

# ISRAEL

## EXECUTIVE SUMMARY

Israel is a multiparty parliamentary democracy. Although it has no constitution, Israel's parliament, the unicameral 120-member Knesset, has enacted a series of "Basic Laws" that enumerate fundamental rights. Certain fundamental laws, orders, and regulations legally depend on the existence of a "State of Emergency," which has been in effect since 1948. The Knesset has the power to dissolve the government and mandate elections. The 2009 nationwide Knesset elections, considered free and fair, resulted in a coalition government led by Prime Minister Benjamin Netanyahu. Israeli security forces reported to civilian authorities. (An annex to this report covers human rights in the occupied territories. This report deals with human rights in Israel and the Israeli-occupied Golan Heights.)

The most significant human rights issues during the year were terrorist attacks against civilians; institutional and societal discrimination against Arab citizens--in particular issues of access to housing and employment opportunities; and societal discrimination and domestic violence against women.

The government generally protected religious freedom, although there was institutional and societal discrimination against non-Orthodox Jews and some minority religious groups. The government ceased the practice of immediately returning African asylum seekers who reached the country through Egypt but continued to deny many asylum seekers individual refugee status determinations, which impacted their ability to work or receive basic social services, including health care. Societal discrimination and lack of accessibility persisted for persons with disabilities. Serious labor rights abuses against foreign workers were common, and there were reported cases of trafficking for labor purposes.

The government took steps to prosecute and punish officials who committed abuses in the country regardless of rank or seniority.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were no reports that the government or its agents committed arbitrary or unlawful killings during the year.

Terrorist groups routinely fired rockets and mortars into Israel during the year. There were 924 terrorist attacks against citizens, both from the West Bank and the Gaza Strip, which included the firing of 388 rockets and 247 mortar shells from the Gaza Strip into Israel (compared with a total of 235 in 2010). In total 25 persons were killed and 119 were injured in these attacks. For example, on April 7, an antitank missile fired from the Gaza Strip hit a school bus in southern Israel, killing one student. On August 18, a Sinai-based group of gunmen crossed the Egyptian border into the country and killed eight citizens near the city of Eilat.

The IDF continued to investigate allegations relating to the 2008-09 Operation Cast Lead military incursion into the Gaza Strip. Since 2009 the military advocate general launched 52 military police criminal investigations into IDF conduct during the incursion. The military advocate general filed three indictments in previous years, two of which resulted in convictions. One case continued at year's end. The military advocate general also internally disciplined at least six officers in connection with actions during Operation Cast Lead.

### **b. Disappearance**

There were no reports of disappearances or politically motivated abductions.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law does not refer to a specific crime of torture but prohibits acts such as assault and pressure by a public official. A 1999 High Court of Justice ruling held that, although torture and the application of physical or psychological pain are illegal, Israel Security Agency (ISA) interrogators may be exempt from criminal prosecution if they use such methods in extraordinary cases determined to involve an imminent threat or "ticking bomb" scenario. Human rights organizations alleged that these methods in practice included beatings, forcing an individual to hold a stress position for long periods, and painful pressure from shackles or restraints applied to the forearms. NGOs continued to criticize these and other detention practices they termed abusive, including isolation, sleep deprivation, and psychological abuse, such as threats to interrogate family members or demolish family homes.

### **Prison and Detention Center Conditions**

The law provides prisoners and detainees the right to conditions that do not harm their health or dignity. Conditions in Israel Prison Service (IPS) facilities generally met international standards according to international and domestic NGOs. All prisoners had access to potable water. (Conditions in four facilities for detainees are covered in the annex.)

According to a December 2010 *Haaretz* article, there were on average 13 deaths per year from suicide, murder, or neglect in prisons over the past decade. The IPS increased staff training and monitoring of cells to combat this phenomenon. Two cases of deaths from suicide were recorded during the year. At year's end the police and prison service were conducting separate investigations into the causes of the deaths.

As of December 14, there were 17,755 prisoners in IPS facilities. According to IPS figures reported by the nongovernmental organization (NGO) B'Tselem, at year's end there were 307 administrative detainees in IPS detention centers. Seventeen had been detained for between two and four and a half years. One had been detained for more than five years (see section 1.d., Arrest Procedures and Treatment While in Detention). None of them were minors. Prison conditions were equal for male and female prisoners.

Prisoners and detainees had reasonable access to visitors, including through a program of the International Committee of the Red Cross (ICRC) that brought relatives from the West Bank into the country for prison visits. The government stopped a similar program for visitors from the Gaza Strip following the 2007 Hamas takeover of the Gaza Strip, maintaining that such visits did not constitute a humanitarian need. Travel restrictions into the country affected some Palestinian prisoners' access to visitors and lawyers. Prisoners were permitted religious observance.

The law allows prisoners to submit a petition to judicial authorities in response to substandard prison conditions, and the authorities investigated credible allegations of inhumane conditions and documented results of such investigations publicly. In addition, the state comptroller investigates public complaints against government institutions, including the prison service. The law allows for alternatives to sentencing for nonviolent offenders, including community service.

The ICRC regularly monitored IPS facilities, interrogation facilities, and the two IDF provisional detention centers in accordance with standard modalities but did not monitor security detainees in military detention centers. The government also

permitted the Israel Bar Association and Public Defenders' Office to inspect IPS facilities, and they did so during the year.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions for all citizens. Non-Israeli residents of the Israeli-annexed Golan Heights were subject to the same laws as Israeli citizens. Noncitizens of Palestinian origin detained on security grounds fell under military jurisdiction even if detained in Israel (see annex).

