are reported to be severely traumatized and/or suffer from physical disabilities.⁸⁵ According to the UNRWA Commissioner-General, "[T]o be a child in Gaza today means that you have inevitably witnessed a level of trauma that your peers elsewhere in the world have not."⁸⁶ The abuse of drugs, such as the opioid Tramadol,⁸⁷ as well as suicide rates among children and adolescents, particularly girls, are reported to be on the rise.⁸⁸
16. Children are also at risk of child-specific forms or manifestations of violence, including forced and/or

considered a 'disgrace' to family honour, exacerbating acts of violence"; ESCWA, *Social and Economic Situation of Palestinian Women and Girls* (July 2018 - June 2020), September 2021, www.ecoi.net/en/document/2061736.html, p. 39. Survivors of GBV "can be perceived as having violated 'honour', [hence] most girls and women are afraid to report their experiences, often even to their own families"; UNICEF et al., *Knowledge, Attitudes, and Practices among Men in the Gaza Strip*, October 2021, <https://bit.ly/3r0gZGr>, p. 31. See also, Freedom House, *Gaza Strip*, 28 February 2022, <https://bit.ly/3sRpHr9>; UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights*, 18 February 2022, <https://bit.ly/3KYR0pM>, paras 37, 39; GAGE, *Adolescents in Protracted Displacement*, October 2021, <https://bit.ly/3IfYNhG>, pp. 5, 17, 20-21.

⁸¹ "Hamas authorities have enforced conservative Sunni Islamic practices (...). 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. (...) In the Hamas-run Islamic University, people are separated by gender, and women are obliged to cover their hair. (...) Hamas has enforced restrictions on personal attire and behavior it deems immoral, though enforcement has relaxed in recent years"; Freedom House, *Gaza Strip*, 28 February 2022, <https://bit.ly/3sRpHr9>. "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. (...) 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"; US Department of State, *2020 Country Reports on Human Rights Practices*, 30 March 2021, www.ecoi.net/en/document/2048134.html. See also, AP, *Gaza Reporter Says She Was Beaten for not Wearing Headscarf*, 6 May 2021, <https://bit.ly/3arb0RQ>; PCHR, *PCHR Demands Authorities in Gaza to Respect Personal Freedoms and Gender Equality*, 29 April 2021, <https://bit.ly/3AXTVun>.

⁸² "The decision also provides that a woman can be prevented from traveling as soon as the guardian applies for a court-ordered ban, before a judge has even granted a decision (...)" ; HRW, *Woman in Gaza Fights Travel Ban Imposed by Her Father*, 2 November 2021, www.ecoi.net/en/document/2063565.html. See also, UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights*, 18 February 2022, <https://bit.ly/3KYR0pM>, para. 46; AP, *Hamas 'Guardian' Law Keeps Gaza Woman from Studying Abroad*, 5 November 2021, <https://bit.ly/3H33awF>; HRW, *Gaza Authorities Issue Travel Restrictions for Unmarried Women*, 17 February 2021, www.ecoi.net/en/document/2045831.html.

⁸³ Half of Gaza's population is under the age of 18; Gisha, *Gaza Up Close*, 1 September 2021, <https://bit.ly/3AmA9ay>.

⁸⁴ According to the Euro-Mediterranean Human Rights Monitor (Euro-Med Monitor), in May 2021, "241 children lost one or both parents as a result of the bombing, about 5,400 children lost their homes (completely destroyed or severely damaged), and 42,000 children had their homes partially damaged"; Euro-Med Monitor, *New Report: 91% of Gaza Children Suffer from PTSD after the Israeli Attack*, 2 July 2021, <https://bit.ly/3ckrcFf>. In the context of the May 2021 hostilities, the UN Secretary-General said, "[I]f there is a hell on earth, it is the lives of children in Gaza today"; UN Secretary-General, *Remarks to the General Assembly Meeting on the Situation in the Middle East and Palestine*, 20 May 2021, <https://bit.ly/3rvxsRE>. See also above para. 4 ("Introduction").

⁸⁵ According to UNICEF, "75 per cent of all children in Gaza (...) are in need of Mental Health and Psychosocial Support (MHPSS) and community- and family-based MHPSS services. Children are particularly vulnerable, experiencing high rates of mental distress, including significant risks of post-traumatic stress disorder (PTSD), depression, anxiety, behavioural problems, attention deficit hyperactivity disorder, and functional impairment"; OCHA, *The Humanitarian Bulletin: Gaza after the May Escalation – November 2021*, 3 November 2021, <https://bit.ly/3qABV6Q> (hereafter: OCHA, *Gaza after the May Escalation*, 3 November 2021, <https://bit.ly/3qABV6Q>). See also, OCHA, *Humanitarian Needs Overview 2022*, December 2021, <https://bit.ly/326JNmR>, pp. 20, 32; Euro-Med Monitor, *91% of Gaza Children Suffer from PTSD after the Israeli Attack*, 2 July 2021, <https://bit.ly/3cid7bD>; UNFPA, *The Crisis in Gaza and Impact on Adolescents*, July 2021, <https://bit.ly/3pnqUU3>; UNRWA, *Palestine Refugee Youth Helping Heal Their Communities, One Camp at a Time*, 10 October 2021, <https://bit.ly/3oQwsbi>; Medical Aid for Palestinians (MAP), *World Mental Health Day 2021: Working Towards Mental Health Care for all in Gaza*, 8 October 2021, <https://bit.ly/3kAkqQs>.

⁸⁶ OCHA, *Gaza after the May Escalation*, 3 November 2021, <https://bit.ly/3qABV6Q>.

⁸⁷ Bassam Abu Hamad et al., *Adolescent Access to Health Services in Fragile and Conflict-Affected Contexts: The Case of the Gaza Strip*, in: *Conflict and Health*, Issue 40, 21 May 2021, <https://doi.org/10.1186/s13031-021-00379-0>; IWJ, *Right to Health: Access to Drug Dependence Treatment for Palestinian Women*, 9 January 2020, <https://bit.ly/31ni2pa>; Al Jazeera, *Uncomfortably Numb: Inside Gaza's Opioid Addiction Crisis*, 5 October 2019, <https://bit.ly/31qv2dC>.

⁸⁸ "Even before the onset of hostilities, the COVID-19 pandemic had put intolerable pressure on basic services, increased household violence and coping mechanisms, and seen a reported quadrupling of suicide rates, especially amongst adolescent girls. According to some surveys, 82 per cent of adolescents in Gaza reported overall poor-very poor mental well-being"; OCHA, *Humanitarian Needs Overview 2022*, December 2021, <https://bit.ly/326JNmR>, p. 32. "The number of suicides committed by Palestinian children and teens is on the rise, with 1 in 3 children in Gaza requiring support for conflict-related trauma"; UN Human Rights Council, *Written Statement Submitted by The Palestinian Return Centre Ltd, a Non-Governmental Organization in Special Consultative Status, A/HRC/47/NGO/40*, 9 June 2021, <https://bit.ly/3of0zZK>, p. 3. See also, US News, *In Gaza, Childhoods Lost to the Trauma of War*, 5 August 2021, <https://bit.ly/3qSKBFT>.

child marriage (mostly girls);⁸⁹ domestic violence;⁹⁰ as well as hazardous work likely to harm their mental and physical health, safety or morals such as begging, street vending, and working in factories, car workshops or on family farms.⁹¹ The COVID-19 pandemic is reported to have resulted in increased levels of domestic violence against children, child labour, child marriage and children dropping out of school.⁹² Hamas' armed wing, the Izz Ad-Din Al-Qassam Brigades, is also reported to use children to gather recyclable remnants from bombsites and in tunnel-digging activities, in addition to recruiting and training children as combatants.⁹³

17. Individuals of diverse sexual orientation and/or gender identity and expression (SOGIE):

According to applicable laws still in force in Gaza, consensual same-sex sexual acts between men are treated as a criminal offence, punishable with up to 10 years in prison. No prosecutions have been reported in recent years.⁹⁴ Persons of diverse SOGIE are, however, reported to be at particular risk of discrimination and violence from a range of actors, including from Hamas and other armed groups, as well as members of their families and wider society. Hamas is reported to subject persons of diverse SOGIE to internet surveillance, harassment, arbitrary arrest, detention and torture on account of their sexual orientation and/or gender identity.⁹⁵ In addition, individuals of diverse SOGIE are reported to be subjected to homophobia and societal discrimination.⁹⁶ They are reported to be at risk of abuse and violence, including "honour" crimes, by members of their own family.⁹⁷ There are no organizations inside

⁸⁹ According to PCBS Multi Indicators Cluster Survey (MICS) study of 2020, one in six women aged 20-24 (16.5%) were married under the age of 18 (11.4% in the West Bank); UNICEF, *Children in the State of Palestine: Child Development Data from the 2019/2020 Multiple Indicator Cluster Survey (MICS)*, 20 December 2021, www.ecoi.net/en/document/2066308.html, p. 11. "Girls in Gaza (...) are not only poorly protected by national law (...) but they face considerable pressure from their families to marry early in order to uphold 'honour' and also, because of economic hardship"; UNICEF et al., *Knowledge, Attitudes, and Practices among Men in the Gaza Strip*, October 2021, <https://bit.ly/3r0gZGr>, p. 31. According to UN Women, "[T]he true rates may be even higher as some girls who marry below the legal age may not register or may delay formal registration until they reach the legal age. Early marriage is driven by a range of factors including economic need and adherence to customary values. In some instances, early marriage is turned to as a 'negative coping mechanism' as families opt to marry children 'to protect them from poverty, sexual harassment and assault from living in overcrowded places'"; UN Women, *Gender Alert*, September 2021, <https://bit.ly/2YK3EGy>, p. 8. See also, GAGE, *Adolescents in Protracted Displacement*, October 2021, <https://bit.ly/3fYfNhg>, pp. 19-21.

⁹⁰ "The penal code in force in (...) Gaza permits corporal punishment of children by parents, which remains a widespread practice"; HRW, *World Report 2022: Israel and Palestine*, 13 January 2022, www.ecoi.net/en/document/2066491.html. In Gaza, 28.5% of children are subjected to severe physical violence from their caregivers; OCHA, *Humanitarian Needs Overview 2022*, December 2021, <https://bit.ly/326JNmR>, p. 33. See also, UNICEF et al., *Knowledge, Attitudes, and Practices among Men in the Gaza Strip*, October 2021, <https://bit.ly/3r0gZGr>, p. 37; GAGE, *Adolescents in Protracted Displacement*, October 2021, <https://bit.ly/3fYfNhg>, pp. 16-18; DCIP, *Right to a Childhood*, 2021, <https://bit.ly/3Flkb3D>; Norwegian Refugee Council (NRC), *Learning on the Margins: The Evolving Nature of Educational Vulnerability in the Occupied Palestinian Territory in the Time of Covid-19*, April 2021, <https://bit.ly/3aouPZN>, p. 14; US Department of State, *2020 Country Reports on Human Rights Practices*, 30 March 2021, www.ecoi.net/en/document/2048134.html.

⁹¹ US Department of Labour, *2020 Findings on the Worst Forms of Child Labor: West Bank and Gaza Strip*, 29 September 2021, www.ecoi.net/de/dokument/2061993.html. See also, OCHA, *Humanitarian Needs Overview 2022*, December 2021, <https://bit.ly/326JNmR>, p. 33; US Department of State, *2020 Country Reports on Human Rights Practices*, 30 March 2021, www.ecoi.net/en/document/2048134.html.

⁹² UNGA, *Report of the Special Committee*, 29 September 2021, www.ecoi.net/en/document/2062310.html, paras 43-44.

⁹³ "Between January 2011 and September 2020, DCIP documented the deaths of nine children and the injury of two children who were involved with Palestinian armed groups. In several cases, the child fatalities that occurred within the context of activity by or involvement with Palestinian armed groups were accidental"; DCIP, *Right to a Childhood*, 2021, <https://bit.ly/3Flkb3D>. See also, UNGA/UNSC, *Children and Armed Conflict: Report of the Secretary-General*, A/75/873-S/2021/437, 6 May 2021, www.ecoi.net/en/document/2058874.html, paras 76, 85; US Department of State, *2020 Country Reports on Human Rights Practices*, 30 March 2021, www.ecoi.net/en/document/2048134.html.

⁹⁴ "In Gaza, under the British Mandate Penal Code of 1936, sexual acts 'against the order of nature' are criminalized"; US Department of State, *2020 Country Reports on Human Rights Practices*, 30 March 2021, www.ecoi.net/en/document/2048134.html. See also, Freedom House, *Gaza Strip*, 28 February 2022, <https://bit.ly/3sRpHr9>; HRW, *#Outlawed: "The Love that Dare not Speak its Name"*, accessed 21 March 2022, <https://bit.ly/33Flw7K>; Amnesty International, *Palestine 2020*, 7 April 2021, www.ecoi.net/en/document/2048736.html; International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), *State-Sponsored Homophobia*, 20 December 2020, <https://bit.ly/3wUMnXQ>, p. 135.

⁹⁵ "LGBTQ persons living under PA and Hamas control suffer severe persecution and ostracism. (...) Testimonies from gay Palestinians who managed to escape recount harrowing torture by both family and PA/Hamas security forces, often successful attempts to coerce them to inform on others, forced marriages and death threats, among other things. For example, one gay Gaza Palestinian now living in exile in Turkey described being arrested and tortured by Hamas on suspicion of being gay: 'They arrested me, hanged me from the ceiling, beat me up and interrogated me for five days'"; UN Human Rights Council, *Written Statement Submitted by United Nations Watch, a Non-Governmental Organization in Special Consultative Status*, A/HRC/46/NGO/95, 3 March 2021, <https://bit.ly/3EZdr3j>, p. 3. See also, US Department of State, *2020 Country Reports on Human Rights Practices*, 30 March 2021, www.ecoi.net/en/document/2048134.html; Haaretz, *Pride and Prejudice: The Hellish Life of Gaza's LGBTQ Community*, 25 June 2019, <https://bit.ly/2YkOqI0>.

⁹⁶ "(...) even amid the widespread deprivation experienced by so many Palestinians at this time [of conflict], LGBTIQ Palestinians may be even less able to access emergency food distribution, healthcare, housing, electricity, and clean water"; Outright Action International, *LGBTIQ Rights Depend on the Right to Peace*, 25 May 2021, <https://bit.ly/3a4t0Ky>. "Lesbian, gay, bisexual, transgender and intersex (LGBTI) people continued to face discrimination and lacked protection"; Amnesty International, *Palestine 2020*, 7 April 2021, www.ecoi.net/en/document/2048736.html. See also, Haaretz, *Pride and Prejudice: The Hellish Life of Gaza's LGBTQ Community*, 25 June 2019, <https://bit.ly/2YkOqI0>.

⁹⁷ Gay men and women are reported to be at risk of murder carried out in the name of defending or restoring the family's "honour", and/or to be forced into marriage by their families; Haaretz, *Pride and Prejudice: The Hellish Life of Gaza's LGBTQ Community*, 25 June 2019, <https://bit.ly/2YkOqI0>. "Transgender, lesbian, gay, and bisexual Palestinians live with the fear of violence and discrimination, including from family members. In addition to targeted violence, they are at risk for honour crimes because they do not conform to traditional norms regarding gender and sexuality"; ESCWA/UNFPA/UN Women/UNDP, *Palestine: Gender Justice & the Law*, December 2018, <https://bit.ly/3BaqtTS>, p. 23.

Gaza advocating for the rights of persons of diverse SOGIE and as a result no access to counselling and support.⁹⁸

18. **Informal justice:** Disputes between individuals and families are regularly resolved through informal tribal conflict resolution mechanisms rather than through recourse to the court system run by the *de facto* authorities.⁹⁹ Recourse to tribal justice can result in severe and collective punishments such as forced exile imposed on whole families (*"jalweh"*), leading to the loss of employment, accommodation and schooling,¹⁰⁰ or the vandalization of the homes of an accused's family (*furat al-dam*, or blood outburst).¹⁰¹ Informal justice mechanisms discriminate against women and girls, who are largely excluded from tribal dispute resolution.¹⁰² In instances where tribes fail to resolve disputes through peaceful means, disputes can turn into blood feuds, resulting in injuries and killings.¹⁰³

Socio-Economic and Humanitarian Situation

19. For years, Gaza has been in a continuous state of economic decline,¹⁰⁴ primarily as a result of Israel's prolonged land, air and sea blockade,¹⁰⁵ which collectively deprives residents of "access to adequate housing, education, water and sanitation",¹⁰⁶ in addition to repeated rounds of hostilities,¹⁰⁷ and the ongoing intra-Palestinian political divide.¹⁰⁸ As a result of these overlapping issues, and aggravated by

⁹⁸ The only Palestinian LGBTQ organization, Alqaws, was established in 2007 in Haifa, and operates in Israel and the West Bank, but not in Gaza; Alqaws, accessed 21 March 2022, <http://alqaws.org/about-us>.

⁹⁹ "Many Palestinians take their conflicts and long-standing disputes to tribal courts, which are known for moving quickly to issue rulings. The official court system generally takes much longer, sometimes years, to decide on a case"; Al-Monitor, *Tribal Courts Rule Palestine with Unforgiving Traditions*, 19 October 2021, <https://bit.ly/3nZkI5r>.

¹⁰⁰ "To defuse communal tension and restore order, tribal judges (or men of reconciliation as they are usually called) may impose collective punishment by ordering *jalwa*, or the expulsion of entire families, including women and children, from the village or city of residence for a certain period of time, which usually becomes permanent displacement"; Ammar Dwaik, *Tribal Justice and Rule of Law in Palestine*, in: *This Week in Palestine*, Issue 282, September 2021, <https://bit.ly/3p4NbWN>. See also, Al-Monitor, *Tribal Courts Rule Palestine with Unforgiving Traditions*, 19 October 2021, <https://bit.ly/3nZkI5r>; Al Jazeera, 'Tribal Justice' in Palestine Outflanks Official Legal System, 25 January 2021, <https://aje.io/jbnvq>.

¹⁰¹ *Furat al-dam* is "is an old tribal tradition that allows the family of the murder victim to vandalize the property of the alleged murderer's family over a period of three days without having to face any liability or consequences"; Ammar Dwaik, *Tribal Justice and Rule of Law in Palestine*, in: *This Week in Palestine*, Issue 282, September 2021, <https://bit.ly/3p4NbWN>. See also, Al-Monitor, *Tribal Courts Rule Palestine with Unforgiving Traditions*, 19 October 2021, <https://bit.ly/3nZkI5r>; Al Jazeera, 'Tribal Justice' in Palestine Outflanks Official Legal System, 25 January 2021, <https://aje.io/jbnvq>.

