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Freedom in the World 2014 - Gaza Strip

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2014 Scores

Status: Not Free

Freedom Rating (1 = best, 7 = worst): 6.5

Civil Liberties (1 = best, 7 = worst): 6

Political Rights (1 = best, 7 = worst): 7

Ratings Change:

The Gaza Strip's political rights rating declined from 6 to 7 due to the continued failure to hold new elections since the term of the 2006 Palestinian legislature expired in 2010.

Explanatory Note:

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

OVERVIEW

In 2013, residents of the Gaza Strip worked to recover from large-scale strikes by the Israel Defense Forces (IDF) in November 2012, an operation dubbed "Pillar of Defense" by Israel, that led to a boost in support for Hamas among Palestinians across both Gaza and the West Bank. Rocket fire toward Israel continued, but very sporadically. Restrictions on press freedom and other civil liberties persisted throughout 2013.

Negotiations aimed at repairing the six-year-old rift between the Hamas regime in Gaza and the Fatah-led Palestinian Authority (PA) in the West Bank made little tangible progress during 2013, and no date for long-overdue elections was set. However, Hamas continued to support diplomatic plans for the Fatah-led Palestine Liberation Organization (PLO) to assert Palestinian statehood within UN institutions. In November 2012 the PLO had won recognition for Palestine as a nonmember observer state at the UN General Assembly.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 5 / 40 (-4)

A. Electoral Process: 2 / 12 (-3)

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

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

The unicameral, 132-seat PLC serves four-year terms. Voting in Gaza during the 2006 PLC elections was deemed largely fair by international observers. Hamas won 74 seats, while Fatah took 45. The subsequent Hamas-Fatah rift, combined with Israel's detention of many (especially Hamas-affiliated) lawmakers, has prevented the PLC from meeting since 2007, and its term expired in 2010. No elections have been held since 2006.

B. Political Pluralism and Participation: 2 / 16

Since the 2007 schism, Gaza has effectively functioned as a one-party state, with Fatah largely suppressed and smaller factions tolerated to varying degrees. There is little to no public display of opposition party activities, and little in the way of party organizing. In May 2011, Hamas and Fatah agreed to form a national unity government that would organize presidential and parliamentary elections and increase security coordination, but negotiations on implementing the pact soon stalled. In January 2013, ahead of a new round of talks in Cairo, Hamas authorities allowed a mass rally by Fatah supporters in Gaza for the first time in several years. By the end of 2013, however, no unity government had been formed, and elections were still not planned.

C. Functioning of Government: 1 / 12 (-1)

The expiration of the presidential and parliamentary terms in 2009 and 2010 has left Gaza's government with no electoral mandate, and its continued failure to set new election dates in 2013 further undermined its legitimacy. The ability of local authorities to make and implement policy is limited in practice by Israeli and Egyptian border controls, Israeli military actions, and the fact that the Palestinian political collective is split between Gaza and the West Bank.

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

Civil Liberties: 10 / 60*D. Freedom of Expression and Belief: 4 / 16*

The media are not free in Gaza. In 2008, Hamas replaced the PA Ministry of Information with a government Media Office and banned all journalists not accredited by it; authorities also closed down all media outlets not affiliated with Hamas. According to the Palestinian Center for Development and Media Freedoms (MADA), the 2011 political reconciliation deal promised to end Hamas's ban on the import of three West Bank newspapers – *Al-Ayyam*, *Al-Quds*, and *Al-Hayat al-Jadida* – that are generally associated with Fatah, but the ban had not yet been lifted in 2013. Blogging and other online media activity have reportedly increased in recent years.

During Operation Pillar of Defense in November 2012, the Israeli air force reportedly attacked media offices in Gaza, injuring several journalists, and killed two news photographers in a car marked as a press vehicle. MADA noted that Palestinian broadcasting frequencies were seized by the IDF to urge Palestinian residents not to cooperate with Hamas during the fighting. The Israeli operation accounted for most of the press freedom violations documented in 2012, but the onus shifted to Hamas authorities in Gaza in 2013. According to MADA, Palestinian actors were responsible for all 50 of the violations in the territory during the year, compared with 37 out of 100 in 2012. The incidents included arrests, detentions, and threats, often targeting journalists who expressed opinions about political affairs in Egypt, where President Mohamed Morsi, seen as a Hamas ally, was deposed in a July 2013 coup.

Freedom of religion is restricted in Gaza. The PA Basic Law declares Islam to be the official religion of Palestine and states "respect and sanctity of all other heavenly religions (Judaism and Christianity) shall be maintained." Hamas authorities have enforced orthodox Sunni Islamic practices and conservative dress, and have regularly harassed worshippers at mosques not affiliated with Hamas. Christians, who make up less than 1 percent of the population, have also suffered routine harassment, though violent attacks have reportedly declined in recent years. There is one Christian member of the PLC based in Gaza.