#### **Role of the Police and Security Apparatus**

Under the authority of the prime minister, the ISA combats terrorism and espionage in the country and the occupied territories (see annex). The National Police, including the Border Police and the Immigration Police, are under the authority of the Ministry of Internal Security. Civilian authorities maintained effective control over the ISA and police forces, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year. The military is responsible for external security and has no jurisdiction over citizens.

#### **Arrest Procedures and Treatment While in Detention**

Criminal suspects are apprehended with warrants based on sufficient evidence and issued by an authorized official. Authorities generally informed such persons promptly of charges against them. The law allows authorities to detain suspects without charge for 24 hours before bringing them before a judge, with limited exceptions allowing for up to 48 hours. Authorities respected these rights in practice. Authorities allowed detainees to consult with an attorney in a timely manner, including one provided by the state for the indigent, and to contact family members promptly. A functioning bail system exists, and a decision denying bail can be appealed.

As a general practice, noncitizens of Palestinian origin detained for security violations were either granted or denied bail according to the circumstances of each case, severity of the offenses, status as a minor if relevant, risk of escape, and other factors. Persons detained on security grounds fall under one of three legal regimes.

First, under a temporary law on criminal procedures that has been repeatedly renewed, the IPS may hold individuals suspected of a security offense for 48 hours before being brought to a judge, with limited exceptions allowing up to 96 hours before being brought to the senior judge of a district court. The law allows the court to authorize holding a detainee for up to 20 days without an indictment in exceptional cases for interrogation.

Second, the 1979 Emergency Powers Law allows the Defense Ministry to detain persons administratively without charge for up to six months, renewable indefinitely. Administrative detention was used as an exception when intelligence sources could not be presented as evidence in regular criminal proceedings. An administrative detainee has the right to appeal any decision to lengthen detention to a military court of appeals and ultimately to the Supreme Court. According to the government, many cases were appealed to the Supreme Court. The military courts may rely on classified evidence denied to detainees and their lawyers when determining whether to prolong administrative detention.

Third, the 2002 Illegal Combatant Law permits holding a detainee for 14 days before review by a district court judge, denying access to counsel for up to 21 days with the attorney general's approval, and allowing indefinite detention subject to twice-yearly district court reviews and appeals to the Supreme Court. As of November authorities held only one Palestinian resident of the Gaza Strip in detention under the Illegal Combatant Law.

The law provides that foreign nationals suspected of immigration violations be afforded a hearing within four days of detention. They have the right to, but no assurance of, legal representation. According to the NGO Hotline for Migrant Workers (Hotline), interpreters in Ketziot, where most asylum seekers were detained, were rarely present during hearings.

The president pardoned and the government released from prison 1,021 Palestinians, five Israeli Arabs, and one Syrian prisoner through transfers on October 18 and December 18. They were released in exchange for Hamas' release of IDF soldier Gilad Shalit, whom terrorists kidnapped during a 2006 cross-border attack from the Gaza Strip.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, and the government respected this provision in practice.

## **Trial Procedures**

Defendants enjoy the right to presumption of innocence and the right to consult with an attorney, or if indigent, to have one provided at public expense. Trials are public except when the court determines that a closed trial is required to protect state security, foreign relations, a party or witness's right to privacy, or a sexual offense victim. There are no trials by jury. Defendants have the right to confront witnesses against them and present witnesses and evidence on their behalf, access evidence held against them (except when the court determines such access would compromise national security), and appeal to the Supreme Court. Although the government may withhold evidence from defense lawyers on security grounds, the evidence must be made available to the court. The annex covers military court trials of Palestinians and others in the occupied territories.

At the discretion of the court, security or military trials may be open to independent observers but not to the general public.

Military courts provide some, but not all, of the procedural rights granted in civil criminal courts. The 1970 evidentiary rules governing trials of Palestinians and others applicable in the occupied territories under military law are the same as evidentiary rules in criminal cases. According to the Ministry of Justice, the law does not permit convictions to be based solely on confessions. In military trials prosecutors often present secret evidence that is not available to the defendant or counsel. Counsel may assist the accused in such trials, and a judge may assign counsel to defendants. Indigent detainees do not automatically receive free legal counsel for military trials, but in practice almost all detainees had counsel even in minor cases. The defendant and public are read the indictment orally in Hebrew and, unless the defendant waives this right, in Arabic. In past years many written indictments were translated into Arabic, but, since according to the government no requests for translations were made, the practice during the year was to provide written translations of indictments into Arabic only upon request. At least one interpreter is present for simultaneous interpretation in every military court hearing, unless the defendant waives that right. Defendants can appeal through the Military Court of Appeals and petition the High Court of Justice.

## **Political Prisoners and Detainees**

There were no reports of citizen political prisoners or detainees. NGOs alleged there were noncitizen political detainees, but the government maintained that it only held prisoners on criminal and security grounds (see annex).

### **Civil Judicial Procedures and Remedies**

An independent and impartial judiciary adjudicates lawsuits seeking damages for, or cessation of, human rights violations. Administrative remedies exist, and court orders were usually enforced. By year's end the attorney general had yet to enforce the 11 contempt of court ordinances and Supreme Court rulings that the former deputy attorney general had noted in February 2010 were unimplemented.

#### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such actions, and the government generally respected those prohibitions in practice. Separate religious court systems adjudicate matters such as marriage and divorce for the Jewish, Muslim, Christian, and Druze communities. Civil marriages, marriages of some non-Orthodox Jews, marriages in non-Orthodox ceremonies, marriage of a Jew to a non-Jew, or marriage of a Muslim woman to a non-Muslim must take place outside the country to be considered legal. Many Jewish citizens objected to exclusive Orthodox control over aspects of their personal lives. Approximately 322,000 citizens, who immigrated either as Jews or as family members of Jews, are not considered Jewish by the Orthodox Rabbinate and cannot be married, divorced, or buried in Jewish cemeteries within the country. A law requiring the government to establish civil cemeteries has not been fully implemented, although eight civil cemeteries exist.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Speech and Press**

##### **Status of Freedom of Speech and Press**

The law provides for freedom of speech including for members of the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and press.

Freedom of Speech: Individuals may criticize the government publicly and privately without reprisal. The law prohibits hate speech and incitement to violence, and the 1948 Prevention of Terrorism Ordinance prohibits expressing support for illegal or terrorist organizations. On July 11, the Knesset passed legislation that permits civil cases for damages against citizens who publicly and knowingly advocate for anti-Israel boycotts. Israeli NGOs challenged the constitutionality of this law in a petition to the High Court, and the law was not being implemented pending the court's ruling.

Freedom of Press: The independent media were active and expressed a wide variety of views without restriction, although the prohibitions on airing content liable to incite to discrimination on ground of race, origin, religion, nationality, and gender also applied to media.

Censorship or Content Restrictions: All media organizations must submit to military censors any material relating to specific military issues or strategic infrastructure issues, such as oil and water supplies. The censor's decisions may be appealed to the High Court of Justice, and the censor cannot appeal a court judgment. The Interior Ministry has no authority over the military censor.

News printed or broadcast abroad is subject to security censorship. The government did not fine newspapers or other mass media for violating censorship regulations during the year.

### **Internet Freedom**

There were no government restrictions on access to the Internet. The government monitored e-mail and Internet chat rooms for security purposes.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedom of Peaceful Assembly and Association**

The law provides for freedoms of assembly and association, and the government respected these rights in practice.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

#### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government respected these rights in practice for citizens (see annex). The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to some refugees, asylum seekers, and other persons of concern. At year's end 175 asylum seekers with disputed nationalities remained in detention pending formal decisions on whether to grant conditional release visas or to deport them, according to the UNHCR.

Foreign Travel: Citizens generally were free to travel abroad provided they had no outstanding military obligations and no administrative restrictions. The government may bar citizens from leaving the country based on security considerations. No citizen is permitted to travel to any state officially at war with the country without government permission. All citizens required a special permit to enter "Area A" (the area, according to the Interim Agreement, in which the Palestinian Authority exercises civil and security responsibility), although the government allowed Arab citizens access without permits. On March 7, the High Court responded to a 2007 petition by the Association for Civil Rights in Israel and Adalah regarding alleged ethnic profiling by asking the government to explain why security officials discriminated against Israeli Arabs during airport screenings. On May 26, the government rejected the claim of discrimination and stated that the security examination procedures were effective in achieving the goal of foiling terrorism.

#### **Protection of Refugees**

Access to Asylum: The country's laws provide for the granting of temporary asylum, and the government has established a system for providing temporary protection for most asylum seekers; however, there were complaints about the system's accessibility and reports of discrimination. The UNHCR and NGOs criticized new asylum regulations released on January 2 that require applicants to submit claims within one year of arriving in the country, allow the Ministry of Interior to reject applications without appeal even at the registration stage, and

exclude “enemy nationals” from receiving asylum. The regulations fail to establish an independent appeal process.

Sudanese and Eritrean asylum seekers, who constituted approximately 85 percent of all asylum seekers in the country, were not allowed access to asylum procedures but were given renewable “conditional release” documents that deferred deportation and had to be renewed every few months. According to the UNHCR, during the year there were 4,603 new asylum applications; the government rejected 3,692 and approved one. There were 6,412 previous cases that remained pending at year’s end.

Persons held in immigration detention rarely were released prior to judicial determination of their status. Moreover, if the detainee’s country of origin had no diplomatic or consular representation, the individual could remain in detention for months.

Government officials often negatively referred to asylum seekers as “infiltrators.” According to NGOs, officials periodically characterized asylum seekers as directly associated with rises in crime, disease, and terrorism. On December 8, in an interview with Army Radio, Minister of Interior Eli Yishai said, “I will safeguard the Jewish majority of the state, and I ensure that the last of the Sudanese, and the Eritreans, and all of the infiltrators, to the last of them, will return to their countries.”

Nonrefoulement: The government provided some protection against the expulsion or return of refugees to countries where their lives or freedom could be threatened. In March the government declared the suspension of the “hot returns” procedure of immediately returning African asylum seekers across the border to Egypt. According to an IDF affidavit to the Supreme Court, there were 119 cases of “hot returns” through the first week of March. On July 7, the Supreme Court rejected a petition filed by several NGOs against the “hot return” procedure. It stated that the government’s decision to suspend the practice rendered the petition moot but emphasized that the ruling was not a decision on the legality of the practice, nor did it preclude future petitions should the government resume the practice. In August the Refugee Rights Clinic and Hotline for Migrant Workers filed a complaint to the IDF legal advisor regarding several credible reports of instances of return of asylum seekers to Egypt in violation of the government’s declaration. The IDF opened an investigation of the allegations, which was pending at year’s end. No credible reports of “hot returns” were received after August.

Employment: Recognized refugees were given renewable work visas, but renewable documents given to most asylum seekers explicitly stated, “This is not a work visa.” In practice, however, the government informally allowed asylum seekers to work. On December 4, Prime Minister Netanyahu announced that the government would begin to enforce the prohibition on asylum seekers working. On December 11, the cabinet passed a series of measures that included a request that authorities pursue cases against employers of asylum seekers.