¹⁰² Al Jazeera, 'Tribal Justice' in Palestine Outflanks Official Legal System, 25 January 2021, <https://aje.io/jbnvq>. For example, following rape, the woman or girl may be forced to marry the perpetrator; Tahiri Justice Center, *Forced Marriage Overseas: The Palestinian Territories*, 2021, <https://bit.ly/3GcGglt>. "The majority of violence-related issues faced by women and girls are dealt with at the informal justice system level. In particular (...) the following are the most prevalent: engagement, family conflict/dispute, divorce, inheritance, alimony, child custody specifically for girls, domestic violence directed against women, both married (intimate partner violence) or unmarried (often perpetrated by the males relatives in the family) and honor killings"; Terre des Hommes, *Status Report on Community-Based Alternative Dispute Resolution Mechanisms and Practices Pertaining Violence Against Women and Girls*, 2019, <https://bit.ly/3d3BTG4>, p. 4.

¹⁰³ PCHR, *Two Killed in Family Dispute in Qalqilya*, 1 July 2021, <https://bit.ly/3HnHWcQ>; Mezan, *Al Mezan Regrets the Tragic Loss of Life Resulting from a Violent Family Dispute, and Calls for Effective Gun Control*, 10 March 2021, <https://bit.ly/3FTMM01>; Al Mezan, *Al Mezan Condemns the Escalating Violence Between Disputing Families in Gaza, and Calls on Local Authorities to Uphold the Rule of Law*, 26 September 2020, <https://bit.ly/3oc8QNa>.

¹⁰⁴ The blockade turned "Gaza from a low-income society with modest but growing export ties to the regional and international economy to an impoverished ghetto with a decimated economy and a collapsing social service system. In 2012, the United Nations wondered whether Gaza, given its trajectory, would still be liveable by 2020. In a follow-up report in 2017, the United Nations found that life in Gaza was deteriorating even faster than anticipated." And further, as a result of the blockade, "Gaza continues to steadily de-develop"; UN Human Rights Council, *Report of the Special Rapporteur on the Situation of Human Rights*, 22 December 2020, www.ecoi.net/en/document/2034310.html, paras 53-54, 61.

¹⁰⁵ "(...) Israel's collective punishment of Gaza's civilian population (...) has created conditions inimical to human life due to shortages of housing, potable water and electricity, and lack of access to essential medicines and medical care, food, educational equipment and building materials"; Amnesty International, *Israel's Apartheid Against Palestinians*, 1 February 2022, <https://bit.ly/3rgQQ65>, p. 27. "Gaza in 2020 does not provide living conditions that meet international standards of human rights, including the right to development"; UNSCO, *Paper to the Ad-Hoc Liaison Committee* 2 June 2020: Office of the United Nations Special Coordinator for the Middle East Peace Process, 2 June 2020, <https://bit.ly/3F4we5O>, p. 11.

"Gaza's economic decline has had a severe impact on living standards as real per capita incomes have significantly dropped over the past three decades"; World Bank, *Economic Monitoring Report to the Ad Hoc Liaison Committee*, 17 November 2021, <https://bit.ly/3oFsm3M>, paras 39-40. See also, Gisha, *Trading in the Dark*, 6 October 2021, <https://bit.ly/3qL9KCf>; World Health Organization (WHO), *Health Conditions in the Occupied Palestinian Territory, Including East Jerusalem, and in the Occupied Syrian Golan: Report by the Director-General*, A74/22, 20 May 2021, <https://bit.ly/3mVrFTc> (hereafter: WHO, *Health Conditions in the Occupied Palestinian Territory*, 20 May 2021, <https://bit.ly/3mVrFTc>), para. 35.

¹⁰⁶ UNGA, *Report of the Special Committee*, 29 September 2021, www.ecoi.net/en/document/2062310.html, para. 15. On the blockade as a form of "collective punishment" in violation of international humanitarian law, see above footnote 40.

¹⁰⁷ Following the May 2021 hostilities, "[P]overty and unemployment – the key drivers of food insecurity in Palestine – are at their peak: in Gaza, nearly seven out of ten people are poor, half of the workforce is unemployed, and seven out of ten households are food insecure"; WFP, *Gaza Emergency Food Security Assessment Following the Escalation of Hostilities and Unrest in the State of Palestine in May 2021*, June 2021, www.ecoi.net/en/document/2054664.html, p. 2.

¹⁰⁸ See above para. 7 ("Introduction").

the COVID-19 pandemic,¹⁰⁹ the humanitarian situation “significantly worsened” in the course of 2021.¹¹⁰

Poverty, Unemployment and Food Insecurity

20. Unemployment levels in Gaza are reported to be the highest in the world, with half the workforce unemployed.¹¹¹ According to the International Labour Organization (ILO), “unemployment among women and youth is approaching universality.”¹¹²
21. Poverty rates in Gaza stood at 57 per cent in 2020 and, according to the World Bank, the May 2021 conflict has driven poverty up to 59.3 per cent.¹¹³ High poverty and unemployment rates and the May 2021 escalation of hostilities have left an estimated 62 per cent of Gaza’s population food insecure.¹¹⁴ Prices of essential goods rose steeply in 2021.¹¹⁵ Many people in Gaza have adopted harmful coping strategies, including consuming food of low quality, incurring debt to buy food and borrowing food.¹¹⁶
22. A high number of Palestinians in Gaza are dependent on humanitarian assistance.¹¹⁷ The UN estimates that 1.3 million people, or 63 per cent of the population in Gaza, require humanitarian assistance in 2022.¹¹⁸ Among those considered particularly vulnerable are “people living below the poverty level; Palestine refugees living in refugee camps; Palestine refugees living outside refugee camps; People with shelter damage due to the last escalation; female-headed households; small-scale farmers; people with disabilities; and internally displaced people.”¹¹⁹
23. The livelihoods of many farmers, already under pressure due to the blockade, have been further impacted by the May 2021 hostilities, including due to the destruction of agricultural lands, assets and

¹⁰⁹ World Bank et al., *Gaza Rapid Damage and Needs Assessment*, 6 July 2021, <https://bit.ly/3AXu3yL>, pp. 25, 31; World Bank, *Economic Monitoring Report to the Ad Hoc Liaison Committee* (2021), 23 February 2021, <https://bit.ly/3kG13pm>, p. 5.

¹¹⁰ UNRWA, *Occupied Palestinian Territory Emergency Appeal 2022*, 19 January 2022, <https://bit.ly/33KRznc>, p. 9.

¹¹¹ In the third quarter of 2021, the unemployment rate in Gaza stood at 50.2% (compared to 14.7% in the West Bank), according to the quarterly unemployment report by PCBS. The unemployment rate among women stood at 68.6% (compared to 44.6% for men). Unemployment among youth (15-29 years of age) reached over 70% (87.2% among females and 65% among males). The percentage of wage employees in the private sector who earned less than the minimum monthly wage increased from 80% to about 83% from the second to the third quarter of 2021 (compared to 7% in the West Bank); PCBS, *Labour Force Survey (July - September 2021) Round (Q3/2021)*, 8 November 2021, <https://bit.ly/3kiF68H>, pp. 8, 12, 17. According to Gisha, actual unemployment is even higher than reported by PCBS: “Since early 2019, the PCBS does not include people who have given up on looking for work due to the lack of opportunities in the Strip in its tally of the unemployed”; Gisha, *Gaza Unemployment Rate Soars to 50.2% in Months Following May Escalation*, 13 December 2021, <https://bit.ly/33NR37q>.

¹¹² ILO, *The Situation of Workers of the Occupied Arab Territories*, 20 May 2021, <https://bit.ly/3rtazzT>, para. 144. “Despair is particularly pronounced among women and youth, for whom labour force participation rates are at a new low and the number of unemployed far outweighs those employed. Many Gazans appear to have left the labour market and given up hope of finding the elusive job”; International Labour Organization (ILO), *The Situation of Workers of the Occupied Arab Territories: Report of the Director-General/Appendix/2021*, 20 May 2021, <https://bit.ly/3rtazzT> (hereafter: ILO, *The Situation of Workers of the Occupied Arab Territories*, 20 May 2021, <https://bit.ly/3rtazzT>), para. 19. See also, UNSCO, *Report to the Ad-Hoc Liaison Committee*, 17 November 2021, <https://bit.ly/3HvFWPT>, p. 4; UNRWA, *Statement by UNRWA Commissioner-General, Mr Philippe Lazzarini, to the UN General Assembly’s Fourth Committee*, 5 October 2021, <https://bit.ly/30rDKbp>; UNGA, *Report of the Special Committee*, 29 September 2021, www.ecoi.net/en/document/2062310.html, para. 53.

¹¹³ This increase is “2.3 percentage points higher than the COVID-19 induced peak in 2020, and a 16.3 percentage point increase above the 2016-2017 values”; World Bank, *Economic Monitoring Report to the Ad Hoc Liaison Committee*, 17 November 2021, <https://bit.ly/3tz2Ykx>, p. 4.

¹¹⁴ OCHA, *Humanitarian Needs Overview 2022*, December 2021, <https://bit.ly/326JNmR>, p. 19; World Bank et al., *Gaza Rapid Damage and Needs Assessment*, 6 July 2021, <https://bit.ly/3AXu3yL>, p. 50. According to a 2020 survey, severe and moderate food insecurity reached 57.1% for non-refugee households and 67% for refugee households in Gaza. The survey found that, “all the determinants of food security suggest poor and worsening conditions for households, which is manifested in the widespread and intensifying food insecurity situation”; Food Security Cluster/Government of the State of Palestine/WFP, *Socio-Economic & Food Security Survey 2020: State of Palestine*, 23 December 2021, www.ecoi.net/en/document/2066168.html, pp. 5, 13, 16.

¹¹⁵ According to WFP, prices for several staple foods increased between January 2021 and January 2022: the prices of wheat flour, lentils, corn oil, table salt and tomato increased by 12.1%, 10.1%, 31.5%, 28.6% and 81.8% respectively. In the same period, excellent gasoline increased by 14.5%. The conflict in Ukraine “is expected to directly impact Palestine’s supply conditions forcing Palestinian importers to find substitutes to fill the supply gap which will likely push wheat prices up”; WFP, *WFP Palestine Monthly Market Dashboard: January 2022*, 7 March 2022, <https://bit.ly/3i67mRf> (and earlier WFP reports). See also, The New Arab, *Palestinians in Gaza Strip Hit by Surging Food, Fuel Prices amid Devastating Israeli Siege*, 7 March 2022, <https://bit.ly/34ruwOE>; Mondoweiss, *‘I Was Shocked at the Prices,’ Inflation Causes Hikes at Gaza’s Markets*, 7 December 2021, <https://bit.ly/3dwdO1z>.

¹¹⁶ OCHA, *Humanitarian Needs Overview 2022*, December 2021, <https://bit.ly/326JNmR>, p. 19. “38 percent of families in Gaza consumed less preferred food or food of lower quality, 19 percent purchased food on credit and 18 percent borrowed food or relied on help from relatives or friends.” And further: “In the Gaza Strip, 79 percent of households headed by women; 80 percent of households headed by men stated that the food assistance from WFP partially covers their food needs. However, 21 percent of households headed by women and 20 percent of households headed by men said the food assistance did not meet their needs and requested an increase to the voucher value to cover all their food needs”; WFP, *WFP Palestine Country Brief: November 2021*, 24 December 2021, <https://bit.ly/3nzTcL7>, p. 2.

¹¹⁷ In Gaza, 17% of households said humanitarian assistance was their primary source of income; OCHA, *Humanitarian Response Plan: oPT*, December 2021, <https://bit.ly/325R2LF>, pp. 11, 18. See also, UNRWA, *Annual Operational Report: 2020*, 10 August 2021, <https://bit.ly/3my1KAX>, p. 75.

¹¹⁸ Of these, one million are targeted to receive some form of assistance in 2022; OCHA, *Humanitarian Needs Overview 2022*, December 2021, <https://bit.ly/326JNmR>, pp. 4, 24.

¹¹⁹ *Ibid.*, p. 16; WFP, *WFP Palestine Country Brief: November 2021*, 24 December 2021, <https://bit.ly/3nzTcL7>.

infrastructure, and the shortage of animal fodder.¹²⁰ Border closures and export restrictions on produce from Gaza imposed by Israel result in economic losses.¹²¹ Farming land located near the perimeter fence is inaccessible to farmers,¹²² and those who approach the “buffer zone” (“access restricted area”) risk being shot at.¹²³

24. Israel also regularly restricts access to the sea for the purpose of fishing,¹²⁴ including during and in the aftermath of the May 2021 hostilities.¹²⁵ At the time of writing, access to the sea remains restricted.¹²⁶ The UN and human rights organizations have described the arbitrary closure of and limitations on access to the Gaza fishing zone as a form of “collective punishment”.¹²⁷ There are regular reports of incidents of fishermen having their boats seized or destroyed, or being subjected to live fire or arrest.¹²⁸

Health

25. Gaza’s health system has been at breaking point due to the ongoing blockade and successive cycles of hostilities, making it ill-equipped to deal with the populations’ healthcare needs,¹²⁹ particularly in times of crisis such as during the May 2021 hostilities and the COVID-19 pandemic.¹³⁰ The May 2021

¹²⁰ Food and Agriculture Organization (FAO), *FAO Provides Emergency Assistance to Safeguard Food Security and Livelihoods of Vulnerable Farmers and Herders in the Gaza Strip*, 21 June 2021, <https://bit.ly/3ltbth5>; OCHA, *Flash Appeal*, 27 May 2021, <https://bit.ly/3CWTEZh>, p. 13. See also, Al Mezan, *Fact Sheet: Israel’s Bombing of the Khudair Group’s Warehouse in North Gaza*, 28 November 2021, <https://bit.ly/3E0Quoh>; OCHA, *Situation Report No. 10*, 14 October 2021, www.ecoi.net/en/document/2062247.htm, p. 9.

¹²¹ OCHA, *Gaza after the May Escalation*, 3 November 2021, <https://bit.ly/3qABV6Q>; Middle East Eye, *Dangerous Tomatoes: Gaza Farmers Decry Israeli Restrictions on Export of Lucrative Crop*, 12 October 2021, <https://bit.ly/3DifZ3L>; Agence France Presse (AFP), *Exports Resume from Gaza as Israel Eases Blockade*, 21 June 2021 <https://bit.ly/30zsrly>; Gisha, *Heavy Losses for Gaza Farmers. Price of Cement Jumps by 27%*, 30 May 2021, <https://bit.ly/3D2yPf9>.

¹²² “According to human rights organizations, the ‘buffer zone’ extends to a distance between 300m and 1,500m from the fence and covers a total of about 62km², or roughly 17% of the total area of the Gaza Strip. It covers over 35% of the agricultural land in Gaza. Meanwhile, the access-restricted maritime area covers 85% of its fishing waters. (...) An estimated 178,000 people, including 113,000 farmers, can no longer access the farmland in the ‘buffer zone’”; Amnesty International, *Israel’s Apartheid Against Palestinians*, 1 February 2022, <https://bit.ly/3rgQQ65>, pp. 24, 28. See also, OCHA, *Humanitarian Needs Overview 2022*, December 2021, <https://bit.ly/326JNmR>, p. 8; Gisha, *Gaza Up Close*, 1 September 2021, <https://bit.ly/3AmA9ay>; UN Human Rights Council, *Report of the Special Rapporteur on the Situation of Human Rights*, 22 December 2020, www.ecoi.net/en/document/2034310.html, para. 64.

¹²³ “(...) Israel authorities continued to enforce restrictions, including through use of force which in many of documented cases was excessive, on the unilaterally-declared ‘access restricted areas’ on the land along the fence and at the sea”; UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights*, 18 February 2022, <https://bit.ly/3KYR0pM>, para. 44. See also, Gisha, *Gaza Up Close*, 1 September 2021, <https://bit.ly/3AmA9ay>; HRW, *Israeli Authorities and the Crimes of Apartheid and Persecution*, April 2021, www.ecoi.net/de/dokument/2050343.html.

¹²⁴ “The lack of access to sufficient fishing waters affects an estimated 65,000 Gazans, and has impoverished nearly 90% of fishermen”; Amnesty International, *Israel’s Apartheid Against Palestinians*, 1 February 2022, <https://bit.ly/3rgQQ65>, p. 28. See also, Gisha, *Gaza Up Close*, 1 September 2021, <https://bit.ly/3AmA9ay>.

¹²⁵ OCHA, *Flash Appeal*, 27 May 2021, <https://bit.ly/3CWTEZh>, pp. 7, 13.

¹²⁶ At the time of writing, the fishing zone extended to 15 nautical miles. The UN called for an expansion to 20 nautical miles in line with the Oslo Accords. The Israeli Government regularly restrains or expands the fishing zone depending on the security situation. For example, in July 2021, the fishing zone was reduced to 6 nautical miles following Hamas’ use of incendiary balloons from Gaza towards Israel; OCHA, *Situation Report No. 10*, 14 October 2021, www.ecoi.net/en/document/2062247.htm, p. 8; Al Jazeera, *Israeli Blockade on Gaza Eases, but Residents Are not Hopeful*, 12 September 2021, <https://aje.io/edwafv>; OCHA, *Occupied Palestinian Territory: Protection of Civilians Report | 13-26 July 2021*, 30 July 2021, <https://bit.ly/3ixVrwb>, p. 2; Al Jazeera, *Israel Halves Gaza Fishing Zone over Incendiary Balloon Fires*, 25 July 2021, <https://aje.io/ebdsvj>; UN Human Rights Council, *Report of the Special Rapporteur on the Situation of Human Rights*, 22 December 2020, www.ecoi.net/en/document/2034310.html, para. 63.

¹²⁷ Al Mezan, *Israel’s Arbitrary Closure of Gaza Fishing Zone is a Form of Collective Punishment: Al Mezan Condemns the Act and Warns of Further Deterioration in Humanitarian Conditions*, 27 April 2021, <https://bit.ly/3EVnVcC>; Gisha, *Israel Reduces Gaza’s ‘Fishing Zone’ again in Act of Collective Punishment*, 6 February 2020, <https://bit.ly/3oc09D9>; UN Human Rights Council, *Report of the Special Rapporteur on the Situation of Human Rights*, 22 December 2020, www.ecoi.net/en/document/2034310.html, para. 63; UNGA, *Israeli Practices Affecting the Human Rights of the Palestinian People in the Occupied Palestinian Territory, Including East Jerusalem: Report of the Secretary-General*, A/72/565, 1 November 2017, <https://bit.ly/3FIHvzr>, para. 35.

¹²⁸ See above para. 8 (“Violations of International Humanitarian Law and Human Rights Law”).

¹²⁹ “The Special Committee highlights that the 54-year-long occupation itself has had a destructive impact on Palestinian rights in particular in relation to the right to adequate health (...)”; UNGA, *Report of the Special Committee*, 29 September 2021, www.ecoi.net/en/document/2062310.html, para. 29. “The blockade (...) prevented the entry of equipment, medicines, and diagnostic materials, deteriorating the diagnostic and treatment facilities”; Abed Y, Shaheen A and Abedrabbo A, *Variations in COVID-19 Spread and Control Measures in the Palestinian Territories*, in: *Frontiers in Public Health* 9:736005, 25 August 2021, <https://bit.ly/32TyYIU>. See also, PCHR, *Israel Bans Import of Medical Devices into Gaza Strip Hospitals*, 30 January 2022, <https://bit.ly/3sTodvn>; Al Mezan, *Al Mezan Calls for an International Intervention to End Israel’s Restrictions on the Entry of Medical Equipment and Supplies into Gaza*, 27 October 2021, <https://bit.ly/3FlwA1R>; Washington Post, *Gaza Struggles with Twin Health Crises of War Injuries and Feared Coronavirus Surge*, 22 May 2021, <https://wapo.st/3EZ90xU>; Gisha, *One Year of ‘Coronavirus Closure’ at Erez Crossing*, 18 March 2021, <https://bit.ly/304DIWG>. On exit restrictions imposed by Israel severely limiting people’s ability to seek medical care outside of Gaza, see below para. 29.