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

E. Associational and Organizational Rights: 3 / 12

Since 2008, Hamas has significantly restricted freedoms of assembly and association, with security forces violently dispersing unapproved public gatherings of Fatah and other groups. A rare, 500-person demonstration took place in September 2012 in the Bureij refugee camp, with protesters calling for the overthrow of Hamas following the death of a three-year-old boy in a fire during a power failure. The demonstration was quickly dispersed by Hamas forces.

There is a broad range of Palestinian nongovernmental organizations (NGOs) and civic groups, and Hamas itself operates a large social-services network. However, following a 2009 conflict between Hamas and Israel (dubbed "Operation Cast Lead" by Israel), Hamas restricted the activities of aid organizations that would not submit to its regulations, and many civic associations have been shut down for political reasons since the 2007 PA split. In July 2011, Hamas began enforcing its 2010 demand to audit the accounts of some 80 international NGOs in Gaza.

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

F. Rule of Law: 0 / 16

Laws governing Palestinians in the Gaza Strip derive from Ottoman, British Mandate, Jordanian, Egyptian, PA, and Islamic (Sharia) law, as well as Israeli military orders. The judicial system is not independent, and Palestinian judges lack proper training and experience. In 2007, Abbas ordered judges to boycott judicial bodies in Gaza, and Hamas began appointing new prosecutors and judges in 2008. Hamas security forces and militants continued to carry out arbitrary arrests

and detentions during 2013, and torture of detainees and criminal suspects continued to be reported. The Palestinian human rights ombudsman agency, the Independent Commission for Human Rights, is banned from Hamas detention centers and Gaza's central prison.

According to B'Tselem, a total of 9 Palestinians in Gaza were killed by the IDF during 2013, down from 246 in 2012, the year of Operation Pillar of Defense. B'Tselem notes Israel's continued use of "targeted killings" of alleged terrorist leaders, whereby, between Israel's withdrawal from the territory in 2005 and May 2013, 155 Palestinians (including 68 bystanders, 34 of whom were minors) were killed by the IDF.

Hamas executed 3 Palestinians in Gaza during 2013. In 2012, in addition to 6 executed by hanging, several people who had been convicted of collaboration with Israel were taken from prisons and shot in the street during Operation Pillar of Defense. HRW has reported that some of those sentenced to death in Gaza were convicted based on evidence gathered during torture, or were minors at the time of the alleged offense.

Rocket fire from the Gaza Strip into Israel continued sporadically throughout 2013, but declined markedly from more than 2,000 rockets launched in 2012 to fewer than 50 in 2013.

G. Personal Autonomy and Individual Rights: 3 / 16

Freedom of movement is severely restricted. Although Egypt had opened the Rafah border crossing to women, children, and men over 40 in mid-2011, soon after the July 2013 overthrow of President Morsi, the Egyptian authorities closed the Rafah crossing (in August), and it remained closed by year's end. Between 40,000 and 50,000 Gaza Palestinians lack identity cards, severely limiting their ability to travel in and out of Gaza. Human rights groups such as B'Tselem have urged Israel, as the state controlling the Palestinian Population Registry, to rectify the problem. The regular clashes between Israeli forces and Gaza-based militants greatly restrict freedom of movement within the Gaza Strip, as does the presence of unexploded ordnance.

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

Under Hamas, personal status law is derived almost entirely from Sharia, which puts women at a stark disadvantage in matters of marriage, divorce, inheritance, and domestic abuse. Rape, domestic violence, and so-called "honor killings" are common, and these crimes often go unpunished. The government has barred women from wearing trousers in public and declared that all women must wear hijab in public buildings, though these and other such controls on women's behavior have been enforced less frequently in recent years. However, in March 2013 Hamas banned women from participating in an annual marathon organized by UN Relief and Works Agency, leading the agency to cancel the race. In April, Hamas introduced a law requiring children aged nine and up to be educated in sex-segregated classrooms.

The blockade of Gaza's land borders and coastline has greatly reduced economic opportunity in the territory, though these conditions improved slightly in 2011 and 2012, before worsening again in 2013. A dense network of tunnels beneath Gaza's border with Egypt facilitates much economic activity but is also used to transport weapons. The tunnels are routinely bombed by Israel, and after the July 2013 coup in Egypt, Egyptian authorities made a serious attempt to shut down the tunnels. Israel had begun easing the entry of construction materials and other previously restricted commercial goods in 2012, but the ban on building supplies was reimposed in October 2013, after Israeli security forces discovered a tunnel leading from Gaza into Israel. Also during 2013, the IDF restricted the coastal waters open to Gazan fishermen from 6 to 3 nautical miles from shore in

March, then expanded the limit back to 6 nautical miles in May. According to the Palestinian Centre for Human Rights, there were multiple incidents during the year in which Israeli forces fired on Palestinian fishing boats operating within the 6-mile limit.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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