Access to Basic Services: Recognized refugees received social services, including access to the national healthcare system, but the government did not provide asylum seekers with public social benefits such as health insurance. NGOs were critical of the process of victim identification and the lack of medical treatment upon arrival for asylum seekers who had been abused, raped, and tortured in Egypt. The UNHCR and NGOs advocated for greater access to health and social services for asylum seekers, particularly victims of abuse. In July the Refugee Rights Clinic and Hotline for Migrant Workers filed a petition in the Be’er Sheva District Court regarding the segregation of children of asylum seekers in the city of Eilat, who were not accepted into the school system but forced to study in a makeshift school outside of Eilat’s municipal boundary. The case was pending at year’s end.

Temporary Protection: The government provided temporary protection primarily to Eritrean and Sudanese asylum seekers, and at times to asylum seekers from the Democratic Republic of Congo, Ivory Coast, and Somalia.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

#### **Elections and Political Participation**

Recent Elections: Parliamentary elections held in 2009 were considered free and fair.

Political Parties: The Basic Law prohibits the candidacy of any party or individual that denies the existence of the State of Israel as the state of the Jewish people or

the democratic character of the state, or that incites racism. Otherwise, political parties operated without restriction or interference.

Participation of Women and Minorities: Women and minorities were participants in political life on the same legal basis as men or nonminority citizens. Although the senior leaders have traditionally come from the predominantly male IDF, women generally do not face cultural barriers in politics, including in leadership positions up to prime minister. Women face significant cultural barriers in political parties representing conservative religious movements and the Arab minority. At year's end the 120-member Knesset had 24 female and 14 Arab members. The 30-member cabinet included three women but no Arabs; two women and one Arab were deputy ministers. Five members of the 15-member Supreme Court, including its president, were women. One Arab was a justice of the Supreme Court.

#### **Section 4. Official Corruption and Government Transparency**

The law provides criminal penalties for official corruption, and the government implemented these laws effectively. There were reports of government corruption during the year, although impunity was not a problem. The media routinely reported on corruption. The National Police, the state comptroller, the attorney general, and the accountant general are responsible for combating official corruption. Senior officials are subject to comprehensive financial disclosure laws.

During the year the government investigated and prosecuted several senior political figures for alleged misconduct. NGOs focused on anticorruption efforts operated freely without government interference. On September 5, an unknown assailant stabbed in the face and leg a Bedouin lawyer for the Movement for Quality Government in Israel as an apparent reprisal for his investigating local corruption in Israeli Arab municipalities in the Negev.

On August 4, police interrogated a Supreme Court justice as a suspect in a criminal case. Justice Yoram Danziger took a leave of absence from the court before questioning that centered on his former activities and fees as a private lawyer in connection with Bat Yam mayor Shlomo Lahiani, whom police were investigating for bribery, fraud, and breach of trust.

The law requires governmental agencies to make their internal regulations, administrative procedures, and directives available to the public.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

Numerous domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Human rights NGOs have standing to petition the High Court directly regarding governmental policies and can appeal individual cases to the Supreme Court. Government officials were cooperative to widely varying degrees, and some routinely invited domestic NGOs, including those critical of the government, to participate in Knesset hearings on proposed legislation. A unit in the foreign ministry maintained relations with certain international and domestic NGOs.

During the year the Ministry of Interior barred entry into the country to foreign nationals affiliated with certain pro-Palestinian human rights NGOs and solidarity organizations. The government stated this was done on an individual basis, not according to the activities or platform of the NGOs with which these persons were affiliated.

UN and Other International Bodies: The government cooperated with UN and other international bodies. In December the government hosted the Human Rights Council's Special Rapporteur on Freedom of Expression.

Government Human Rights Bodies: The state comptroller also served as ombudsman for human rights issues. The ombudsman investigates complaints against statutory bodies that are subject to audit by the state comptroller, including government ministries, local authorities, state enterprises and institutions, government corporations, and their employees. The ombudsman is entitled to use any relevant means of inquiry and has the capacity to order any person or body to assist in the inquiry.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The law prohibits discrimination on the basis of race, gender, disability, language, or social status, and the government was generally effective in enforcing these prohibitions.

### **Women**

Rape and Domestic Violence: Rape, including spousal rape, is a felony, punishable by 16 years in prison. The law doubles the penalty if the perpetrator

assaults or rapes a relative. The government reported 727 cases opened due to rape complaints through October. The government effectively enforced rape laws during the year. As of September women filed 11,886 domestic violence complaints with police, of which at year's end 556 were still being investigated, 2,758 were transferred to the State Attorney's Office, 1,291 were heard by courts, and 7,281 were closed. According to the Association of Rape Crisis Centers in Israel, the majority of rape victims do not report the crime to the authorities due to social and cultural pressure. Women from certain Orthodox Jewish, Muslim, and Druze communities face significant social pressure against reporting rape or domestic abuse.

On November 10, the Supreme Court rejected former president Moshe Katsav's appeal of his 2010 rape conviction, and he began serving his seven-year prison sentence on December 7. In January, the month following his conviction, a record number of women sought services at rape crisis centers, according to the Association of Rape Crisis Centers in Israel. The association reported that 42 percent of calls dealt with rape or attempted rape, 23 percent with incest, 10 percent reported indecent acts, and 8 percent reported sexual harassment at work.

The Ministry of Social Affairs operated a battered women's shelter and an abuse reporting hotline. The police operated a call center to inform victims about their cases. Women's organizations provided counseling, crisis intervention, legal assistance, and shelters.