¹³⁰ The Lancet, *An Acute-on-Chronic Health Crisis in Gaza*, 19 May 2021, [https://doi.org/10.1016/S0140-6736\(21\)01158-2](https://doi.org/10.1016/S0140-6736(21)01158-2); International Commission of Jurists (ICJ), *Under Occupation: Unprotected and Unvaccinated*, October 2021, <https://bit.ly/3Cqc6bV>; MAP, *Gaza Faces COVID-19 Surge amid Violence and Worsening Blockade*, 24 August 2021, <https://bit.ly/3x0PuOI>; ELRHA, *Research Snapshot: COVID-19 in Gaza*, 11 August 2021, <https://bit.ly/3o92or1>, p. 1; UNRWA, *UNRWA Health Department Annual Report 2020*, 25 May 2021, <https://bit.ly/3ovEB33>, p. 22. As of 28 February

hostilities resulted in the damage of 33 hospitals and primary health care facilities,¹³¹ and the injury or death of health-care workers, while at the same time the health system was confronted with the urgent needs for health care of more than 2,000 injured.¹³²

26. The healthcare system struggles to cope with the lack of specialized professionals,¹³³ and persistent shortages of essential drugs, medical disposables and medical and diagnostic equipment.¹³⁴ According to the WHO, in 2021, monthly stock takes of the Gaza Central Drugs Store for the Ministry of Health showed that less than a month's supply remained for 41 per cent of essential medicines and 27 per cent of essential medical disposables. The WHO also reported a lack of specialized treatments such as radiotherapy, nuclear medicine imaging, and bone marrow transplant, as well as equipment for carrying out certain procedures, e.g., those related to neurosurgery.¹³⁵ Chronic and prolonged power cuts further affect the functioning of the medical system.¹³⁶
27. Deficiencies in the health sector mean that more than 100,000 people with non-communicable diseases receive very limited support, affecting especially those with cancer, diabetes, and cardiovascular

2022, more than 1,900 COVID-related deaths have been recorded in Gaza, while 32.5% of the target population over the age of 12 have been fully vaccinated (compared to 61.8% in the West Bank); WHO, *COVID-19 Monthly Situation Report (February 2022)*, 10 March 2022, <https://bit.ly/3N8k7J5>. "(...) insufficient quantities of vaccinations and community hesitation resulted in slow implementation [of the national vaccination programme]"; UNRWA, *Occupied Palestinian Territory Emergency Appeal 2022*, 19 January 2022, <https://bit.ly/33KRznc>, p. 14. In addition, the May 2021 hostilities resulted in the temporary disruption of the COVID-19 response and delayed the COVID-19 vaccine rollout; UNGA, *Report of the Special Committee*, 29 September 2021, www.ecoi.net/en/document/2062310.html, para. 36-37; WHO, *Health Cluster Bulletin (1-April-2021 to 30-June-2021)*, 18 August 2021, <https://bit.ly/3FC7ZvI>, pp. 1-2. See also, UNGA, *Report of the Special Committee*, 29 September 2021, www.ecoi.net/en/document/2062310.html, para. 37.

¹³¹ OCHA, *Situation Report No. 10*, 14 October 2021, www.ecoi.net/en/document/2062247.htm, p. 2. Among the damaged primary health care centres was Gaza's only COVID-19 testing lab. The RDNA estimated the total financial impact of the 2021 hostilities on the health sector to range between US\$ 25 to 35 million; World Bank et al., *Gaza Rapid Damage and Needs Assessment*, 6 July 2021, <https://bit.ly/3AXu3yL>, p. 39.

¹³² OHCHR, *Gaza-Israel Escalation: End Violence now, then Work to End Occupation, Say UN Experts*, 18 May 2021, <https://bit.ly/3DaXXA6>. "The Special Committee [to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories] is particularly concerned with information received on the damage to health-care facilities in Gaza following the May 2021 escalation in hostilities, noting that 38 health facilities were affected in 40 different incidents. (...) The Committee heard with concern that Israeli airstrikes destroyed vital roads leading to hospitals (which severely hindered the work of paramedics and rescue crews), that a clinic that housed the main COVID-19 testing facility in Gaza was damaged, and that the doctor leading Gaza's COVID-19 response was killed during an Israeli air strike in Gaza"; UNGA, *Report of the Special Committee*, 29 September 2021, www.ecoi.net/en/document/2062310.html, para. 37. "Several casualties were also reported among health care providers with about 42 health workers suffering injuries as a result of the violence"; World Bank et al., *Gaza Rapid Damage and Needs Assessment*, 6 July 2021, <https://bit.ly/3AXu3yL>, pp. 39-40. See also, UN News, *Staggering Health Needs Emerge in Gaza, Following Israel-Hamas Conflict*, 2 June 2021, <https://bit.ly/3GbTRJa>.

¹³³ "(...) there are critical shortages of human resources affecting certain medical and surgical specialties, including family medicine, nephrology, ophthalmology, cardiac surgery, psychiatry, emergency medicine, radiology, rheumatology, pathology, neurology and neurosurgery. These shortages and lack of medicines, supplies and expertise compound gaps in the availability of certain medical equipment, such as for radiotherapy and nuclear medicine scanning, and drive dependence on referrals to health care providers outside the Ministry of Health, most of which are within the occupied Palestinian territory yet require Israeli-issued permits to pass the Israeli checkpoint at Beit Hanoun (Erez)"; WHO, *Health Conditions in the Occupied Palestinian Territory*, 20 May 2021, <https://bit.ly/3mVrFTc>, para. 15. See also, Al Jazeera, *'Huge Loss': Experienced Gaza Doctors Killed in Israeli Attacks*, 17 May 2021, <https://aje.io/p8ah8>; B'Tselem, *Since Pandemic, Has Israel Allowed Almost no Palestinians out of Gaza for Medical Treatment*, 3 May 2021, <https://bit.ly/3omxvhc>.

¹³⁴ According to the Ministry of Health in Gaza, "Al-Shifa Medical Complex has 8 portable x-ray machines, 4 of which are malfunctioning, while in Nasser Complex 3 out of 5 x-ray machines are out of service. As in Gaza European Hospital 3 x-ray machines, in addition to CT and MRI diagnostic radiology machines are malfunctioning. These devices are vital in diagnosing patients with cancer, strokes, and oxygen-generating devices, which are important devices for ICU patients. Patients with kidney failure who suffer due to the deterioration of dialysis devices are also struggling with their lives"; Palestinian Ministry of Health, *MOH-Gaza: The Israeli Occupation Deprives Gaza Patients of Their Right to Treatment by Denying Medical Diagnostic Devices from Entering the Strip*, 5 January 2022, <https://bit.ly/3gg9qoM>. "(...) for instance, around a thousand patients diagnosed with blood diseases and kidney failure are faced with a compounded threat to their lives after Erythropoietin ran out." Furthermore, due to overuse and continued import restrictions on spare parts, medical devices such as X-ray machines are out of service; Al Mezan, *Al Mezan Calls for an International Intervention to End Israel's Restrictions on the Entry of Medical Equipment and Supplies into Gaza*, 27 October 2021, <https://bit.ly/3FiwA1R>. See also, Middle East Monitor, *The Healthcare Crisis in Gaza Demands Immediate Action to Alleviate Unnecessary Suffering*, 9 February 2022, <https://bit.ly/3GHhDNg>; Xinhua, *Palestinian Kidney Patients in Gaza Suffer from Lack of Medicines*, 16 November 2021, <https://bit.ly/3ozzc1g>; UNGA, *Report of the Secretary-General*, 20 September 2021, www.ecoi.net/en/document/2062311.html, para. 44; Al-Monitor, *Concerns Grow in Gaza over New Coronavirus Wave*, 15 August 2021, <https://bit.ly/3BKJmVb>; Al Jazeera, *Reluctance and Distrust Define Vaccine Attitudes in Gaza*, 23 July 2021, <https://aje.io/x7q5pr>; The National, *Medication and Medical Staff Shortages Cause Surge in Gaza Covid Deaths*, 21 April 2021, <https://bit.ly/3atx1iW>; Middle East Eye, *Shortage of Medicine in Gaza's Hospitals*, 15 April 2021, <https://bit.ly/3n5vDKv>.

¹³⁵ Information provided by the WHO, 28 January 2022 (email communication on file with UNHCR). See also, WHO, *Health Cluster Bulletin (1-October-2021 to 31-December-2021)*, 1 February 2022, <https://bit.ly/32WfAr6>, p. 1.

¹³⁶ "Equipment is often outdated or in short supply – problems compounded by the fact that Gaza is running dangerously low on both electricity and the fuel needed for pumping water and running generators"; The New Humanitarian, *'I've never Seen Scenes as Ugly': Treating Gaza's Wounded*, 19 May 2021, www.ecoi.net/en/document/2051911.html. See also para. 37 ("Electricity").

disease.¹³⁷

28. The prevalence of mental health problems remains high due to prolonged exposure to violence, with many people in Gaza struggling with complex trauma.¹³⁸ Available mental health and psychosocial services are insufficient, including due to serious shortages in specialized personnel and lack of medicines.¹³⁹
29. Patients requiring specialized medical treatment unavailable in Gaza are dependent on a complicated mechanism for referrals to the West Bank, Israel, or Jordan.¹⁴⁰ The granting of permits by Israel to Palestinians to leave Gaza on medical grounds via the Israeli-controlled Erez Crossing (Beit Hanoun in Arabic) has been very restrictive in recent years and Israeli policies “effectively ban the vast majority of Gaza’s two million residents from receiving an exit permit for medical referrals.”¹⁴¹ Applications are regularly delayed or denied, resulting in patients not receiving critical, often life-saving care in a timely manner.¹⁴² Individuals with long-term medical needs must apply for a new permit to exit Gaza for every appointment.¹⁴³ The situation was exacerbated due to temporary closures of the Erez Crossing in response to the COVID-19 pandemic (March 2020 until early February 2021)¹⁴⁴ and the May 2021

¹³⁷ OCHA, *Humanitarian Needs Overview 2022*, December 2021, <https://bit.ly/326JNmR>, p. 38. “Limited specialized human resources and advanced technology required for NCDs [non-communicable diseases] management and treatment in Gaza lead to increasing the demand to referring abroad for the NCD complicated cases especially cancer patients”; WHO, *Health Cluster Bulletin (1-October-2021 to 31-December-2021)*, 1 February 2022, <https://bit.ly/32WfAr6>, p. 7. Gaza has the highest death rate of patients with non-communicable diseases in UNRWA’s five fields of operation: “This rate is mainly attributed to the two factors (...): the lack of advanced hospitalization services and the availability of few intensive care units”; UNRWA, *UNRWA Health Department Annual Report 2020*, 25 May 2021, <https://bit.ly/3ovEB33>, p. 29.

¹³⁸ UNRWA, *Occupied Palestinian Territory Emergency Appeal 2022*, 19 January 2022, <https://bit.ly/33KRznc>, p. 6. “Trauma is prevalent across Palestinian society and among all vulnerable groups, particularly women, children, and youth”; OCHA, *Humanitarian Response Plan: oPT*, December 2021, <https://bit.ly/325R2LF>, p. 17. See also above para. 15 (“Children”).

¹³⁹ “In Gaza, there are currently only 92 trained Psychosocial Support counsellors. This is about 7,350 children per counsellor, nowhere near meeting current needs”; OCHA, *Gaza after the May Escalation*, 3 November 2021, <https://bit.ly/3qABV6Q>.

¹⁴⁰ In November 2021, the most needed specialties for referrals to health care services outside of Gaza were “oncology (35%); cardiology (13%); haematology (10%); ophthalmology (9%); and paediatrics (6%). The remaining 27% of applications were for 24 other specialties”; WHO, *Health Access: Barriers for Patients in the Occupied Palestinian Territory*, November 2021, 6 January 2022, www.ecoi.net/en/document/2067183.html (hereafter: WHO, *Barriers for Patients*: November 2021, 6 January 2022, www.ecoi.net/en/document/2067183.html), p. 2. “There are no radiotherapy services in Gaza and certain chemotherapy treatments are unavailable locally”; MAP, *How Restrictions on Gaza Are a Matter of Life and Death for Breast Cancer Patients*, 20 October 2021, <https://bit.ly/3kFFqFr>. “Many cancer diagnosis and treatment tools are unavailable in Gaza, including PET CT and radiotherapy, largely as a result of Israel’s years long blockade on Gaza, which prevents the import of items listed as ‘dual use items’”; BMJ Global Health, *Challenges in Accessing Care for Palestinian Cancer Patients in Gaza During the COVID-19 Crisis*, 4 July 2021, <https://go.shr.ic/36cb4Tb>. “Many patients facing chronic or emergency conditions, requiring referral to hospitals outside of Gaza, need exit permits from the Israeli authorities”; World Bank et al., *Gaza Rapid Damage and Needs Assessment*, 6 July 2021, <https://bit.ly/3AXu3yL>, p. 40. “Almost a third of applications are for cancer patients; others require specialized surgeries, diagnostic imaging, cardiology, or other services otherwise unavailable. Overall, this group of patients is very sick, with their probability of survival at six months from first permit application less than 90%”; WHO, *Patients in the Gaza Strip Unable to Obtain Israeli-Issued Permits to Access the Healthcare*, June 2020, <https://bit.ly/3omwN3w>. See also, PCHR, *In Light of Complete and Unprecedented Closure of Gaza Strip, PCHR Obtains Travel Permit for Treating Man Injured Upon Petition Filed to Court*, 13 June 2021, <https://bit.ly/3Dsgcecl>; Washington Post, *Cancer Patients, other Ill Gazans Await Israel’s Permission to Leave for Treatments*, 24 May 2021, <https://wapo.st/3qC9oxG>; Isabel Roemer / Faculty of the School of Nursing and Health Studies of Georgetown University, *Breast Cancer in the Gaza Strip: The Impact of the Medical Permit Regime on Public Health*, 21 May 2021, <https://bit.ly/3grhCvvh>, p. 33.

¹⁴¹ UNGA, *Report of the Special Committee*, 29 September 2021, www.ecoi.net/en/document/2062310.html, para. 40. See also, PCHR, *The Situation of Cancer Patients in the Gaza Strip*, 10 November 2020, <https://bit.ly/3nnB7QJ>, p. 14; WHO, *Health Conditions in the Occupied Palestinian Territory, Including East Jerusalem, and in the Occupied Syrian Golan: Report by the Director-General*, A73/15, 5 November 2020, <https://bit.ly/31KrFi1>, para. 23.

¹⁴² “Israel’s practice of delaying the issuance of exit permits until the hospital appointment has passed is a regular occurrence for Gaza patients, who consequently complain of their health conditions worsening and their chances for recovery diminishing. Al Mezan’s documentation shows that between 2017 and 2021, 63 patients – including eight children and 22 women – died after the Israeli authorities denied them access to hospitals and medical care outside the Gaza Strip”; Al Mezan, *The International Community Must Demand that Israel Lifts Restrictions on Palestinian Patient Access to Hospitals and Medical Care Outside Gaza*, 13 January 2022, <https://bit.ly/3fYnwLb>. “Barriers to patient access to health care through denied or delayed permit applications had a significant impact on mortality for patients with cancer who applied for chemotherapy, radiotherapy, or both, in the period 2015-17”; Benjamin Bouquet et al., *Survival Analysis for Patients with Cancer in Gaza Applying for Israeli Permits to Exit the Gaza Strip for Health Care: A Retrospective Cohort Study of Patients from 2008 to 2017*, in: *The Lancet*, Vol. 398 / Suppl. 1, 1 July 2021, [https://doi.org/10.1016/S0140-6736\(21\)01506-3](https://doi.org/10.1016/S0140-6736(21)01506-3), p. S20. See also, MAP, *How Restrictions on Gaza Are a Matter of Life and Death for Breast Cancer Patients*, 20 October 2021, <https://bit.ly/3kFFqFr>; B’Tselem, *Since Pandemic, Has Israel Allowed Almost no Palestinians out of Gaza for Medical Treatment*, 3 May 2021, <https://bit.ly/3omxvhc>; DCIP, *Waiting for an Exit Permit that never Comes*, 21 March 2021, <https://bit.ly/3FbW07y>, and below paras 51 and 53 (“Restrictions on Exit from and Entry to the Gaza Strip: Erez Crossing”).

¹⁴³ OCHA, *Humanitarian Needs Overview 2022*, December 2021, <https://bit.ly/326JNmR>, p. 17.

¹⁴⁴ “In March 2020, Israel announced that it would further reduce the already small number of people granted permits to leave Gaza for medical purposes. As the pandemic progressed, Israel removed some of the movement restrictions imposed on the West Bank (...), however, the restrictions imposed on Gaza largely remained”; UNGA, *Situation of Human Rights in the Palestinian Territories Occupied since 1967*, 22 October 2021, www.ecoi.net/en/document/2065165.html, para. 15. In addition, the de facto authorities imposed mandatory quarantine in designated facilities on all travelers arriving in Gaza from 15 March until 14 November 2020; WHO, *Health Conditions in the Occupied Palestinian Territory*,

hostilities (with movement restrictions continuing in the months following the ceasefire agreement), as well as delays caused by the temporary suspension of the Palestinian Authority's (PA) security agreement with Israel between May and November 2020.¹⁴⁵

30. The restrictions imposed by Israel have “a substantial impact on the right to health of Palestinians” in Gaza.¹⁴⁶

Education

31. Enrollment rates at primary and secondary levels are high,¹⁴⁷ as are literacy rates.¹⁴⁸ However, financially disadvantaged students are prone to drop out of school, increasing the risks of child labour and child marriage.¹⁴⁹
32. There has been a chronic shortage of adequate school buildings with schools overcrowded and forced to operate in shifts.¹⁵⁰ As a result of the May 2021 hostilities, over 330 educational facilities sustained damage, including 136 public schools, 14 private schools, 102 UNRWA schools and centres (including 63 UNRWA schools used as emergency shelters), and 80 kindergartens.¹⁵¹ At the time of writing, rehabilitation of damaged schools and kindergartens is ongoing.¹⁵² The protracted electricity crisis further impacts students' access to education.¹⁵³
33. Higher education institutions outside Gaza are almost entirely inaccessible due to travel restrictions imposed by Israel.¹⁵⁴ Post-secondary education graduates, especially women, have few employment

20 May 2021, <https://bit.ly/3mVrFTc>, para. 24. See also, UNGA, *Report of the Secretary-General*, 20 September 2021, www.ecoi.net/en/document/2062311.html, para. 39; Gisha, *Gaza Up Close*, 1 September 2021, <https://bit.ly/3AmA9ay>; B'Tselem, *Since Pandemic, Has Israel Allowed Almost no Palestinians out of Gaza for Medical Treatment*, 3 May 2021, <https://bit.ly/3omxvhc>; DCIP, *Waiting for an Exit Permit that never Comes*, 21 March 2021, <https://bit.ly/3FbW07y>; Gisha, *One Year of “Coronavirus Closure” at Erez Crossing*, 18 March 2021, <https://bit.ly/304DIWG>; Coordination of Government Activities in the Territories (COGAT), *Policy for Entry of Gaza Strip Residents into Israel and into the Judea and Samaria Area During Lockdown*, unofficial translation by Gisha, August 2020, <https://bit.ly/30brdZw>.