Harmful Traditional Practices: Several "honor" killings occurred within the Arab community. Police continued investigating Ramadan and Khaled Musrati, arrested in October 2010 on suspicion of involvement in four murders in Lod, where the victims were killed for allegedly being in relationships that members of their families viewed as inappropriate.

Sexual Harassment: Sexual harassment is illegal but remained widespread. According to a survey directed by the Tel Aviv Municipality Committee for Advancing the Status of Women, 83 percent of Tel Aviv women reported being sexually harassed at least once in their lifetime. The law requires that suspected victims be informed of their right to assistance. Penalties for sexual harassment depend on the severity of the act and whether blackmail is involved, and range from two to nine years' imprisonment. Police investigated 327 cases of sexual harassment during the year and by year's end transferred 66 cases for prosecution while continuing to investigate 108 cases. Three cases were heard by the courts, and the rest were closed for lack of evidence. Police notify all victims of their

right to be assisted by the Association of Rape Crisis Centers in Israel, and the law ensures victims can be informed of the progress on their cases through a computerized system and information call center.

“Modesty patrols” continued to harass women in some “haredi” (also known as ultra-Orthodox) neighborhoods, according to NGOs and local media. There were reports of segregation of women and men in public spaces, including at public health clinics in haredi neighborhoods. On January 7, the Supreme Court ruled that gender segregation on public buses could not be imposed or ordered but could occur only on a voluntary basis. Despite the ruling there were continued reports of forced segregation on public buses. On December 16, both a bus driver and police officer requested that Ashdod resident Tanya Rosenblit move to the back of a public bus from Ashdod to Jerusalem due to haredi protests, but she was allowed to refuse and stay at the front of the bus. There were also reports of increased segregation at the Western Wall compound, including maintaining the country’s only men-only walkway. In December harassment of an eight-year-old girl attending a Modern Orthodox school in Beit Shemesh by haredi men sparked large protests against haredi attempts to segregate genders in public spaces, with hundreds of haredim responding by rioting, lighting fires, and throwing stones when police took down haredi signs calling for separation of the sexes. According to the Ministry of Education, gender segregation was in effect at 65 percent of the state-funded religious elementary schools in the country, compared with 25 percent in 2001.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of children, and had the information and means to do so free from discrimination, although women in haredi communities often had to seek approval from a rabbi to use contraception.

Discrimination: In the secular criminal and civil courts, women and men enjoyed the same rights, but religious courts responsible for adjudication of family law limit the rights of Jewish and Muslim women. A Jewish woman is allowed to initiate divorce proceedings, but her husband must give his consent to make the divorce final. Because some men refuse to grant the divorce, thousands of “agunot” (chained women) may not remarry or give birth to legitimate children. Rabbinical tribunals may, and sometimes did, sanction a husband who refused divorce but still did not grant a divorce without his consent. A Muslim woman may petition for and receive a divorce through the Sharia courts without her husband’s consent under certain conditions, and a marriage contract may provide for other circumstances in which she may obtain a divorce without her husband’s

consent. A Muslim man may divorce his wife without her consent and without petitioning the court. Christians may seek official separations or divorces, depending on the denomination, through ecclesiastical courts.

Although the law prohibits discrimination based on gender in employment and wages and provides for class action suits, women across most ethnic and religious groups faced labor discrimination. According to international surveys, women earned on average 53 percent of the amount earned by men in comparable positions.

The government enacted a number of programs to improve the status of women in the workplace and society. The Authority for the Advancement of the Status of Women in the Prime Minister's Office works to mainstream women's participation in the government and private sector, along with combating sexual harassment and domestic violence. Every city, local council, and government ministry in the country is required to have an adviser working to advance women's issues. The authority works with these advisers to develop action plans, submits regular opinions on Knesset legislation, and conducts 40 "empowerment courses" annually for women in cities across the country, particularly in the periphery and among Arab citizens. It also regularly provides materials on sexual harassment and ensures that job advertisements use gender-neutral language.

## **Children**

Birth registration: Citizenship at birth is derived within or outside of the country to at least one citizen parent. Births are registered within 10 days of the delivery.

Education: Education is free, universal, and compulsory through age 17, which usually coincides with the 12th grade. Compulsory education was not enforced, however, in unrecognized Bedouin villages in the Negev, and many Bedouin families prevented Bedouin girls from travelling to school. Bedouin children continued to have the highest illiteracy rate in the country. The government operated separate school systems for Hebrew-speaking children and Arabic-speaking children. For Jewish children there were separate school systems for religious and secular families. Individuals could choose to attend a school regardless of ethnicity. Haredi political parties continued to oppose government regulation of their government-funded school systems.

Child Abuse: The National Council of the Child received numerous complaints during the year covering issues of health, welfare services, education, physical and

sexual abuse of children, child pornography, and poor educational environments. The government provided specialized training to psychologists, offered a free psychological treatment program to treat child victims of sexual offenses, and operated a 24-hour emergency hotline.

Sexual Exploitation of Children: The law prohibits sexual exploitation of a minor and sets a penalty of at least seven to 20 years' imprisonment for violators, depending on the circumstances. The minimum age of consensual sex is 16 years; consensual sexual relations with a minor between the ages of 14-16 is not necessarily considered rape but is punishable by five years' imprisonment. According to the government, an estimated 100-150 girls and dozens of boys were exploited for prostitution annually. The government supported a number of programs to combat sexual exploitation of children, including establishing an interministerial research team, preparation of educational materials, and numerous training sessions for government and police officials. According to the Ministry of Welfare, there were many cases of children with disabilities who were sexually assaulted that awaited investigation during the year.