¹⁴⁵ Between May and November 2020, the PA suspended all bilateral contacts with the Israeli authorities in response to Israel's West Bank annexation plans. “Following the suspension of coordination between the Government of Palestine and Israel in May 2020 and the introduction of new criteria for the submission of exit permits requiring only urgent medical referrals to be processed, fewer Palestinians were able to benefit from access to life-saving treatment outside of Gaza. This resulted in a dramatic drop in exits from Gaza (...);” UN Human Rights Council, *Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967*, A/HRC/47/57, 29 July 2021, www.ecoi.net/en/document/2055917.html, para. 15. See also para. 52 (“Restrictions on Exit from and Entry to the Gaza Strip: Erez Crossing”).

¹⁴⁶ UNGA, *Report of the Special Committee*, 29 September 2021, www.ecoi.net/en/document/2062310.html, para. 42. “While patients continued to be often referred to hospitals outside of Gaza owing to the shortage or lack of specialized medical care, they also continued to face significant difficulties in obtaining medical exit permits from Israel”; UNGA, *Report of the Secretary-General*, 20 September 2021, www.ecoi.net/en/document/2062311.html, para. 44.

¹⁴⁷ World Bank, *Economic Monitoring Report to the Ad Hoc Liaison Committee*, 17 November 2021, <https://bit.ly/3oFsm3M>, para. 92.

¹⁴⁸ PCBS, *Press Release by the Palestinian Central Bureau of Statistics (PCBS) on the Occasion of International Literacy Day*, 8 September 2021, <https://bit.ly/3CBurmA>; World Bank, *Literacy Rate, Adult Total (% of People Ages 15 and Above): West Bank and Gaza*, September 2021, <https://bit.ly/3HKNiPY>.

¹⁴⁹ OCHA, *Humanitarian Needs Overview 2022*, December 2021, <https://bit.ly/326JNmR>, p. 46; UN Women, *Gender Alert*, September 2021, <https://bit.ly/2YK3EGy>, p. 8; UN Women, *Gender and Wars in Gaza Untangled: What Past Wars Have Taught Us?*, 23 June 2021, www.ecoi.net/en/document/2054672.html, p. 9; DCIP, *Right to a Childhood*, 2021, <https://bit.ly/3Flkb3D>. On child marriage, see also para. 16.

¹⁵⁰ In Gaza, around 65% of schools operate on a double-shift system; OCHA, *Humanitarian Needs Overview 2022*, December 2021, <https://bit.ly/326JNmR>, pp. 18, 45. “(...) most schools operate on a split schedule, offering only 4 hours of instruction per day”; US Department of Labour, *2020 Findings on the Worst Forms of Child Labor: West Bank and Gaza Strip*, 29 September 2021, www.ecoi.net/de/dokument/2061993.html. “In the 2020-2021 academic year, Student per Class rate reached 41.20 at UNRWA schools, 39.56 at governmental schools, and 21.65 at private schools”; Al Mezan, *Fact Sheet on Obstacles to Accessing Education in the Gaza Strip*, August 2021, www.ecoi.net/en/document/2064028.html, p. 7. See also, UNRWA, *Annual Operational Report: 2020*, 10 August 2021, <https://bit.ly/3my1KAX>, p. 43.

¹⁵¹ OCHA, *Situation Report No. 10*, 14 October 2021, www.ecoi.net/en/document/2062247.htm, p. 2; Education Cluster, *Report on Damage in Educational Facilities Gaza Strip*, July 2021, www.ecoi.net/en/document/2055950.html, pp. 3, 4; UNRWA, *The Neutrality and Inviolability of UNRWA Installations Must Be Respected at all Times*, 4 June 2021, <https://bit.ly/3AlnDEp>.

¹⁵² OCHA, *Situation Report No. 10*, 14 October 2021, www.ecoi.net/en/document/2062247.htm, p. 8.

¹⁵³ OCHA, *Humanitarian Needs Overview 2022*, December 2021, <https://bit.ly/326JNmR>, p. 45; Al Jazeera, *4,000 Gaza Students Displaced after Israel Attacks*, 20 August 2021, <https://aje.io/chpubu>. See also para. 37 (“Electricity”).

¹⁵⁴ “Thousands of Gaza students are still deprived of studying in the West Bank universities (...). As a result, the West Bank universities have become empty of the Gaza students after their rate used to be around 26% in 1994. Furthermore, the Israeli authorities allow only a limited number of students studying in foreign universities to travel via Beit Hanoun (Erez) crossing, forcing them to sign a pledge not to return to the Gaza Strip for a year”; PCHR, *Annual Report 2020*, 15 July 2021, www.ecoi.net/en/document/2058263.html, p. 48. “During the year [2020] 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”; US Department of State, *2020 Country Reports on Human Rights Practices*, 30 March 2021, www.ecoi.net/en/document/2048134.html. See also, Freedom House, *Gaza Strip*, 28 February 2022, <https://bit.ly/3sRpHr9>; DCIP, *Right to a Childhood*, 2021, <https://bit.ly/3Flkb3D>; Euro-Med Monitor, *In Gaza, Segregated Education Alive (and Well)*, 5 June 2021, <https://bit.ly/30rix1e>.

prospects.¹⁵⁵

Housing and Reconstruction

34. Gaza, one of the most densely populated areas in the world,¹⁵⁶ suffers from a chronic and deepening housing shortage as a result of population growth,¹⁵⁷ the ongoing blockade and recurrent hostilities. As a result of the May 2021 hostilities, thousands of homes were damaged or destroyed,¹⁵⁸ compounding the existing housing shortage.¹⁵⁹ In 2022, the housing shortage is expected to exceed 120,000 units.¹⁶⁰ The long-standing housing shortage is reported to have driven up rental prices and thousands of people are at risk of eviction.¹⁶¹ Many existing housing units are reported to be sub-standard, including 7,000 units that were damaged in 2014 and were assessed to be beyond repair.¹⁶² Approximately 93,000 persons live in low-lying locations across Gaza, exposing them to the risk of flooding during heavy rainfall.¹⁶³
35. Reconstruction of destroyed and damaged housing units is reported to be ongoing at the time of writing.¹⁶⁴ However, funding shortfalls¹⁶⁵ and inadequate availability of construction materials due to import restrictions imposed by Israel hinder progress.¹⁶⁶ Due to the May 2021 hostilities, the already limited import of construction materials via the Kerem Shalom commercial border crossing¹⁶⁷ was

¹⁵⁵ World Bank, *Economic Monitoring Report to the Ad Hoc Liaison Committee*, 17 November 2021, <https://bit.ly/3oFsm3M>, para. 46. On youth unemployment, see also above para. 20 ("Poverty, Unemployment and Food Insecurity").

¹⁵⁶ OCHA, *Humanitarian Needs Overview 2022*, December 2021, <https://bit.ly/326JNmR>, p. 51.

¹⁵⁷ World Bank, *Economic Monitoring Report to the Ad Hoc Liaison Committee*, 17 November 2021, <https://bit.ly/3oFsm3M>, para. 43. "The United Nations Population Fund estimates that the population of Gaza will reach 3.1 million by 2030 and 4.7 million by 2050, based on estimates of population growth trends"; World Bank et al., *Gaza Rapid Damage and Needs Assessment*, 6 July 2021, <https://bit.ly/3AXu3yL>, p. 15. See also, Reuters, *Decades-Old Gaza Homes Make Way for High-Rises amid Housing Crunch*, 4 August 2021, <https://reut.rs/3jo3zyE>.

¹⁵⁸ "In the recent escalation of May 2021, 58,000 housing units were damaged or destroyed, of which 9,500 housing units had moderate to severe damage, and 1,255 housing units were destroyed and rendered uninhabitable, leaving 9,500 people displaced. (...) 85 per cent of households that had their homes damaged as a result of hostilities had no capacity to repair their homes"; OCHA, *Humanitarian Needs Overview 2022*, December 2021, <https://bit.ly/326JNmR>, p. 51. See also, Shelter Cluster, *Shelter Cluster Snapshot Gaza: Dashboard #2 February 2022*, 10 March 2022, <https://bit.ly/353B8De>. With the onset of winter weather, the conditions of only slightly or moderately damaged homes has further deteriorated; Haaretz, *Winter Rain Floods Gaza Homes Damaged in Israel-Hamas May Fighting*, 25 November 2021, <https://bit.ly/3ro8aFg>.

¹⁵⁹ World Bank, *Economic Monitoring Report to the Ad Hoc Liaison Committee*, 17 November 2021, <https://bit.ly/3oFsm3M>, para. 43; The New Humanitarian, *Gaza's Vicious Circle of War, Truce, and Reconstruction*, 9 June 2021, www.ecoi.net/en/document/2053895.html.

¹⁶⁰ On average, an additional 14,000 housing units are needed annually to meet natural population growth; OCHA, *Humanitarian Needs Overview 2022*, December 2021, <https://bit.ly/326JNmR>, pp. 13, 51.

¹⁶¹ OCHA, *Situation Report No. 10*, 14 October 2021, www.ecoi.net/en/document/2062247.html, p. 7. "(...) there are 28,000 individuals registered with Ministry of Social Development at risk of eviction for not being able to pay the rent"; OCHA, *Humanitarian Needs Overview 2022*, December 2021, <https://bit.ly/326JNmR>, p. 51. See also, IFRC, *Operation Update Report: Palestine: Complex Emergency 2021*, 13 August 2021, <https://bit.ly/2WjdUG>, p. 4.

¹⁶² OCHA, *Humanitarian Needs Overview 2022*, December 2021, <https://bit.ly/326JNmR>, p. 51. Women and girls living in overcrowded housing are at heightened risk of domestic violence; OCHA, *Humanitarian Needs Overview 2022*, December 2021, <https://bit.ly/326JNmR>, p. 51; ESCWA, *Social and Economic Situation of Palestinian Women and Girls (July 2018 - June 2020)*, September 2021, www.ecoi.net/en/document/2061736.html, p. 28.

¹⁶³ "Due to climate change, flooding is expected to be more frequent, causing significant loss of assets, displacement, disrupted access to livelihoods and services, and increasing risk of waterborne diseases"; OCHA, *Humanitarian Needs Overview 2022*, December 2021, <https://bit.ly/326JNmR>, p. 49. "(...) more than 8,500 households in Gaza were affected by flooding events in the last three years; 1,300 of these households were exposed to severe damage to their private and public structures and assets, particularly in Gaza and North Gaza governorates"; State of Palestine WASH Cluster et al., *Access to Flooding Mitigation and Prevention Measures in Light of Climate Change Impact in Gaza*, 9 September 2021, <https://bit.ly/3uZ9qjh>. See also, ICRC, *Floods and Cold Hit the Most Vulnerable in Gaza*, 2 February 2022, <https://bit.ly/3H5Hgrm>; The New Arab, *Rainfall Floods Gaza Streets as Locals Complain over Poor Infrastructure*, 16 January 2022, <https://bit.ly/3ld7nxK>; Haaretz, *Winter Rain Floods Gaza Homes Damaged in Israel-Hamas May Fighting*, 25 November 2021, <https://bit.ly/3ro8aFg>.

¹⁶⁴ Shelter Cluster Snapshot Gaza: Dashboard #2 February 2022, 10 March 2022, <https://bit.ly/353B8De>. "With funding from Qatar, the gradual reconstruction has begun of housing units that were totally demolished during the May 2021 escalation, thus far reaching some 115 households. (...) Similarly, UNRWA has completed the repair of nearly 7,000 housing units and is currently working with 700 families whose homes were totally demolished with the help from the US and Germany"; UNSCO, *Security Council Briefing on the Situation in the Middle East, Including the Palestinian Question (as Delivered by Special Coordinator Wennesland)*, 23 February 2022, <https://bit.ly/3t4bN3V>, p. 5. See also, UNSC, *Report of the Secretary-General*, 15 December 2021, www.ecoi.net/en/document/2066460.html, para. 49.

¹⁶⁵ Arab News, *Winter Rain Floods Gaza Homes Damaged in Last Spring's War*, 25 November 2021, <https://arab.news/jzjc5>.

¹⁶⁶ OCHA, *Situation Report No. 10*, 14 October 2021, www.ecoi.net/en/document/2062247.htm, pp. 2-3, 8.

¹⁶⁷ Kerem Shalom, or Karam Abu Salem in Arabic, is the only official crossing open for the transfer of authorized goods including, *inter alia*, construction materials, medical equipment, fuel, food, animal feed and humanitarian aid, into and out of Gaza via Israel. However, the entry of many goods classified by Israel as "dual-use" is restricted. The Gaza Reconstruction Mechanism (GRM), established in 2014, serves to facilitate the entry of materials considered "dual-use" for the purposes of reconstruction. "Since 2015 and 2020, gravel and one type of cement, respectively, are no longer treated as dual-use and enter Gaza relatively freely via Kerem Shalom (with the exception of the months after the latest operation [in May 2021]). In September 2021, steel rebar was similarly allowed entry via regular coordination, as opposed to special coordination needed for dual-use items"; Gisha, *Red Lines*, Gray Lists, 11 January 2022, <https://bit.ly/3Kr6Fij>. See also, UNRWA, *Annual Operational Report: 2020*, 10 August 2021, <https://bit.ly/3my1KAX>, p. 19.

largely suspended between May and August 2021, slowing down recovery efforts.¹⁶⁸ An easing of restrictions was announced by Israel on 30 August 2021 with the entry of goods and materials, including construction materials, increasing over the remainder of 2021,¹⁶⁹ however, observers called the measures insufficient in light of the continued blockade and the extent of damage following the latest round of hostilities.¹⁷⁰

36. Since 2018, Egypt has allowed the import of cement and other construction materials via the Salah Ad-Din gate at the Rafah border crossing; however, the volume of imports through Rafah is significantly lower than through Kerem Shalom.¹⁷¹

Electricity

37. For years, Gaza has suffered from a chronic electricity deficit,¹⁷² disrupting daily life and impacting the delivery of essential services.¹⁷³ During and in the aftermath of the military escalation in May 2021, power cuts were prolonged due to damage to electricity infrastructure and fuel shortages.¹⁷⁴ Following the end of the hostilities, power supply was rehabilitated and, in January and February 2022, electricity was available for an average of 11 and 12 hours per day, respectively.¹⁷⁵ However, the existing power

¹⁶⁸ "The Committee notes that such action may constitute a violation of customary international humanitarian law, as all parties to the conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need"; UNGA, Report of the Special Committee, 29 September 2021, www.ecoi.net/en/document/2062310.html, para. 17. See also, OCHA, Situation Report No. 9, 3 September 2021, www.ecoi.net/en/document/2059693.html, pp. 2-3; Gisha, Israel Continues to Restrict Movement to and from Gaza, Harming Residents, 23 May 2021, <https://bit.ly/3Bg225z>.

¹⁶⁹ "The entry of goods and material into Gaza increased compared with the previous reporting period. Volumes of imports for October and November [2021] through the Kerem Shalom crossing were 10 per cent higher than the monthly average before the escalation in May [2021], with the share of construction material increasing significantly"; UNSC, Report of the Secretary-General, 15 December 2021, www.ecoi.net/en/document/2066460.html, para. 47. See also, UNSCO, Tor Wennesland Special Coordinator for the Middle East Peace Process: Briefing to the Security Council on the Situation in the Middle East, 30 November 2021, <https://bit.ly/3oaJkrT> (hereafter: UNSCO, Briefing to the Security Council on the Situation in the Middle East, 30 November 2021, <https://bit.ly/3oaJkrT>), p. 4; OCHA, Situation Report No. 9, 3 September 2021, www.ecoi.net/en/document/2059693.html, pp. 1-2.

¹⁷⁰ "Only by fully ending the debilitating closures in line with the resolution [Security Council resolution 1860 of 2009] can there be hope that the humanitarian crisis will be sustainably resolved"; UNSC, Report of the Secretary-General, 15 December 2021, www.ecoi.net/en/document/2066460.html, para. 81. See also, UNSCO, Security Council Briefing on the Situation in the Middle East, Including the Palestinian Question (as Delivered by Special Coordinator Wennesland), 23 February 2022, <https://bit.ly/3t4bN3V>, pp. 1, 4; UN Secretary-General, Secretary-General's Remarks at the Opening of the 2022 Session of the Committee on the Exercise of the Inalienable Rights of the Palestinian People [as Delivered], 8 February 2022, <https://bit.ly/3HBMKLA>; Al Jazeera, Building Materials Allowed into Gaza after Israeli Assault in May, 1 September 2021, <https://aje.io/br8hgg>.

¹⁷¹ "Salah a-Din Gate is not currently equipped to function as a full commercial crossing; it is not used for regular commercial trade other than between the companies that operate it, nor by international organizations"; Gisha, Red Lines, Gray Lists, 11 January 2022, <https://bit.ly/3Kr6Fij>. See also, UNSC, Report of the Secretary-General, 15 December 2021, www.ecoi.net/en/document/2066460.html, para. 47.

¹⁷² "The source of the crisis is the lack of energy supply and severely limited options for power generation within Gaza. The transmission and distribution networks have continuously deteriorated due to long-term suboptimal operation (...). Following the 2014 conflict, the electricity network was rehabilitated, but neither the Gaza Power Plant (GPP) nor the distribution systems were fully restored and there were no efforts to address the ever-growing demand. While the May 2021 conflict lasted for a shorter period, the dispersed nature of the attacks has exacerbated the fragility of the electricity sector's distribution network. In fact, the physical damages were primarily in the distribution network, with extensive damage to power infrastructure around targeted roads, buildings, and neighborhoods"; World Bank, Economic Monitoring Report to the Ad Hoc Liaison Committee, 17 November 2021, <https://bit.ly/3oFsm3M>, para. 46.

¹⁷³ "Chronic prolonged power outages encumber many aspects of everyday life, from heating and cooling and sewage treatment to health care and business, in particular for people with disabilities who rely on light to communicate using sign language or equipment powered by electricity, such as elevators or electric wheelchairs, to move"; HRW, World Report 2022: Israel and Palestine, 13 January 2022, www.ecoi.net/en/document/2066491.html. See also, UN Human Rights Council, The Allocation of Water Resources, 23 September 2021, <https://bit.ly/3iSZ1km>, para. 51; UNRWA, Annual Operational Report: 2020, 10 August 2021, <https://bit.ly/3my1KAX>, p. 11; ICRC, Gaza: Survey Shows Heavy Toll of Chronic Power Shortages on Exhausted Families, 30 July 2021, <https://bit.ly/3od7KS2>.

¹⁷⁴ "(...) the Committee received information stating that Israel authorities and military heightened the energy crisis in Gaza by systematically targeting power lines, banning the entry of fuel needed to operate Gaza's sole power plant, and refusing to repair four of the main power lines. The resulting power deficit reportedly prompted the Gaza Electricity Distribution Corporation to provide only four hours of electricity at a time followed by 16 hours of power cuts resulting in limiting essential services such as healthcare"; UNGA, Report of the Special Committee, 29 September 2021, www.ecoi.net/en/document/2062310.html, para. 18. See also, OCHA, 2021 Crisis: Power Deficit in Gaza, as of 20 May 2021, <https://bit.ly/3zVNMh3>. See also, ICRC, Gaza: Survey Shows Heavy Toll of Chronic Power Shortages on Exhausted Families, 30 July 2021, <https://bit.ly/3od7KS2>.

¹⁷⁵ OCHA, Electricity in the Gaza Strip, accessed 21 March 2022, <https://bit.ly/3caGzA1>; OCHA, Humanitarian Needs Overview 2022, December 2021, <https://bit.ly/326JNmR>, p. 23.

supply meets less than half of the actual demand.¹⁷⁶

Water and Sanitation

38. Gaza's population lacks access to clean water and sewage treatment, primarily as a result of the blockade, which limits the availability of materials required for the running and maintenance of critical water and sanitation infrastructure.¹⁷⁷ The average daily water consumption per capita remains well below the internationally recommended minimum per day.¹⁷⁸ Water quality is very low with 96 per cent of Gaza's population receiving water that is considered unsafe for human consumption.¹⁷⁹ To access desalinated water for drinking and cooking 90 per cent of the population is forced to turn to unregulated private operators to buy water at a higher, often unaffordable, cost.¹⁸⁰ Contaminated water is reported to be the cause of the high prevalence of intestinal infections and other waterborne diseases.¹⁸¹
39. As a result of the May 2021 hostilities, water and sanitation infrastructure sustained damage,¹⁸² resulting in a 30 per cent decrease of water supply per capita during the conflict, adversely affecting 800,000 people in Gaza.¹⁸³ Following the end of the hostilities, damaged water supply and wastewater infrastructure has been partially restored but continues to operate at limited capacity.¹⁸⁴
40. Due to the limited capacity of wastewater treatment facilities, untreated or insufficiently treated wastewater has been discharged into the Mediterranean Sea for years, polluting the environment and the groundwater.¹⁸⁵ A new wastewater treatment plant, which became operational in April 2021, provides for the safe treatment of wastewater for around one million inhabitants.¹⁸⁶ However, as a result

¹⁷⁶ In January and February 2022, an average of 202 megawatts was available per day out of a total demand of 504 megawatts; OCHA, *Electricity in the Gaza Strip*, accessed 21 March 2022, <https://bit.ly/3caGZA1>. The number of hours is lowest during periods of high demand like in winter and in summer; Gisha, *Gaza Up Close*, 1 September 2021, <https://bit.ly/3C1BSTw>.

¹⁷⁷ Gisha, *Red Lines, Gray Lists*, 11 January 2022, <https://bit.ly/3Kr6Fij>. Materials considered dual-use include, for example, steel pipes, water pumps, electrical motors, and mineral wool for isolation; Information provided by Gisha, 9 March 2022 (email communication on file with UNHCR). See also, Haaretz, *Israel Holds Up Vital Spare Parts for Gaza's Water and Sewage Systems*, 9 January 2022, <https://bit.ly/3FzLW88>; World Bank, *Economic Monitoring Report to the Ad Hoc Liaison Committee*, 17 November 2021, <https://bit.ly/3oFsm3M>, para. 54; UN Human Rights Council, *The Allocation of Water Resources*, 23 September 2021, <https://bit.ly/3iSZ1km>, para. 48; Gisha, *Isn't Water Humanitarian Too?*, 30 September 2021, <https://bit.ly/3qZH9Jd>; Oxfam, *Still Treading Water: Reviewing Six Years of the Gaza Reconstruction Mechanism and the Dire Water Situation in the Gaza Strip*, 22 March 2021, <https://bit.ly/3r1TTyR>, and above para. 35 (*Housing and Reconstruction*).

¹⁷⁸ "Even before the recent escalation of violence, more than 1.1 million Palestinians in Gaza were not receiving adequate water and sanitation services. Daily water consumption per capita reached 82 litres against the WHO recommended minimum of 100 litres"; UNICEF/WASH Cluster, *Gaza WASH Sector Damage Assessment*, 29 June 2021, www.ecoi.net/en/document/2055946.html, p. 1.

¹⁷⁹ "Israel has consolidated complete control of all water resources and water-related infrastructure in the Gaza Strip, including the coastal aquifer, which is the only freshwater resource in Gaza. (...) The aquifer has been depleted by over-extraction and contaminated by sewage and seawater infiltration, resulting in more than 95% of its water being unfit for human consumption"; Amnesty International, *Israel's Apartheid Against Palestinians*, 1 February 2022, <https://bit.ly/3rgQQ65>, p. 190. "Israeli practices and policies (...) affecting water infrastructure, its destruction during military escalations, the impact of closures, power shortages and challenges in water governance have all contributed to a situation where 96 percent of households receive water that does not meet drinking water quality standards"; UN Human Rights Council, *The Allocation of Water Resources*, 23 September 2021, <https://bit.ly/3iSZ1km>, paras 56, 62-63. See also, Al Jazeera, *Gaza's Undrinkable Water 'Slowly Poisoning' Palestinians*, 12 October 2021, <https://aje.io/z89qb8>; UNICEF/WASH Cluster, *Gaza WASH Sector Damage Assessment*, 29 June 2021, www.ecoi.net/en/document/2055946.html, p. 1.

¹⁸⁰ "(...) this leaves many Palestinians with no option but to purchase purified or desalinated water for drinking and cooking purposes, mostly from unregulated private vendors, at an average cost of NIS 30 per m³, compared to NIS 2 per m³ paid for piped water. An estimated 20 per cent of families cannot afford these expenses"; OCHA, *Humanitarian Needs Overview* 2022, December 2021, <https://bit.ly/326JNmR>, pp. 18-19. "(...) according to surveys families in Gaza spend up to a third or even half of their income on water"; UN Human Rights Council, *The Allocation of Water Resources*, 23 September 2021, <https://bit.ly/3iSZ1km>, para. 63.

¹⁸¹ "Children in Gaza are exposed and particularly susceptible to nitrates in water, which stunts their growth and affects brain development, impacting their health in ways that have life-long consequences. High levels of nitrates cause cyanosis, harm pregnant women and increase the risk of cancer. (...) Water-associated diseases account for approximately 26 percent of childhood diseases in Gaza and are a primary cause of child morbidity"; UN Women, *Gender Alert*, September 2021, <https://bit.ly/300EJCM>, p. 27. See also, Amnesty International, *Israel's Apartheid Against Palestinians*, 1 February 2022, <https://bit.ly/3rgQQ65>, p. 190; Euro-Med Monitor, *Euro-Med Monitor at HRC: Gazans Are Slowly Poisoned as 97% of Gaza's Water is Undrinkable*, 4 October 2021, <https://bit.ly/3C9yndW>; Human Appeal, *Gaza Water Crisis: Poisoned by Dirty Water*, 12 September 2020, <https://bit.ly/3FhiluW>.

¹⁸² Gisha, *Isn't Water Humanitarian Too?*, 30 September 2021, <https://bit.ly/3qZH9Jd>; World Bank, *Economic Monitoring Report to the Ad Hoc Liaison Committee*, 17 November 2021, <https://bit.ly/3oFsm3M>, para. 59.

¹⁸³ UNICEF/WASH Cluster, *Gaza WASH Sector Damage Assessment*, 29 June 2021, www.ecoi.net/en/document/2055946.html, p. 5.

¹⁸⁴ "Due to the limited financial and technical capacities of the local authorities, and Israeli restrictions on the entry of materials, WASH service providers are still endeavouring to fully restore and maintain the functionality of WASH services in the Gaza Strip"; OCHA, *Humanitarian Needs Overview* 2022, December 2021, <https://bit.ly/326JNmR>, p. 48. See also, OCHA, *Situation Report No. 10*, 14 October 2021, www.ecoi.net/en/document/2062247.htm, p. 8; Gisha, *Isn't Water Humanitarian Too?*, 30 September 2021, <https://bit.ly/3qZH9Jd>.

¹⁸⁵ 75% of the Gaza shoreline are polluted by untreated sewage water"; UNICEF/WASH Cluster, *Gaza WASH Sector Damage Assessment*, 29 June 2021, www.ecoi.net/en/document/2055946.html, p. 1. See also, UN Human Rights Council, *The Allocation of Water Resources*, 23 September 2021, <https://bit.ly/3iSZ1km>, para. 57.

¹⁸⁶ KfW Development Bank, *Long Breath Required: Wastewater Treatment Plant in Gaza Put into Operation*, 22 March 2021, <https://bit.ly/3macsgQ>.

of the May 2021 hostilities, the amount of treated wastewater discharged into the sea “dropped significantly”,¹⁸⁷ and untreated sewage water was reported to have spilled into populated areas.¹⁸⁸

Availability of UNRWA Services to Palestine Refugees¹⁸⁹

41. Over 1.47 million Palestine refugees are registered with UNRWA in Gaza, constituting some 70 per cent of Gaza’s total population.¹⁹⁰ Of these refugees, more than half a million live in the eight recognized Palestine refugee camps, which have some of the highest population densities in the world.¹⁹¹ UNRWA is neither responsible for camp management nor for protecting the physical safety or security of the refugees.¹⁹²
42. The refugee camps, many of which have developed into urban areas, are characterized by severe overcrowding, substandard living conditions, social problems associated with overstretched infrastructure, high levels of unemployment, poverty¹⁹³ and food insecurity, contaminated water supplies, environmental health concerns, lack of privacy and severely limited spaces for safe play and recreational activities.¹⁹⁴
43. As a result of the May 2021 hostilities, according to UNRWA’s preliminary assessment, 2,300 shelters belonging to around 1,400 refugee families were destroyed or damaged to the extent that they are uninhabitable and in need of complete reconstruction.¹⁹⁵ An additional 14,000 refugee shelters are estimated to be in need of repair.¹⁹⁶
44. UNRWA provides basic education,¹⁹⁷ primary health care,¹⁹⁸ relief and social services, microcredit and emergency assistance to registered beneficiaries in Gaza.¹⁹⁹ UNRWA basic education and primary health services are available on a principle of universality regardless of whether beneficiaries are living in or outside the refugee camps, whilst eligibility criteria are applied to determine access to other types

¹⁸⁷ UNICEF/WASH Cluster, Gaza WASH Sector Damage Assessment, 29 June 2021, www.ecoi.net/en/document/2055946.html, p. 5.

¹⁸⁸ *Ibid.*; The National, Gaza Faces Health Emergency as Sewage Water Spills into Populated Areas, 18 May 2021, <https://bit.ly/2Y1uWra>.

¹⁸⁹ UNRWA defines “Palestine refugees” for its operational purposes as “persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict”; UNRWA, Consolidated Eligibility and Registration Instructions (CERI), 1 January 2009, www.refworld.org/docid/520cc3634.html, p. 3. In accordance with relevant UN General Assembly (UNGA) resolutions, other Palestinians may also be eligible to receive UNRWA services, most notably persons displaced as a result of the 1967 and subsequent hostilities; UNRWA, CERI, pp. 6-7.

¹⁹⁰ UNRWA, Occupied Palestinian Territory Emergency Appeal 2022, 19 January 2022, <https://bit.ly/33KRznc>, p. 8. An additional 167,131 “other registered persons” are listed with UNRWA in Gaza, namely those who, at the time of original registration, did not satisfy all the Palestine refugee criteria of UNRWA but who were determined to have suffered significant loss and/or hardship for reasons relating to the 1948 conflict in Palestine. They also include persons who belong to the families of other registered persons; UNRWA, UNRWA Registered Population Dashboard, accessed 21 March 2022, <https://bit.ly/3Cb4ry2>.

¹⁹¹ UNRWA, Occupied Palestinian Territory Emergency Appeal 2021, 2 March 2021, <https://bit.ly/3D7dQYV>, p. 10. The eight camps are: Beach Camp, Bureij Camp, Deir El-Balah Camp, Jabalia Camp, Khan Younis Camp, Maghazi Camp, Nuseirat Camp, and Rafah Camp; UNRWA, Where We Work: Gaza Strip, accessed 21 March 2021, www.unrwa.org/where-we-work/gaza-strip. See also, BBC, Israel-Palestinian Conflict: Life in the Gaza Strip, 20 May 2021, <https://bbc.in/3DDoSfT>.

¹⁹² “UNRWA does not manage refugee camps and is not responsible for protecting the physical safety or security of Palestine refugees or maintaining law and order in UNRWA’s five fields of operations. The Agency cannot guarantee any individual’s physical security. Ensuring the physical security of Palestine refugees residing in any of UNRWA’s five fields is the responsibility of the respective host state or authority”; UNRWA, Letter from UNRWA to UNHCR Describing UNRWA’s Mandate and Services, 22 September 2021, www.refworld.org/docid/61541acb4.html, p. 2.

¹⁹³ “UNRWA 2021 crisis monitoring surveys show that poverty among Palestine refugees (...) is 81.5 per cent (...)”; UNRWA, There when it Matters Most: UNRWA Essential Services, a Lifeline for Palestine Refugees, 18 January 2022, <https://bit.ly/3A6Z112>, p. 3.

¹⁹⁴ “Sustained periods of underfunding, coupled with the depressed economic condition of Palestine refugees, have translated into rapid degradation of the overall environment (...)”; UNRWA, Annual Operational Report 2020, 10 August 2021, <https://bit.ly/3AwUHx8>, p. 54. See also, UNRWA camp profiles, available at: www.unrwa.org/where-we-work/gaza-strip.

¹⁹⁵ “These families face the prospect of prolonged displacement”; UNRWA, Updated Humanitarian and Early Recovery Appeal: Hostilities in Gaza and Mounting Tensions in the West Bank, May-December 2021, 21 June 2021, <https://bit.ly/3iJLSKs>, p. 9.

¹⁹⁶ In 2022, UNRWA plans to support the reconstruction and repair of 1,300 shelters that were completely destroyed or severely damaged and around 7,200 shelters with varying degrees of damage; UNRWA, Occupied Palestinian Territory Emergency Appeal 2022, 19 January 2022, <https://bit.ly/33KRznc>, pp. 10, 26. As at the time of writing, UNRWA has completed the repair of nearly 7,000 housing units and is working with 700 families whose homes were totally demolished; see footnote 164.

¹⁹⁷ UNRWA provides basic education and basic school supplies to over 291,000 elementary and preparatory school students in 278 schools in Gaza; UNRWA, Occupied Palestinian Territory Emergency Appeal 2022, 19 January 2022, <https://bit.ly/33KRznc>, pp. 10, 23.

¹⁹⁸ UNRWA supports 22 health care centres in Gaza and provides life-saving medicines to 4,700 poor refugees; UNRWA, Occupied Palestinian Territory Emergency Appeal 2022, 19 January 2022, <https://bit.ly/33KRznc>, pp. 10, 22.

¹⁹⁹ Relevant information on UNRWA’s mandate and services can be found in: Letter from UNRWA to UNHCR Describing UNRWA’s Mandate and Services, 22 September 2021, www.refworld.org/docid/61541acb4.html and on the UNRWA website: www.unrwa.org. See also UN General Assembly resolutions on assistance to Palestine refugees, in particular UNGA, Resolution Adopted by the General Assembly on 9 December 2021, A/RES/76/77, 15 December 2021, <https://bit.ly/3hJsD2Z> and UNGA, Resolution 302 (IV), Assistance to Palestine Refugees, 8 December 1949, A/RES/302, www.refworld.org/docid/4fe2ffa52.html.

of assistance.²⁰⁰ In times of conflict, UNRWA may also assist non-refugees in need of urgent medical care.²⁰¹ Acute and chronic medical needs requiring tertiary treatment are referred for treatment in public hospitals, which have been severely affected by the Israeli-imposed blockade, recurrent hostilities, as well as the COVID-19 pandemic.²⁰² The UNRWA health program partners with NGOs and private hospitals to support refugees with hospitalization services for limited types of surgical procedures, provided funds are available. UNRWA maintains an essential drugs list offering access to some common pharmaceutical products and medicines, subject to funding and in-kind donations. The range of prescription medicine made available through UNRWA is not exhaustive and may not cover all conditions.²⁰³

45. The majority of Palestine refugees have become even more dependent on UNRWA's assistance to cover their basic needs following a further deterioration of their living conditions and reduction of their coping skills as a result of the COVID-19 pandemic.²⁰⁴ However, the level of services that UNRWA is able to provide depends on the Agency's funding situation and *"may not correspond to the needs of Palestine refugees"*.²⁰⁵ Continuing funding shortfalls threaten the sustainability of UNRWA's operations and constrain emergency activities, in particular food and cash assistance.²⁰⁶ The precarious financial situation also threatens the livelihood of UNRWA's 12,800 employees in Gaza, where the Agency is the second largest employer after the public sector.²⁰⁷

Restrictions on Exit from and Entry to Gaza

46. Travel to and from Gaza remains subject to severe restrictions and is only possible via two land crossing points, namely the Erez Crossing with Israel and the Rafah Crossing with Egypt. Individuals who exit Gaza via either the Erez or Rafah border crossings must in principle re-enter Gaza at the same point.²⁰⁸
47. Only Gaza residents holding an ID card or passport which has been issued by the Palestinian Authority (PA) on the basis of their registration in the Israeli-controlled Palestinian population registry,²⁰⁹ are

²⁰⁰ UNRWA, *Letter from UNRWA to UNHCR Describing UNRWA's Mandate and Services*, 22 September 2021, www.refworld.org/docid/61541acb4.html, p. 2. In addition to its regular programmes in education, health, etc., UNRWA in 2022 aims to provide emergency food assistance to Palestine refugees who depend on food aid to meet their daily caloric needs. Due to the near-universal level of food insecurity faced by refugees in Gaza, UNRWA in 2022 will provide a unified food basket containing wheat flour, rice, sunflower oil, sugar, whole milk, lentils, and chickpeas to 1.2 million refugees to meet their most basic food requirements. In addition, it offers short-term employment opportunities for 47,000 vulnerable refugees through the cash-for-work programme, as well as a one-off emergency cash transfer of US\$ 40 to 180,000 extremely vulnerable refugees to mitigate the socio-economic hardship caused by overlapping crises; UNRWA, *Occupied Palestinian Territory Emergency Appeal 2022*, 19 January 2022, <https://bit.ly/33KRznc>, pp. 8, 9, 17-20.

²⁰¹ In the past, this has included treating non-refugee patients in UNRWA shelters and health centers and supporting access to assistive devices for non-refugees who sustained injuries during the Great March of Return; Information provided by UNRWA, 2 March 2022 (communication on file with UNHCR).