International Child Abductions: The country is party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

### **Anti-Semitism**

There were numerous reports of anti-Semitic acts perpetrated by members of minority groups, including desecration of Jewish tombstones on the Mount of Olives. In October unknown persons desecrated a number of synagogues in the city of Safed with inscriptions on the walls including one that read "death to the Jews." The Safed police launched an investigation into the incident. The government operated a special department in the State Attorney's Office for prosecution of incitement-related crimes.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

The law provides a framework to prohibit discrimination against persons with disabilities in access to employment, education, health care, and selected other state services. The legislation mandates access to buildings, transportation, and physical accommodations and services in the workplace. According to NGOs the government made limited progress in enforcing these laws.

Societal discrimination and lack of accessibility persisted in employment, transportation, housing, and education. The unemployment rate for hard-of-hearing persons was 14 percent, compared to 7 percent of the broader population, although NGOs said the figure was underreported. The average monthly income of people with disabilities was 64 percent lower than monthly income for other workers, according to NGOs. Most train stations maintained access for persons with disabilities, but interurban buses did not. As of September 2010 approximately 70 percent of buses did not have such access. In housing, few community-based independent living options were available for persons with mental or intellectual disabilities. The government and NGOs cooperated and built infrastructure and materials for students with disabilities during the year. NGOs noted that hard-of-hearing students sometimes were channeled into inappropriate tracks such as schools for mentally disabled persons. Such problems were generally more acute in the Israeli Arab population.

The Commission for Equal Rights of People with Disabilities within the Ministry of Justice is responsible for protecting the rights of persons with disabilities but relies on government ministries to enact regulations. The commission took legal action in the areas of accessibility and employment and issued regulations to provide access to services and public sites. According to three NGOs (Bekol, Bizchut, and Al Manarah), however, implementation of these regulations was slow overall, especially for Israeli Arab communities. The Division for Integrating Persons with Disabilities in the Labor Market within the Ministry of Industry examines and promotes employment for persons with disabilities. The Ministry of Social Affairs and Social Services provides out-of-home placement and sheltered employment for persons with cognitive, physical, and communication disabilities. It also handles criminal investigations involving persons with certain disabilities, either victims or offenders, when police request assistance. The National Insurance Agency provides financial benefits and stipends, the Ministry of Health provides mental health and rehabilitation services, and the Ministry of Education provides special education services. A report during the year by the Commission for Equal Rights of Persons with Disabilities found that the socioeconomic status of people with disabilities was worse than that of the general population.

### **National/Racial/Ethnic Minorities**

Arab citizens of the country faced institutional and societal discrimination. Tensions between Arabs and Jews were sometimes high in areas where the two communities overlap, such as Jerusalem, the Galilee, and Negev, and in some cities with historically separate Jewish and Arab neighborhoods.

On March 23, the Knesset codified into law the longtime practice of community admissions committees determining someone's suitability for moving into small communities of fewer than 400 families in the Negev and Galilee. The law prohibits any discrimination based on "race, religion, gender, nationality, disability, age, parentage, sexual orientation, country of origin, or political affiliation," but NGOs petitioned the High Court to overturn it, alleging that in practice the admissions committees restricted Arabs from living in small Jewish communities and could use criteria such as military service to exclude Arab citizens from admission into communities.

According to NGOs, new "kosher certificates" indicating that no Arabs were employed by a business were found in several businesses during the reporting period. Numerous "death to Arabs" slogans were spray-painted along highways during the reporting period, including across a pedestrian bridge in Herzeliya.

In June the mayor of Nazaret-Illit, Shimon Gafso, said that his city would never be a "mixed city," despite its high percentage of Arab residents, and that he would never house a mosque or permit Christian residents to light Christmas trees in public places. Referring to clashes between Arab citizens and police in October 2000, Gafso added, "If I had participated in the events, then there would have been more Arabs killed."

Immediately following an October 3 arson attack on a mosque in Tuba-Zangariyye, the government strongly condemned the incident, and President Peres, the chief rabbis, and many religious leaders visited the mosque the next day.

On November 23, Attorney General Yehuda Weinstein ordered an investigation into Safed Rabbi Shmuel Eliyahu's statements concerning the Arab minority. Eliyahu, who is a government employee, reportedly called on citizens not to rent apartments to Arabs in Safed and to expel the city's Arab residents.

The law exempts Arab citizens, except for Druze, from mandatory military service, but some serve voluntarily. Citizens who do not perform military service enjoy fewer societal and economic benefits and are sometimes discriminated against in hiring practices. Citizens generally were ineligible to work in companies with defense contracts or in security-related fields if they had not served in the military. The government managed a National Civil Service program for citizens not drafted for military service, giving Arabs, haredi Jews, Orthodox Jewish women, and others the opportunity to provide public service in their own communities and thus be eligible for the same financial benefits accorded military veterans.

The government began implementing a new economic development fund for Arab and other minority populations. The 800 million NIS (approximately \$210 million) “Arab plan” focused on 12 Arab-majority towns and villages, investing in housing, transport, community-based law enforcement, and job training (particularly for Arab women). A majority of the funding for housing and transport projects was made available through a combination of private sector investments, public tenders, and government matching funds.

Resources devoted to Arabic education were inferior to those devoted to Hebrew education in the public education system and some Arabs in ethnically mixed cities chose to study in Hebrew instead. The separate school systems produce a large variance in education quality, with just 31 percent of Arabs qualifying for university acceptance on the matriculation exam, compared to 76 percent of Jews, according to Central Bureau of Statistics findings in 2009.