²⁰² In 2022, UNRWA, through referrals to a network of private hospitals, will cover hospitalization to some 10,000 vulnerable refugees who cannot afford the costs of secondary and/or tertiary healthcare; UNRWA, *Occupied Palestinian Territory Emergency Appeal 2022*, 19 January 2022, <https://bit.ly/33KRznc>, pp. 10, 22. See also above para. 25 ("Health").

²⁰³ Information provided by UNRWA, 2 March 2022 (communication on file with UNHCR). See also, UNRWA, *UNRWA Health Department Annual Report 2020*, 25 May 2021, <https://bit.ly/3qCzb8D>.

²⁰⁴ Most Palestine refugees in Gaza, 1.2 million, are in need of UNRWA in-kind food assistance to support their most basic food needs; UNRWA, *Occupied Palestinian Territory Emergency Appeal 2022*, 19 January 2022, <https://bit.ly/33KRznc>, pp. 8, 9.

²⁰⁵ UNRWA, *Letter from UNRWA to UNHCR Describing UNRWA's Mandate and Services*, 22 September 2021, www.refworld.org/docid/61541acb4.html, pp. 2-3. "These repeated funding crises affect the quality of UNRWA's services and impose immense stress on Palestine refugees"; UN Secretary-General, *Praise for Palestine Relief Agency Not Matched by Contributions, Secretary-General Tells Donor Conference, Warning Life-Saving Work Must Be Supported*, 16 November 2021, <https://bit.ly/3FsJxg6>.

²⁰⁶ UNRWA, *Occupied Palestinian Territory Emergency Appeal 2022*, 19 January 2022, <https://bit.ly/33KRznc>, pp. 6, 11; UNRWA, *Government of Cyprus Supports UNRWA with Eur 100,000 Contribution*, 26 November 2021, <https://bit.ly/3nX0ycf>. See also, UN News, *Despite 'Rampant' Poverty, 'Existential' Lack of Funding Impedes UNRWA's Work*, 23 December 2021, <https://shar.es/aWIKbX>; The Guardian, *UN Palestine Refugee Aid Agency 'Close to Collapse' after Funding Cuts*, 5 November 2021, <https://bit.ly/2YB7BXi>.

²⁰⁷ UNSCO, *Briefing to the Security Council on the Situation in the Middle East*, 30 November 2021, <https://bit.ly/3oaJkrT>, p. 4; ILO, *The Situation of Workers of the Occupied Arab Territories*, 20 May 2021, <https://bit.ly/3rtazzT>, paras 20, 128.

²⁰⁸ "Israel's policy is to forbid return to Gaza via Erez to people who exited the Strip via Rafah"; Gisha, *Movement of People via Rafah Crossing*, last updated January 2022, <https://bit.ly/3o8X2ud>. According to Gisha, "a Gaza resident exiting via Erez could in theory return via Rafah, but they would face difficulties exiting again via Erez, as the Israeli authorities insist on exit and return via Erez"; Information provided by Gisha, 9 March 2022 (email communication on file with UNHCR).

²⁰⁹ The registry is based on a population census of Palestinians that Israel conducted in September 1967, shortly after capturing Gaza and the West Bank. However, not all Gaza residents were included: "Israeli authorities struck from the registry thousands of Palestinians from Gaza who were not present in the territory in 1967 when the occupation began, either because they had fled during the fighting or were already abroad, as well as more than 100,000 between 1967 and 1994 who had been abroad for long periods." Any changes to the population registry require Israeli approval;

entitled to leave or enter Gaza via either border crossing.²¹⁰ As such, documents issued by the PA²¹¹ without Israeli approval (so-called “zero number” passports) or by the *de facto* authorities (blue ID cards) do not entitle Palestinians in Gaza to lawfully exit or enter Gaza.²¹² Furthermore, exit and entry via either border crossing requires coordination and permission from the concerned Israeli or Egyptian authorities, as detailed below.

48. Most Palestinian refugees living in Gaza were included in the Israeli-controlled population registry and thus hold PA-issued identity documents recognized by Israel. This in principle entitles them to travel to and from Gaza; however, in practice, severe restrictions remain in place, equally impacting on the freedom of movement of refugees and non-refugees.²¹³ Registration with UNRWA in Gaza does not entitle an individual to enter or exit Gaza as the Agency does not operate as a civil registry.²¹⁴ Palestinian refugees born and/or residing outside Gaza may hold only “zero number” passports or documentation issued by the authorities in their current country of residency, which do not entitle them to enter and reside legally Gaza.²¹⁵
49. While it is the Israeli and Egyptian authorities who primarily control movements at their respective border crossings, the *de facto* authorities also require exit permits for those leaving Gaza via Erez and, in some cases, are reported to have restricted travel to and from the territory.²¹⁶ Palestinians returning to Gaza

however, following the outbreak of the Second Intifada in 2000, the Israeli authorities have largely stopped processing requests for registration and status changes in the registry, “blocking even address changes”; HRW, *Israeli Authorities and the Crimes of Apartheid and Persecution*, April 2021, www.ecoi.net/de/dokument/2050343.html. “Inclusion in the registry implied legal residency and the right to remain in the territory. The census excluded any Palestinian who was not present in the territory at the time, thus excluding those who had fled as a result of the fighting earlier that year.” Others had their residency revoked as a result of time spent abroad, while spouses and children of Gaza residents were not themselves registered as Gaza residents in most cases had their applications for residency based on family reunification rejected, “resulting in many Gazan wives and children living in the Strip illegally”; Francesca Albanese and Lex Takkenberg, *Palestinian Refugees in International Law*, 2nd edition, 2020, pp. 237-238. See also, Gisha, *The Population Registry*, 14 November 2011, <https://bit.ly/3oUkBIH>. In January 2022, Israel announced that as part of confidence-building measures presented by Israeli Defence Minister Gantz to Palestinian President Abbas, some 13,500 Palestinians, including 3,200 Palestinians in Gaza, would have their national ID card issued. A senior official in the Gaza Ministry of Interior estimated that there were more than 30,000 Palestinians in Gaza who do not hold Israeli-approved ID cards. According to Gisha, despite this positive step, “[T]here are of course thousands that remain status-less and millions that are still subject to the permit regime”; AP, *Some Palestinians Get Legal Status after Years in Gaza Limbo*, 10 January 2022, <https://bit.ly/3G3Vttd>.

²¹⁰ “Palestinians not in the population registry cannot obtain ID cards and thereby enter or exit Gaza through either the Israeli – or Egyptian – controlled crossings”; HRW, *Israeli Authorities and the Crimes of Apartheid and Persecution*, April 2021, www.ecoi.net/de/dokument/2050343.html. “(...) the PA can only grant documents, such as IDs, certificates, etc., to those previously registered by Israel. (...) it is impossible for Palestinians without IDs living in Gaza to enter Israel for the medical treatment that is not available in the less-equipped hospitals in Gaza. They also cannot travel to Egypt through the Rafah border crossing, because the Egyptian side is still placing restrictions on undocumented Palestinians. Egypt requires Palestinians to present ID cards based on the Israeli-established population registry to allow them into Egypt”; Euro-Med Monitor, *The Gaza Strip: Undocumented Citizens*, March 2021, www.ecoi.net/de/dokument/2047952.html, pp. 16, 20. See also, Al Jazeera, ‘Not a Life’: Israel Keeps Many Palestinians Without Legal Status, 26 October 2021, <https://aje.io/2pgpjj>; Haaretz, *Israel’s Demographic Warfare Rages on Both Sides of Green Line. With One Difference*, 21 June 2021, <https://bit.ly/3l4Jnnn>.

²¹¹ Applications for the issuance or renewal of passports are only processed by the PA in Ramallah (West Bank), not in Gaza. During and following the May 2021 hostilities, Israel tightened its restrictions on the import of goods into Gaza, which, *inter alia*, also included Palestinian passports; Haaretz, *Israel Refusing to Let Palestinian Passports into or out of Gaza, Forcing Cancellation of Thousands of Urgent Trips*, 18 June 2021, <https://bit.ly/30T5xlg>.

²¹² “In the context of finding alternative identity documents, the Hamas authority in Gaza issued identification cards (blue IDs) to facilitate the internal daily transactions, such as marriage, treatment, study employment, and government transactions, for those without identity documents in the Strip. However, these cards are not recognized by the PA and its institutions. Blue IDs Bearers cannot travel for any reason, including medical treatment, education, or religious observance. On the other hand, the PA issued passports to those without identity documents in Gaza called the ‘external-use only’ or ‘zero number’ passports. Those passports lack a real number in the ID field, where there is a fake number that starts with two zeroes. The problem with this passport is that it is not recognized by Israel, Egypt or Jordan; therefore, it has no value since the crossing points in Gaza are directly connected to Egypt through the Rafah crossing, and to Israel and Jordan through the Erez crossing”; Euro-Med Monitor, *The Gaza Strip: Undocumented Citizens*, March 2021, www.ecoi.net/de/dokument/2047952.html, pp. 23-24. See also, Daraj, *Gaza: Yellow Passports, Blue Cards and Lost Rights*, 7 October 2021, <https://bit.ly/3l16nNZ>.

²¹³ Francesca Albanese and Lex Takkenberg, *Palestinian Refugees in International Law*, 2nd edition, 2020, p. 243.

²¹⁴ UNRWA, *Letter from UNRWA to UNHCR Describing UNRWA’s Mandate and Services*, 22 September 2021, www.refworld.org/docid/61541acb4.html, p. 2.

²¹⁵ See para. 47.

²¹⁶ “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”; US Department of State, *2020 Country Reports on Human Rights Practices*, 30 March 2021, www.ecoi.net/en/document/2048134.html. “In an attempt to counter recruitment efforts by Israeli intelligence officials, Hamas has imposed requirements on those who travel to Israel to obtain permits and also provide it with detailed information about their reason for travelling”; Al Jazeera, *Palestinians Paying Thousands of Dollars in Bribes to Leave Gaza*, 23 December 2019, <https://aje.io/2akq>. On travel restrictions imposed on unmarried women, see para. 14 (“Human Rights Abuses by the *de Facto* Authorities and Other Non-State Actors”).

are reported to be regularly subjected to interrogation by the *de facto* authorities.²¹⁷

Erez / Beit Hanoun Crossing

50. The Erez Crossing, controlled by Israel, is located between Israel and Gaza on the northern border of Gaza and serves mainly as a point of passage for people travelling between Gaza and Israel as well as those seeking to reach the West Bank or third countries. The freedom of movement of Palestinians in Gaza is severely curtailed as only a minority is eligible for Israeli exit permits.²¹⁸ Only pre-determined categories of Gaza residents such as persons with medical needs and their companions,²¹⁹ merchants and businesspeople,²²⁰ employees of international organizations,²²¹ and individuals with specific humanitarian needs are eligible to receive permits to temporarily²²² enter Israel via the Erez Crossing,²²³ subject to security checks and interrogation.²²⁴ The stipulated processing time for applications to enter

²¹⁷ "Palestinians returning to Gaza were regularly subject to Hamas interrogations regarding their activities in Israel, the West Bank, and abroad"; US Department of State, 2020 Country Reports on Human Rights Practices, 30 March 2021, www.ecoi.net/en/document/2048134.html. See also above para. 11 ("Human Rights Abuses by the *de Facto* Authorities and Other Non-State Actors").

²¹⁸ "Most Palestinians in the blockaded enclave are not eligible to apply for Israeli exit permits, even when their destination is the West Bank, rather than Israel"; OCHA, Protection of Civilians Report: 25 January - 7 February 2022, 11 February 2022, <https://bit.ly/3uPt0AB>, p. 3. "With rare exceptions, Israel's closure policy, which is not based on an individualized assessment of security risk and is exacerbated by Egyptian restrictions on its border with Gaza, rob the more than two million Palestinians of Gaza of their right to freedom of movement (...); HRW, World Report 2022: Israel and Palestine, 13 January 2022, www.ecoi.net/en/document/2066491.html. "(...) the overwhelming majority of the two million Palestinians living in Gaza are still unable to access the West Bank including East Jerusalem and the rest of the world. The data shows that only a tiny minority (around 0.4 per cent) are eligible for exit permit by Israel"; OCHA, Humanitarian Needs Overview 2022, December 2021, <https://bit.ly/326JNmR>, p. 17. See also, Amnesty International, *Israel's Apartheid Against Palestinians*, 1 February 2022, <https://bit.ly/3rgQQ65>, p. 20; Gisha, *Gaza Up Close*, 1 September 2021, <https://bit.ly/3AmA9ay>.

²¹⁹ All criteria set by Israeli authorities for the movement of Palestinians to and from Gaza are listed in a document called "Unclassified Status of Authorizations for Entry of Palestinians into Israel, for Their Passage from Judea and Samaria into the Gaza Strip, and for Their Departure Abroad", issued by COGAT (hereafter: *Unclassified Status of Authorizations for Entry*). Based on this document, entry into Israel is permitted for the purpose of "receiving life-saving medical care or medical care that is crucial to the quality of life. All this is contingent on the unavailability of the requested treatment in the Gaza Strip." Patients are eligible to apply for one person to accompany them for health care outside the Gaza Strip; COGAT, *Unclassified Status of Authorizations for Entry*, updated as of 8 February 2022, <https://bit.ly/30djmua>, p. 12. See also above para. 29 ("Health").

²²⁰ COGAT, *Unclassified Status of Authorizations for Entry*, updated as of 8 February 2022, <https://bit.ly/30djmua>, pp. 13-14.

²²¹ Palestinian employees of international organizations or diplomatic missions are only allowed to enter Israel "for purposes of their organization's or mission's activity"; *ibid.*, p. 15. "As of November 2021, 79 UN and INGO Gaza-based national personnel have been denied their permit requests to travel to Jerusalem by the Israeli authorities, and another 72 are pending"; OCHA, Humanitarian Response Plan: oPT, December 2021, <https://bit.ly/325R2LF>, p. 24. "(...) the denial of permits and delays in processing the permits to transit through Erez continued to negatively impact on the Agency's [UNRWA] operations, including for example by preventing staff from attending important meetings, training courses and conferences and from performing their relevant duties outside Gaza. Despite repeated requests, UNRWA has not received a substantive justification as to why permits were not approved"; UNRWA, Annual Operational Report 2020, 10 August 2021, <https://bit.ly/3AwUHx8>, p. 18. See also, US Department of State, 2020 Country Reports on Human Rights Practices, 30 March 2021, www.ecoi.net/en/document/2048134.html.

²²² Palestinians registered as Gaza residents can only exceptionally take up residency in the West Bank: "Gaza residents can settle in the West Bank only 'in the rarest cases,' usually related to family reunification. In these cases, authorities are mandated to aim to resettle the couple in Gaza. Official data shows that Israel did not approve a single Gaza resident to resettle in the West Bank, outside of a handful who filed Supreme Court petitions between 2009 and March 2017, while permitting several dozen West Bank residents to relocate to Gaza on the condition that they sign a pledge not to return to the West Bank"; HRW, *Israeli Authorities and the Crimes of Apartheid and Persecution*, April 2021, www.ecoi.net/en/document/2050343.html. See also, UNGA / Economic and Social Council (ECOSOC), *Economic and Social Repercussions of the Israeli Occupation on the Living Conditions of the Palestinian People in the Occupied Palestinian Territory, Including East Jerusalem, and of the Arab Population in the Occupied Syrian Golan: Note by the Secretary-General*, A/76/94-E/2021/73, 24 June 2020, www.ecoi.net/en/document/2059003.html, para. 50; Gisha, *Back to the West Bank*, 31 January 2021, <https://bit.ly/3D5NPJi>; HaMoked, *Israeli Control of the Palestinian Population Registry and its Implications for Palestinians' Basic Right*, 2021, <https://bit.ly/3r1FSSe>; Francesca Albanese and Lex Takkenberg, *Palestinian Refugees in International Law*, 2nd edition, 2020, p. 238.

²²³ "Palestinians wishing to enter or exit Gaza via Erez Crossing are required to meet (...) narrow criteria in order to obtain a travel permit from Israel"; Gisha, *Gaza Up Close*, 1 September 2021, <https://bit.ly/3AmA9ay>. "Israel's exit permit consists of an intricate, opaque system of reviews and security clearance processes (...); Euro-Med Monitor, *In Gaza, Segregated Education Alive (and Well)*, 5 June 2021, <https://bit.ly/30rx1e>. "With very limited exceptions, Palestinians in Gaza are not permitted to exit the Gaza Strip through Israel. The only exceptions are business traders, patients requiring medical treatment outside Gaza, staff of international organizations and special humanitarian cases"; UN Human Rights Council, *Report of the Special Rapporteur on the Situation of Human Rights*, 22 December 2020, www.ecoi.net/en/document/2034310.html, para. 66. See also, COGAT, *Unclassified Status of Authorizations for Entry*, updated as of 8 February 2022, <https://bit.ly/30djmua>, pp. 12-19. Notably, "around a third of Gaza residents have relatives in the West Bank, including East Jerusalem, and (...) family visits do not represent an accepted criterion for obtaining an exit permit from Gaza"; UNGA/ECOSOC, *Economic and Social Repercussions of the Israeli Occupation on the Living Conditions of the Palestinian People in the Occupied Palestinian Territory, Including East Jerusalem, and of the Arab Population in the Occupied Syrian Golan: Note by the Secretary-General*, A/76/94-E/2021/73, 24 June 2020, www.ecoi.net/en/document/2059003.html, para. 49.

²²⁴ "All the forwarded requests shall receive assessment according to the State of Israel's political, security, and strategic considerations, including individualized security checks regarding the requester or the requester's family, the conformance of the request to the criteria set from time to time for entry of Gaza Strip residents into Israel, necessary administrative checks such as the veracity of the documents attached in support of the requests, the need for additional supporting documents, etc. These checks are an integral part of the assessment and approval process for every request"; COGAT, *Unclassified Status of Authorizations for Entry*, updated as of 8 February 2022, <https://bit.ly/30djmua>, p. 12. According to the WHO, in 2021, 52 patients and 55 companions were called for security interrogation by Israeli forces as a prerequisite to their permit applications; Information provided by the WHO, 31 January 2021 (email communication on file with UNHCR). "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

Israel (including for travel to the West Bank and abroad) can reach up to 70 working days, depending on the purpose of travel.²²⁵ The processing of applications is reported to be regularly delayed,²²⁶ while some applications are denied on alleged security grounds or without explanation even if the narrow eligibility criteria are met.²²⁷ Observers have called the delay and denial of permits to be arbitrary in nature.²²⁸ When travelling via the Erez Crossing, Palestinians travellers may have to undergo routine security interviews, are not allowed to bring with them certain items, including electronic devices,²²⁹ and incidents of arbitrary arrest have been reported.²³⁰

51. Starting in 2017, individuals who have received approval to travel abroad or to return from abroad via Jordan must use a shuttle service between the Erez and Allenby Bridge Crossings. Such movements also require permission from the Jordanian authorities.²³¹
52. Travel via Erez became virtually impossible in May 2021 due to the renewed escalation of hostilities.²³²

interview, which caused other students to refuse to attend these interviews due to fear of being detained"; US Department of State, 2020 Country Reports on Human Rights Practices, 30 March 2021, www.ecoi.net/en/document/2048134.html. See also, Al Mezan, Israeli Authorities Arbitrarily Arrest Two Palestinian Merchants at Erez Crossing, 24 August 2021, <https://bit.ly/3oi4fBC>; and WHO's monthly reports on health access, available at: www.emro.who.int/opt/information-resources/monthly-report-on-health-access.html.

²²⁵ For further details see COGAT, Processing Permit Applications by Palestinian Residents of the Gaza Strip, unofficial translation by Gisha, October 2017, <http://bit.ly/2DnTPkW>, p. 2. "Application processing times, even for those meeting the narrow criteria, are unreasonably long. According to the official directive, an application to visit a sick child or parent may take up to 50 business days. Applications by patients from the Gaza Strip to exit for medical treatment may take as long as 23 business days, regardless of the medical appointment date"; Gisha, Gaza Up Close, 1 September 2021, <https://bit.ly/3AmA9ay>.

²²⁶ "Even the few seeking to travel under these narrow exemptions, including those seeking urgent medical care outside Gaza, often face denials or failures to respond to in a timely manner to their requests"; HRW, World Report 2022: Israel and Palestine, 13 January 2022, www.hrw.org/report/2022/01/13/israel-and-palestine. According to the WHO, between October and December 2021, out of 4,853 patient permit applications, 1,901 (39.3%) were delayed. Out of 5,978 patient companion applications, 61% had not received a definitive response by the time of the patient's appointment; WHO, Health Cluster Bulletin (1-October-2021 to 31-December-2021), 1 February 2022, <https://bit.ly/32WfAr6>, p. 9. See also, Gisha, Gaza, Near and Far, 18 November 2021, <https://bit.ly/3lxc1cU>; UNGA, Situation of Human Rights in the Palestinian Territories Occupied since 1967, 22 October 2021, www.ecoi.net/en/document/2065165.html, para. 15; US Department of State, 2020 Country Reports on Human Rights Practices, 30 March 2021, www.ecoi.net/en/document/2048134.html. On the effects of delayed or denied permits for individuals requiring life-saving medical treatment, see para. 29 ("Health").

²²⁷ Between October and December 2021, 31 patients and 112 patient companions had their applications denied; WHO, Health Cluster Bulletin (1-October-2021 to 31-December-2021), 1 February 2022, <https://bit.ly/32WfAr6>, p. 9. "Gisha knows of cases where permit applicants were denied a permit [to exit Gaza to visit family and holy sites in the West Bank during Christmas] because a relative of theirs is, according to Israel, staying outside of the Strip 'illegally.' These grounds for denying permits arbitrarily punish people for the alleged actions of others, which is prohibited"; Gisha, Hundreds of Palestinian Christians in Gaza Will Mark Another Christmas Without Their Families, 22 December 2021, <https://bit.ly/3qGQxkK>. "Even the few residents who do meet the criteria for a travel permit are often denied travel in practice, on various grounds. For example, senior businesspeople with 'trader permits' who have traveled back and forth between Gaza and Israel for years might be told unexpectedly that their permits have been denied due to a 'security block,' with no further explanation"; Gisha, Gaza Up Close, 1 September 2021, <https://bit.ly/3AmA9ay>. "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"; US Department of State, 2020 Country Reports on Human Rights Practices, 30 March 2021, www.ecoi.net/en/document/2048134.html. See also, Euro-Med Monitor, Punishing Journalists: Israel's Restrictions on Freedom of Movement and Travel Against Palestinian Journalists, 29 November 2021, <https://bit.ly/3Eflq2U>; DCIP, Waiting for an Exit Permit that never Comes, 21 March 2021, <https://bit.ly/3FbW07y>.

²²⁸ WHO, Patients in the Gaza Strip Unable to Obtain Israeli-Issued Permits to Access the Healthcare, 17 June 2021, <https://bit.ly/3ILxLFQ>; UNGA, Joint Written Statement Submitted by Al Mezan Centre for Human Rights, ADALAH - Legal Center for Arab Minority Rights in Israel, Al-Haq, Law in the Service of Man, Cairo Institute for Human Rights Studies, Women's Centre for Legal Aid and Counseling, Non-Governmental Organizations in Special Consultative Status, A/HRC/46/NGO/133, 9 March 2021, <https://bit.ly/31KmYj>, p. 2.

²²⁹ "The Israeli authorities continued to impose restrictions on items that can be carried by travelers via Erez, primarily no electronic and electric devices, food, and cosmetics are allowed, as well as wheeled luggage PCHR, State of the Gaza Strip Border Crossings (01 - 28 February 2022), 14 March 2022, <https://bit.ly/3D6Yrso>, p. 3.

²³⁰ In 2021, WHO recorded the arrest of three persons accompanying patients en route to receiving care; Information provided by the WHO, 31 January 2021 (email communication on file with UNHCR). "Arbitrary arrests are not uncommon of tradespeople, patients and their escorting companions, and even NGO staff who are either granted permits or called for security interviews, and form part of Israel's unlawful closure practices"; Al Mezan, Israeli Authorities Arbitrarily Arrest Two Palestinian Merchants at Erez Crossing, 24 August 2021, <https://bit.ly/3oi4fBC>. See also, Al Mezan, On World Health Day, Al Mezan Demands an End to Health Inequities for Palestinians in the Gaza Strip, 7 April 2021, <https://bit.ly/3npadbi>; PCHR, Patient's Companion Arrested at Beit Hanoun (Erez) Crossing, 26 January 2021, <https://bit.ly/3kMZOVf>.

²³¹ The shuttle system "requires approval of Israeli and Jordanian authorities for direct transfer from Beit Hanoun/Erez to the King Hussein Bridge crossing to Jordan, without formal entry to Israel or the West Bank". In November 2021, out of 61 applications for patients and companions requesting to travel by shuttle via Israel and the West Bank to Jordan for medical treatment, 57% remained pending at the time of monthly reporting. The Jordanian hospitals give open rather than specific appointments; WHO, Barriers for Patients: November 2021, 6 January 2022, www.ecoi.net/en/document/2067183.html, p. 2. "The irregular shuttle only runs every few days. Each direction would require an Israeli permit, a process that can be complicated, time-consuming and uncertain"; Al Jazeera, Palestinian Behind Mars Drone Says Visiting Home is no Small Step, 29 April 2021, <https://aje.io/v89w>. See also, B'Tselem, A Regime of Jewish Supremacy from the Jordan River to the Mediterranean Sea: This is Apartheid, 12 January 2021, <https://bit.ly/3HHipf7>.

²³² UNGA, Report of the Special Committee, 29 September 2021, www.ecoi.net/en/document/2062310.html, para. 41; Gisha, Israel Continues to Restrict Movement to and from Gaza, Harming Residents, 23 May 2021, <https://bit.ly/3Bg225z>.

Travel restrictions remained largely in place following the 21 May 2021 ceasefire²³³ until July 2021, when the Israeli government began to ease the restrictions on the movement of people.²³⁴ In August 2021, the Israeli authorities gradually increased the number of permits available to traders from Gaza.²³⁵ According to the UN Secretary-General, the approval rate for permits for medical patients reached a three-year low in September and October 2021, with only 54 per cent and 61 per cent of requests approved, respectively.²³⁶ On 26 October 2021, the Israeli authorities notified Gisha, an Israeli NGO whose goal is to protect the freedom of movement of Palestinians,²³⁷ that they had returned to the pre-COVID-19 *status quo* as set out in the “Unclassified Status of Authorizations for Entry” document.²³⁸

53. In 2021, some 177,400 exits and entries via Erez were recorded in total, with the majority (some 126,000) recorded between October and December 2021.²³⁹ This compares to 122,600 exits and entries in 2020²⁴⁰ and 382,000 in 2019.²⁴¹

Rafah Crossing

Exit and entry requirements from / to Gaza via Rafah are not always clearly defined, and implementation can vary or be subject to changes depending on the travellers’ profile (age, sex, political affiliations, etc.) as well as the prevailing security and political situation. Entry approvals to Egypt are generally not grounded in law and are at the discretion of the Egyptian authorities.

The information described here is based on multiple sources that UNHCR consulted. Decision-makers need to verify the accuracy of the information at the time of adjudication.

54. The Rafah Crossing is located at the southern end of Gaza bordering Egypt and is controlled by Egyptian authorities.²⁴² Following a period of frequent border closures, since May 2018 the border crossing has been opened in both directions on a regular basis for the movement of people in and out of Gaza.²⁴³ Between March 2020 and February 2021, the crossing was largely shut down in response to the COVID-19 pandemic.²⁴⁴ It has since resumed mostly regular operations,²⁴⁵ and also remained open during the May 2021 hostilities.²⁴⁶ In 2021, the crossing was open for 221 days and closed for

²³³ UNGA, *Situation of Human Rights in the Palestinian Territories Occupied since 1967*, 22 October 2021, www.ecoi.net/en/document/2065165.html, para. 15; Al-Monitor, *Israel's Travel Ban Threatens Cancer Patients in Gaza*, 12 June 2021, <https://bit.ly/3kxRF6Y>; The New Arab, *Palestinian Cancer Patient Dies in Gaza after Israel Refused Travel Permit*, 4 June 2021, <https://bit.ly/3FIC03e>.

²³⁴ Gisha, *Crossings Update: Scant Traders Quota; Fishing Zone Expanded*, 6 August 2021, <https://bit.ly/3le6uVr>.

²³⁵ Gisha, *Crossings Update: Ban on Entry of Construction Materials Reversed; Border with Egypt Reopened*, 1 September 2021, <https://bit.ly/3DyrjIL>. On 20 October 2021, Israel announced that it was increasing the number of work permits for Gaza traders to 10,000, the highest number in years. By the end of December 2021, around 9,000 had been issued; UNSC, *Report of the Secretary-General*, 15 December 2021, www.ecoi.net/en/document/2066460.html, para. 50. See also, Al-Monitor, *Israel Announces 3,000 New Gaza Work Permits*, 20 October 2021, <https://bit.ly/3ngSzgg>.

²³⁶ UNSC, *Report of the Secretary-General*, 15 December 2021, www.ecoi.net/en/document/2066460.html, para. 51.

²³⁷ Gisha, *About Gisha*, accessed 21 March 2021, <https://gisha.org/en/about-gisha>.

²³⁸ Information provided by Gisha, 9 March 2022 (email communication on file with UNHCR).

²³⁹ The vast majority of these entries and exits were Palestinian traders (116,000 entries/exits), followed by medical patients (18,500) and patient companions (14,100); OCHA, *Gaza Crossings: Movement of People and Goods*, accessed 21 March 2022, www.ochaopt.org/data/crossings.

²⁴⁰ As a result of COVID-19-related movement restrictions, movements in and out of Gaza came to a virtual standstill as of March 2020. Most entries and exits recorded accounted for Palestinian traders who had left/entered Gaza in early 2020 before these restrictions came into force; *ibid.* See also footnote 144.

²⁴¹ OCHA, *Gaza Crossings: Movement of People and Goods*, accessed 21 March 2022, www.ochaopt.org/data/crossings.

²⁴² Gisha, *Gaza Up Close*, 1 September 2021, <https://bit.ly/3AmA9ay>. “Israel also maintains a certain degree of control over the Rafah Crossing. Through its control of the Palestinian population registry, Israel has indirect control over the issuance of Palestinian passports, which are required for travel through Rafah”; Gisha, *FAQS*, accessed 21 March 2022, <https://gisha.org/en/faqs>.

²⁴³ Gisha, *Movement of People via Rafah Crossing*, last updated January 2022, <https://bit.ly/3o8X2ud>.

²⁴⁴ “In March 2020, Egypt closed the crossing in response to the outbreak of COVID-19 and over the course of almost a year, it was opened it only on a few occasions to allow some residents to return to their homes in Gaza”; Gisha, *Gaza Up Close*, 1 September 2021, <https://bit.ly/3AmA9ay>. See also, Reuters, *Egypt Opens Rafah Crossing with Gaza until Further Notice: Sources*, 9 February 2021, <https://reut.rs/3cW3llg>. As a result of these closures, the Rafah border crossing was open for 126 days and closed for 240 days in 2020, with the number of people entering or exiting Gaza plummeting to 25,917 and 25,069, respectively (compared to 67,763 and 78,298 entries and exits in 2019); OCHA, *Gaza Crossings: Movement of People and Goods*, accessed 21 March 2022, www.ochaopt.org/data/crossings.

²⁴⁵ “The Rafah crossing between Gaza and Egypt was opened more regularly in 2021 compared with 2020, but conditions remained largely unpredictable and restrictive”; Freedom House, *Gaza Strip*, 28 February 2022, <https://bit.ly/3sRpHr9>. See also, OCHA, *Gaza Crossings: Movement of People and Goods*, accessed 21 March 2022, www.ochaopt.org/data/crossings; Egypt Today, *Rafah Crossing Between Egypt, Gaza Remains Open for Stranded Passengers, Humanitarian Cases*, 24 January 2022, <https://bit.ly/35jlz8R>; Gisha, *Gaza Up Close*, 1 September 2021, <https://bit.ly/3AmA9ay>; Al Jazeera, *Egypt ‘Indefinitely’ Opens Rafah Border Crossing with Gaza Strip*, 10 February 2021, <https://aje.io/jylyb>.

²⁴⁶ Reuters, *Egypt to Close Rafah Crossing with Gaza from Monday*, 23 August 2021, <https://reut.rs/3o9sJDz>.

144 days, allowing for over 80,000 entries and 100,000 exits.²⁴⁷ Exiting Gaza via the Rafah Crossing does not entitle people from Gaza to travel to Israel or the West Bank.²⁴⁸

55. **Exiting Gaza via Rafah:** There are both official and more informal coordination mechanisms to enable residents to leave Gaza and enter Egypt for the purpose of onward travel via Cairo International Airport. Irrespective of the coordination mechanism used, travel is not guaranteed as both the *de facto* authorities and Egypt are reported to have arbitrarily and without clear reason prevented Gaza residents from leaving Gaza and entering Egypt, respectively.²⁴⁹
56. Regular coordination: Gaza residents seeking to travel to Cairo International Airport via the Rafah Crossing must register with the *de facto* authorities in Gaza (Ministry of Interior / General Authority for Crossing and Borders)²⁵⁰ in order to be added to a waiting list to exit Gaza.²⁵¹ The registration is generally based on meeting narrow criteria set by Egypt: medical referrals, students and others with visas to third countries, and foreign passport and residency holders.²⁵² The decision-making time is long and involves various fees and costs.²⁵³ Individuals with pressing needs, e.g. patients, are generally given priority.²⁵⁴ The transfer from the Rafah Crossing to Cairo International Airport generally takes place by shuttle bus.²⁵⁵ These organized transfers are escorted by the Egyptian police²⁵⁶ and usually take place several days prior to the planned departure from Cairo International Airport.²⁵⁷
57. Informal coordination through Egyptian focal points: Individuals seeking to expedite their travel can contact these focal points who liaise directly with the competent Egyptian authorities.²⁵⁸ This process is faster (10 to 21 days) but more expensive than the regular registration process.²⁵⁹ The transfer from

²⁴⁷ OCHA, *Gaza Crossings: Movement of People and Goods*, accessed 21 March 2022, www.ochaopt.org/data/crossings.

²⁴⁸ Gisha, *Rafah Crossing Closed until Further Notice, Stranding Thousands*, 23 August 2021, <https://bit.ly/31PUYQt>.

²⁴⁹ Information provided by Gisha, 9 March 2022 (email communication on file with UNHCR). "In November [2021], there were 8,473 entries and 11,689 exits through Rafah crossing. Another 897 Palestinians seeking to exit from the Palestinian side were denied access by the Egyptian authorities and returned to Gaza"; WHO, *Barriers for Patients: November 2021*, 6 January 2022, www.ecoi.net/en/document/2067183.html, p. 4. In 2020, "[T]he Egyptian authorities banned hundreds of Palestinians from travelling without reason"; PCHR, *Annual Report 2020*, 15 July 2021, www.ecoi.net/en/document/2058263.html, p. 48. See also, Middle East Monitor, *The Rafah Border Crossing is a Painful Path for Gaza's Palestinians*, 19 August 2021, <https://bit.ly/3uWUX9z>; US Department of State, *2020 Country Reports on Human Rights Practices*, 30 March 2021, www.ecoi.net/en/document/2048134.html.

²⁵⁰ UNHCR information, March 2022; Gisha, 17 February 2022 (email communication on file with UNHCR). According to a Palestinian NGO, an online system is in place to register. In Arabic only: <https://ssoidp.gov.ps>; Palestinian NGO, 17 February 2022 (email communication on file with UNHCR).

²⁵¹ AFP, *Gaza Anger Mounts at Cost, 'Humiliation' of Egypt Journeys*, 21 November 2021, <https://f24.my/8AZA.T>; Middle East Monitor, *The Rafah Border Crossing is a Painful Path for Gaza's Palestinians*, 19 August 2021, <https://bit.ly/3uWUX9z>.

²⁵² "Egypt enforces criteria for travel (...) subject to registration and sometimes high, expedited 'coordination costs'"; Gisha, *Rafah Crossing Closed until Further Notice, Stranding Thousands*, 23 August 2021, <https://bit.ly/31PUYQt>. "Many of those wishing to travel through Egypt do not meet these criteria"; Gisha, *Gaza Up Close*, 1 September 2021, <https://bit.ly/3AmA9ay>. See also, Middle East Monitor, *The Rafah Border Crossing is a Painful Path for Gaza's Palestinians*, 19 August 2021, <https://bit.ly/3uWUX9z>. As there are no foreign diplomatic missions in Gaza, Gaza residents seeking to obtain a visa to a third country would normally require an Israeli exit permit to travel to Israel via Erez for the purpose of visa interviews at consulates/embassies; COGAT, *Unclassified Status of Authorizations for Entry*, updated as of 8 February 2022, <https://bit.ly/30djmua>, p. 16, and above paras 51-54 ("Erez / Beit Hanoun Crossing").

²⁵³ Travellers do not pay service fees to the General Authority for Crossings; however, they pay various other fees and associated costs to leave Gaza and enter Egypt: Palestinian crossing: 88 Israeli New Shekels; Egyptian crossing: 485 Egyptian Pounds (EGP). Fees and costs are known to heavily fluctuate depending on demand and the political situation; Information provided by Gisha, 17 February 2022 (email communication on file with UNHCR). See also, Gisha, *Rafah Crossing Closed until Further Notice, Stranding Thousands*, 23 August 2021, <https://bit.ly/31PUYQt>. At the time of writing it is unclear how Egypt's reported "easing [of] conditions at Rafah crossing" will impact exit and entry conditions; Israel Hayom, *Report: Egypt Easing Conditions at Rafah Crossing to Keep Gaza Groups Quiet*, 26 December 2021, <https://bit.ly/3KLe4ZH>.

²⁵⁴ UNHCR information, March 2022; Gisha, 17 February 2022 (email communication on file with UNHCR).