Approximately 93 percent of land was in the public domain, including approximately 12.5 percent owned by the NGO Jewish National Fund (JNF), whose statutes prohibit sale or lease of land to non-Jews. According to a 2005 attorney general ruling, the government cannot discriminate against Arab citizens in marketing and allocating lands it manages, including those of the JNF. As an interim measure, the government agreed to compensate the JNF for any land it leased to an Arab by transferring an equal amount of land from the Israel Lands Administration to the JNF. Legal petitions against the JNF policy of leasing public land only to Jews continued at year’s end. The NGO Israel Land Fund continued its program to purchase Arab land throughout the country and market it to Jewish buyers, including in the diaspora; the organization claimed that all the land belonged to Jewish people and described as a “danger” the purchase of Jewish-owned lands by non-Jews. Various Arab NGOs similarly bought land and built exclusively for Arabs.

New construction is illegal in towns that do not have an authorized outline plan for development, which is the legal responsibility of local authorities. At year's end according to the government, 47 of the country's 128 Arab communities had fully approved planning schemes, 29 had outline plans in the final stages of the localities' approval process, seven were still developing their outline plans, and 45 were promoting detailed plans for their updated outline plans. Localities are also responsible for initiating and submitting urban outline plans to the district committees, which are responsible for approving any expansion of the municipalities.

While Arab communities in the country generally faced economic difficulties, the Bedouin segment of the Arab population continued to be the most disadvantaged. More than half of the population of an estimated 160,000 Bedouin lived in seven state-planned communities and the Abu Basma Regional Council. Approximately 60,000 Bedouin lived in at least 46 unrecognized tent or shack villages that did not have water and electricity and lacked educational, health, and welfare services. Bedouins living in established towns enjoyed the same services provided to all citizens. The government-sponsored Committee for the Arab, Druze, and Circassian Populations' Affairs built six centers to provide water to areas that included unrecognized villages. Some direct water connections were also made to families residing in unrecognized villages. The government reported that there were numerous pirated connections to water pipelines absent authorization of the Israel National Water Corporation.

On June 6, the Supreme Court ruled on Adalah's 2006 appeal, stating that the Water Tribunal should provide basic access to water for persons living in unrecognized villages but was not obligated to provide additional water access to half of the petitioners who already possessed legal places of residence in recognized towns.

In the unrecognized "villages" constructed without official authorization on state land in the Negev claimed by various Bedouin tribes, all buildings were illegal and subject to demolition. In July the state commenced legal proceedings against 34 residents of the unrecognized "village" of Al-Arakib to recover 1.8 million NIS (\$471,500), the cost of demolishing their homes approximately two dozen times since 2010. Al-Arakib had been repeatedly rebuilt illegally on state land since 1998, despite multiple eviction orders and a 2007 Supreme Court decision.

The government maintained a program to encourage Bedouins to relocate from unrecognized villages to established towns by providing low-cost land and

compensation for demolition of illegal structures for those willing to move to designated permanent locations. Many Bedouin complained that moving to government-planned towns required giving up claims to land they had lived on for several generations, while the government claimed it was difficult to provide services to clusters of buildings throughout the Negev that ignored planning procedures.

The law bars family reunification in cases where one spouse is a non-Jewish citizen of Iran, Iraq, Syria, or Lebanon. Palestinian male spouses who are 35 or older and female spouses who are 25 or older may apply for temporary visit permits but may not receive residency based on their marriage and have no path to citizenship. The government originally enacted the law following 23 terrorist attacks involving suicide bombers from the occupied territories who had gained access to Israeli identification through family unification. During the year human rights NGOs and international organizations continued to criticize this ban, which primarily affected Palestinian spouses of Arab citizens. In 2009 in response to an NGO petition, the Supreme Court demanded an explanation within six months from the government for its refusal to grant social and health insurance to an estimated 5,000 Palestinian spouses of citizens who were granted “staying permits” to reside legally in Israel. In January 2010 the court recommended the government provide a temporary solution that would be in place until an official policy could be formulated. In July 2010 the government requested an additional five months to formulate a response regarding the provision of social benefits to nonresidents. The committee was deliberating recommendations at year’s end.

The government prohibits Druze citizens, like all citizens, from visiting Syria. The government allowed noncitizen Druze from the Golan Heights to visit holy sites in Syria through the ICRC-managed pilgrimage program, but it has prevented family visitations since 1982.

A estimated population of 130,000 Ethiopian Jews faced persistent societal discrimination, although officials and the majority of citizens quickly and publicly condemned discriminatory acts against them. In May 2010 approximately 200 parents and children protested racial segregation in Beer Sheva’s Otzar Haim kindergarten, where they claimed Ethiopian Jewish children were educated in a room separate from the rest of the children. An official from the Industry, Trade, and Labor Ministry then visited the site and forced the school to cease the segregation. There were reports of discrimination in admissions targeting Ethiopian Jews in the school system of Petah Tikva during the year.

## **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law prohibits discrimination based on sexual orientation, and the government generally enforced these laws, although discrimination based on sexual orientation or gender identity persisted in some parts of society. The Jerusalem Open House for Pride and Tolerance activities received public financing after a 2010 Supreme Court ruling mandated that the Jerusalem Municipality must allocate financial support after previous refusals. There were no reports of violence against the lesbian, gay, bisexual, and transgender community during the year.