²⁵⁵ Fees for the shuttle bus: 300 EGP one-way (approx. US\$ 20); Information provided by Gisha, 17 February 2022 (email communication on file with UNHCR). According to a Palestinian NGO, most Gaza residents permitted to leave Gaza via Rafah use the shuttle bus to reach Cairo International Airport as they are not granted an entry approval for Egypt; Palestinian NGO, 17 February 2022 (email communication on file with UNHCR). One source told UNHCR that the escorted shuttle bus was only mandatory for men between 18 and 40 years whereas men over 40, women and children could arrange for their own transportation to Cairo International Airport provided the Egyptian authorities did not consider them a security risk; UNHCR information, March 2022.

²⁵⁶ In the case of organized transfers to Cairo International Airport, travellers' passports are retained by the Egyptian police until they reach Cairo International Airport. There, the passports will be handed over to immigration officers until final airline check-in and completion of departure procedures. Only then, the passports/travel documents are returned to the concerned travellers. Passports are not stamped upon entry via Rafah Crossing as travellers in transit are not considered to have entered Egypt. The passport is only stamped upon departure from Cairo International Airport; UNHCR information, March 2022.

²⁵⁷ Once travellers arrive at Cairo International Airport, they are accommodated in a specific transit area of the airport where they regularly have to wait for several days until their flights depart; UNHCR information, March 2022.

²⁵⁸ UNHCR information, March 2022.

²⁵⁹ The service fee is between US\$ 350 - 500 and has been much higher in the past, depending on demand. In addition, the regular costs and fees apply, see footnote 253; Information provided by Gisha, 17 February 2022 (email communication on file with UNHCR). One source indicated that this process costs up to US\$ 400; UNHCR information, March 2022.

the Rafah Crossing to Cairo International Airport via the informal coordination mechanism takes generally place by shuttle bus.²⁶⁰

58. “VIP coordination”: Another option is to register for the “VIP coordination” provided by the private Egyptian company Hala Travel through its representative offices in Gaza. Hala Travel coordinates directly with the competent Egyptian authorities to facilitate the passage of its clients.²⁶¹ This process is expedited (48 to 72 hours after submission) and unaffordable for most people in Gaza due to the high costs. Travellers using this service are driven in cars with five to six passengers and have an expedited crossing at military checkpoints along the journey.²⁶²
59. The General Authority for Crossing and Borders publishes daily lists of individuals approved to leave Gaza and enter Egypt via Rafah.²⁶³ Entry to Egypt from Gaza for purposes other than transit to Cairo International Airport requires an entry approval for Egypt, which is granted at the discretion of the concerned Egyptian authorities. It is not available to most Gaza residents.²⁶⁴
60. **Entering Gaza via Rafah:** Palestinians from Gaza who wish to enter Gaza from a third country via Egypt (transit by shuttle bus or passenger car organized by Hala Travel) do not require an entry visa for Egypt.²⁶⁵ Egypt denies entry to Gaza for Palestinians who do not hold a PA-issued Palestinian identity card or passport indicating his/her residency in Gaza, which requires the individual’s inclusion in the Israeli-administered population registry.²⁶⁶ Once travellers arrive at Cairo International Airport, they are accommodated in a specific transit area of the airport until their transfer to Gaza is organized.²⁶⁷ Entry to Egypt coming from abroad for purposes other than transit from Cairo International Airport to Gaza requires a visa for Egypt.²⁶⁸

²⁶⁰ See footnote 255.

²⁶¹ UNHCR information, March 2022; Palestinian NGO, 17 February 2022 (email communication on file with UNHCR); Gisha, 17 February 2022 (email communication on file with UNHCR).

²⁶² At the time of writing, the service costed around US\$ 750; Information provided by Gisha, 17 February 2022 (email communication on file with UNHCR). See also, Israel Hayom, *Report: Egypt Easing Conditions at Rafah Crossing to Keep Gaza Groups Quiet*, 26 December 2021, <https://bit.ly/3KLe4ZH>; AFP, *Gaza Anger Mounts at Cost, ‘Humiliation’ of Egypt Journeys*, 21 November 2021, <https://ft24.my/8AZA.T>; Hala Travel (Facebook), 3 September 2021, www.facebook.com/pg/HalaTravel.EG/posts; Middle East Monitor, *The Rafah Border Crossing is a Painful Path for Gaza’s Palestinians*, 19 August 2021, <https://bit.ly/3uWUX9z>.

²⁶³ Those approved through either coordination mechanism can be found on the Facebook page of the Gaza General Authority for Crossings and Borders, including bus number and the departure times from Rafah. Depending on the coordination mechanism, travellers are included either in the “Palestinian list” or the “Egyptian list”; see Facebook page of the Gaza General Authority for Crossings and Borders, accessed 21 March 2022, www.facebook.com/GAFC.MOI.

²⁶⁴ There is no Egyptian diplomatic mission in Gaza and hence Gaza residents cannot apply for an Egyptian entry visa in Gaza; however, Gaza residents seeking to enter Egypt for specific purposes (e.g., medical treatment or family visits), or to arrange for their own transfer to Cairo International Airport, can approach Egyptian focal points present in Gaza and request an entry approval. These focal points coordinate directly with the competent Egyptian authorities. The granting of entry approvals is at the discretion of the Egyptian authorities and will primarily depend on the purpose of travel and the individual’s profile. It is generally more easily granted to men over 40 years, women and children. Men between 18 and 40 years of age (or between 18 and 50 years of age according to one source) require a security clearance (“special coordination approval”) by the Egyptian security to enter Egypt. Those granted an entry approval have their passports stamped, indicating that they are permitted to enter Egypt for a specific period (e.g., 72 hours for transit to Cairo International Airport). Palestinians staying in Egypt beyond 72 hours are required to register with the nearest police station. Those who do not register with the police or overstay the approved period are at risk of arrest, detention and forced return to Gaza; UNHCR information, March 2022. Approximate costs for travelling in a shared car from Rafah to Cairo: 300 - 400 EGP. Travelling in a private car: 1,400 - 1,600 EGP; Information provided by Gisha, 17 February 2022 (email communication on file with UNHCR).

²⁶⁵ UNHCR information, March 2022. For COVID-19-related entry requirements to Egypt, see International Air Transport Association (IATA), *COVID-19 Travel Regulations Map*, accessed 21 March 2022, <https://bit.ly/3qtWrpO>.

²⁶⁶ See above para. 47. At the time of writing, the shuttle bus from Cairo Airport to the Rafah Crossing costs 300 EGP. In addition, the following costs apply on the Egyptian side: Egyptian crossing check: 305 EGP; stamps 15 EGP; bus ticket to cross over to Gaza: 30 EGP; loading bags on the bus 10 EGP; and loading and transporting bags while at the Egyptian crossing 400 EGP. The VIP service using Hala Travel costs US\$ 600; Information provided by Gisha, 17 February 2022 (email communication on file with UNHCR).

²⁶⁷ Depending on the number of travellers, it can take several days for a convoy to depart Cairo International Airport to Gaza. A transfer will also only take place if the Rafah Border Crossing is expected to be open. During the transfer, travellers’ passports are retained by the Egyptian police and only returned once they reach the Rafah Border Crossing. The convoy is escorted by Egyptian Police. UNHCR is aware that vulnerable cases (e.g., elderly persons, persons with medical conditions), and for whom it would not be feasible to remain at Cairo Airport for several days, have been given an entry approval to arrange for their own travel arrangements to Gaza; UNHCR information, March 2022.

²⁶⁸ Sources indicated to UNHCR that individuals seeking to enter Egypt, including those making their own travel arrangements from Cairo International Airport to the Rafah Crossing, require an entry visa for Egypt. Palestinian women, children, and men over the age of 40 (or 50, according to one source) can apply for a visa either at an Egyptian diplomatic mission prior to departure or upon arrival at Cairo International Airport (cost US\$ 25). Palestinian men between 18 and 40 years of age (or 50, according to one source) must obtain pre-approval (security clearance) prior to applying for a visa, and therefore must apply at an Egyptian diplomatic mission prior to departure; UNHCR information, March 2022; Embassy of Egypt in Washington DC, *Visa Requirements*, accessed 21 March 2022, <https://bit.ly/3r6KjLB>. Another source indicated to UNHCR that no visa was required

61. Travelling in and out of Gaza via Rafah requires individuals to transit Egypt's northern Sinai. Despite gradual security improvements, the security situation in the area remains volatile with regular attacks by the Islamic State (IS) group against civilian and military targets and counterinsurgency operations conducted by the Egyptian security forces.²⁶⁹ Travelling is also hampered by curfews, road closures and frequent checkpoints run by Egyptian security forces.²⁷⁰ Travel advisories from multiple countries recommend avoiding all travel to/through the northern Sinai.²⁷¹
62. Multiple sources described the long journey by shuttle bus to/from Rafah Crossing to Cairo International Airport as "hellish" and "undignified" given the duration of the trip (3-4 days), frequent security checks and luggage inspections, as well as the lack of adequate services during the journey and in the airport transit area, which is particularly inadequate for the elderly, children and individuals with illnesses and disabilities.²⁷²

Position on International Protection Needs and Non-Return Advisory

63. Against a background of serious allegations over violations and abuses of international human rights and humanitarian law and the continued volatility of the situation, UNHCR calls on all countries to allow civilians fleeing Gaza access to their territories and to ensure respect for the principle of non-refoulement at all times.
64. All claims for international protection need to be considered on their own merits according to fair and efficient status determination procedures and up-to-date and relevant country of origin information.
65. Under the 1951 Convention, Palestinian refugees falling within the personal scope of Article 1D, who have been excluded under Art. 1D(1) (who are receiving or are eligible to receive protection or assistance from UNRWA)²⁷³ and who are subsequently included under Art. 1D(2) (when that protection or assistance has ceased) are *ipso facto* entitled to the benefits of the 1951 Convention, provided

to enter Egypt. Instead, Gaza residents must obtain an entry approval. Men over 40, women and children can obtain this entry approval at Cairo International Airport whereas men between 18 and 40 years of age must request a "special coordination approval" (security clearance) prior to travelling to Egypt. This "special coordination approval" must be requested through a focal point in Gaza who coordinates directly with the Egyptian security. If granted, the traveller's name would be included in a list at Cairo International Airport. The traveller will have his passport stamped and be allowed to enter Egypt; UNHCR information, March 2022.

²⁶⁹ "(...) transit through the Sinai desert is arduous, and often dangerous"; Gisha, *Movement of People via Rafah Crossing*, last updated January 2022, <https://bit.ly/3o8X2ud>; "The militant group [Islamic State/IS] regularly clashes with security forces in North Sinai Governorate, where the government has been leading a low-level counterinsurgency campaign since 2011. Despite the campaign, IS's Wilayat Sinai branch remains one of the group's most active affiliates in North Africa and will likely remain a potent force for the foreseeable future. While the capabilities of IS affiliates have been degraded in North Sinai from their peak in previous years, IS fighters continue to launch weekly attacks targeting security forces, religious minorities, and civilians"; Crisis24, *Egypt: Increased Security Likely in North Sinai Governorate Through Mid-August Following Clashes Between Security Forces and Militants*, 12 August 2021, <https://bit.ly/3F26g2m>. See also, Wilson Center, *Explainer: The Islamic State in 2021*, 10 December 2021, <https://bit.ly/3HNOD7A>; Reuters, *Egyptian Military Consolidates Grip on Northern Sinai*, 20 October 2021, <https://reut.rs/3oaGn9t>; Al Jazeera, *Attack Kills Eight Egyptian Troops in Sinai*, 13 August 2021, <https://aje.io/fvu3qp>.

²⁷⁰ "According to testimonies, in the past, travellers have been stopped multiple times throughout the journey in the Sinai and would have to unload their bags and have them checked by the army. The army has checkpoints throughout the Sinai and would often keep the buses from passing, citing curfews. It could take days going in either direction"; Information provided by Gisha, 9 March 2022 (email communication on file with UNHCR). "The army continued to impose severe restrictions on movement (...) in North Sinai in the name of fighting Wilayat Sina', a local affiliate of the Islamic State (also known as ISIS)"; HRW, *World Report 2022: Egypt*, 13 January 2022, www.ecoi.net/en/document/2066548.html. See also, AFP, *Gaza Anger Mounts at Cost, 'Humiliation' of Egypt Journeys*, 21 November 2021, <https://f24.my/8AZA.T>; Crisis24, *Egypt: Increased Security Likely in North Sinai Governorate Through Mid-August Following Clashes Between Security Forces and Militants*, 12 August 2021, <https://bit.ly/3F26g2m>.

²⁷¹ Kingdom of Belgium/Foreign Affairs, *Foreign Trade and Development Cooperation, Conseils aux Voyageurs: Egypte*, 21 March 2022, <https://bit.ly/3oaKv9t>; Gov.UK, *Foreign Travel Advice: Egypt*, last updated 21 March 2022, <https://bit.ly/3kmpInY>; Government of Canada, *Travel Advice: Egypt*, last updated 18 March 2022, <https://bit.ly/30ag8YM>; German Federal Foreign Office, *Ägypten: Reise- und Sicherheitshinweise*, last updated 3 March 2022, <https://bit.ly/3DIVFP3>; US Department of State/Bureau of Consular Affairs, *Egypt Travel Advisory*, updated 18 January 2022, <https://bit.ly/3bQJfTo>.

²⁷² UNHCR information March 2022. See also, AFP, *Gaza Anger Mounts at Cost, 'Humiliation' of Egypt Journeys*, 21 November 2021, <https://f24.my/8AZA.T>; Middle East Monitor, *The Rafah Border Crossing is a Painful Path for Gaza's Palestinians*, 19 August 2021, <https://bit.ly/3uWUX9z>.

²⁷³ UNHCR, *Guidelines on International Protection No. 13: Applicability of Article 1D of the 1951 Convention Relating to the Status of Refugees to Palestinian Refugees*, HCR/GIP/17/13, December 2017, www.refworld.org/docid/5a1836804.html. In UNHCR's interpretation of Art. 1D, there is no requirement that such persons must have actually or recently availed themselves of UNRWA's assistance for Article 1D to be applicable to them. Such a requirement, would, in UNHCR's opinion, be incompatible with the object and purpose of Article 1D as it would serve to remove from the article's application those Palestinian refugees who have not accessed UNRWA protection or assistance, despite being eligible, but are nonetheless in need of 1951 Convention protection under the second paragraph of Article 1D. Such a narrow interpretation of the first paragraph of Article 1D would result in the denial of protection for many Palestinian refugees, whose refugee character is already established, creating gaps in the protection regime.

Articles 1C, 1E or 1F of the 1951 Convention do not apply.²⁷⁴ UNHCR considers that the situation in Gaza may constitute an objective reason bringing Palestinian refugees from Gaza outside of UNRWA's area of operations within the scope of Art. 1D(2).²⁷⁵

66. Asylum claims of Palestinians who do not fall within the scope of Article 1D should be adjudicated under Article 1A(2) of the 1951 Convention. Policies and practices in the context of the continued occupation of Gaza,²⁷⁶ in particular the prolonged blockade as a form of "collective punishment",²⁷⁷ repeated cycles of violence, as well as human rights abuses at the hands of the *de facto* authorities and other non-state actors, may result in a well-founded fear of persecution on Convention-related grounds.²⁷⁸
67. Palestinians from Gaza not falling under either Art. 1D or 1A(2) of the 1951 Convention may qualify for national or regional forms of subsidiary or complementary protection.²⁷⁹
68. Depending on the individual profile and circumstances of the case, exclusion considerations may arise in claims by asylum-seekers from Gaza.²⁸⁰
69. Against the background of the security, human rights and humanitarian situation in Gaza, UNHCR continues to call on States not to forcibly return Palestinians, including Palestine refugees registered with UNRWA, to Gaza. The suspension of forcible returns of Palestinians to Gaza serves as a minimum standard and should not replace international protection for persons found to meet the criteria for refugee status under the 1951 Convention (Art. 1D or Art. 1A(2)), or the broader refugee criteria as contained in relevant regional instruments, or complementary forms of protection.
70. The bar on forcible return needs to remain in place until such time as the security, human rights and humanitarian situation in Gaza has significantly improved to permit a safe and dignified return of those determined not to be in need of international protection.

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²⁷⁴ UNHCR, *Guidelines on International Protection No. 13: Applicability of Article 1D of the 1951 Convention Relating to the Status of Refugees to Palestinian Refugees*, HCR/GIP/17/13, December 2017, www.refworld.org/docid/5a1836804.html.

²⁷⁵ *Ibid.*, paras 18-28.

²⁷⁶ See footnote 24.

²⁷⁷ See footnote 40.

²⁷⁸ "Both the direct and indirect consequences of situations of armed conflict and violence may also constitute persecution, including long-term consequences of these situations, such as demolition of vital infrastructure, insecurity and abject poverty. More specifically, situations of armed conflict and violence may seriously affect the rule of law as well as state and societal structures and support systems. Situations of armed conflict and violence may lead to a full or partial collapse of government institutions and services, political institutions and the police and justice system. Vital services such as water, electricity and sanitation may be disrupted. Increased crime levels; looting and corruption; food insecurity, malnourishment or famine; constraints on access to education and health care; serious economic decline, destruction of livelihoods and poverty may also ensue. These consequences of situations of armed conflict and violence may be sufficiently serious, either independently or cumulatively, to constitute persecution and create a well-founded fear of being persecuted"; UNHCR, *Guidelines on International Protection No. 12: Claims for Refugee Status Related to Situations of Armed Conflict and Violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees and the Regional Refugee Definitions*, 2 December 2016, HCR/GIP/16/12, www.refworld.org/docid/583595ff4.html, para. 19.

²⁷⁹ As regards regional instruments, see in particular Article I(2) of the 1969 OAU Convention, which extends the refugee definition to "every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality" (emphasis added); Organization of African Unity, *Convention Governing the Specific Aspects of Refugee Problems in Africa* ("OAU Convention"), 10 September 1969, 1001 U.N.T.S. 45, www.refworld.org/docid/3ae6b36018.html. The same considerations apply to individuals coming within the refugee definition as contained in Article I(2) of the Bangkok Principles, which is identical to the refugee definition of the 1969 OAU Convention; Asian-African Legal Consultative Organization (AALCO), *Bangkok Principles on the Status and Treatment of Refugees* ("Bangkok Principles"), 31 December 1966, www.refworld.org/docid/3de5f2d52.html. Another regional instrument is the Cartagena Declaration, *Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama*, 22 November 1984, www.refworld.org/docid/3ae6b36ec.html. Complementary forms of protection include subsidiary protection under Article 15 of the 2011 Qualification Directive, European Union, *Directive 2011/95/EU of the European Parliament and of the Council on Standards for the Qualification of Third-Country Nationals or Stateless Persons as Beneficiaries of International Protection, for a Uniform Status for Refugees or for Persons Eligible for Subsidiary Protection, and for the Content of the Protection Granted* (Recast), 13 December 2011, www.refworld.org/docid/4f06fa5e2.html.

²⁸⁰ UNHCR, *Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, 4 September 2003, CR/GIP/03/05, www.unhcr.org/refworld/docid/3f5857684.html.