### **Other Societal Violence or Discrimination**

There were some reports of societal violation or discrimination against persons with HIV/AIDS, including doctors denying medical consultation and care to HIV-positive individuals and a case of an HIV-positive individual excluded from his congregation after the head of the congregation discovered he was HIV-positive. According to NGOs, several hundred HIV-positive asylum seekers did not receive antiretroviral medication since they lacked access to the public health system. There were also reports of deaths of HIV-positive asylum seekers during the year, whose situations deteriorated due to lack of treatment.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law protects the right of workers to form and join independent unions, strike, earn minimum wage and overtime, and bargain collectively. These laws also applied to foreign workers, but they faced difficulty in practice.

The law specifically prohibits antiunion discrimination, and none was reported.

Rights to association and collective bargaining were generally respected for citizens; however, foreign workers often faced difficulties exercising these rights. Worker organizations were independent of the government and political interference.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits forced or compulsory labor and criminalizes labor exploitation; however, laws concerning minimum employment conditions and foreign workers were not effectively enforced.

The Ministry of Interior revoked the license of a manpower recruitment agency for not fulfilling contract obligations to monitor labor rights abuses.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j.tip](http://www.state.gov/j.tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

Laws provide for protection of children from exploitation in the workplace and prohibit forced or compulsory labor; the government generally enforced these laws.

Children at least 14 years old may be employed during official school holidays in light work that will not harm their health. Children at least 15 years old who have completed education through grade nine may be employed as apprentices. Working hours for those children between 16 and 18 years old are restricted in all sectors.

During the year the Labor Laws Enforcement Division in the Ministry of Industry, Trade, and Labor initiated 250 investigations, investigated more than 1,000 employers for allegedly violating the law, filed 55 indictments against employers, and imposed 822 administrative fines totaling approximately NIS 10.5 million (\$2.8 million). There were reports of Palestinian children working illegally in Jerusalem's central market.

The Labor Law Enforcement Division conducted national campaigns regarding employment terms of youth to promote the implementation of youth labor laws, especially during summer vacation.

### **d. Acceptable Conditions of Work**

The national minimum wage was 21 NIS (\$5.50) per hour; many foreign workers received less. The official poverty line was 2,413 NIS (\$632) for one person per month and 5,116 NIS (\$1,340) for a family of three. Persons with disabilities whose working capacity was reduced due to their disability earned between 19 and 50 percent of minimum wage. Youth below the age of 18 earned between 60 and

83 percent of the minimum wage. The law allows a maximum 43-hour workweek at regular pay and paid annual holidays. Premium pay for overtime was 125 percent for the first two hours and 150 percent for any additional hours, with a limit of 15 hours of overtime per week. Some workers, such as migrant workers in the homecare sector, were not covered by the law.

The Labor Inspection Service, along with union representatives, enforced labor, health, and safety standards in the workplace. Fifty-six labor inspectors operated throughout the country, but only six were dedicated to foreign worker violations. Resource constraints affected overall enforcement, and according to NGOs the country failed to fully enforce its labor laws. Existing penalties were not sufficient to deter violations.

In 2010 there were 49 fatal working accidents that resulted in 53 workers killed and 12,152 notices on working accidents that resulted in workers' injuries, according to the government. According to the National Insurance Institution, there were 67,633 claims for work-related injury payments in 2010. During the first half the year, 32 workers died as a result of work-related accidents, more than half in the construction sector. Female migrant workers in the homecare sector remained particularly vulnerable to abuse and forced labor. On May 16, the Knesset passed amendments to the Law of Entry that grant the Interior Ministry the discretion to bind foreign workers to narrowly defined subcategories within the homecare sector and geographic regions. NGOs asserted that the binding of migrant workers created vulnerability to human trafficking. NGOs also reported receiving increased complaints of labor violations in the homecare sector following the amendments to the Law of Entry.

In the homecare sector, the live-in arrangements and lack of labor law protections and inspections led to many cases of exploitative working conditions among women migrant workers. During the year the NGO Kav LaOved filed 830 complaints on behalf of foreign caregivers, including allegations of underpayment of wages, physical violence, sexual harassment, and unsuitable employment conditions.

Some foreign workers reported unlawful withholding of passports, restrictions on movement, the inability to change or otherwise choose one's employer, nonpayment of wages, threats, and physical intimidation. There were numerous documented cases, but few employer prosecutions, concerning foreign laborers' living in harsh conditions and subject to debt bondage. Foreign agricultural workers, construction workers, and nursing care workers--particularly women--

were at greatest risk for abuse, including trafficking, forced labor, nonpayment, and withholding of wages.

The first foreign worker strike, involving hundreds of Thai agricultural workers, occurred on July 11 in response to alleged underpayment of wages, excessive hours of work, and employer coercion at the Moshav Achituv (privately owned farm cooperative). Following the strike the Ministry of Industry, Trade, and Labor issued administrative orders to improve working conditions, while inspectors continued to investigate the extent of the violations.

In December the Ministry of Interior revoked the license of one manpower recruitment agency for not fulfilling contract obligations to monitor labor rights abuses.

On April 13, the Supreme Court overturned a government regulation requiring female foreign workers to leave the country within three months of giving birth. The court ruled that the previous “procedure for the handling of a pregnant migrant worker” was unconstitutional due to its violation of a migrant woman’s basic right to family and parenthood. NGOs charged that the Ministry of Interior failed to abide by the court ruling through year’s end.

The NGO Kav LaOved also filed hundreds of complaints with police regarding labor rights abuses and legal violations at moshavim (privately owned farms) and kibbutzim (private communities) throughout the country. Allegations included health and safety violations, such as prolonged exposure to pesticides, nonpayment for overtime, excessive working hours, and poor living conditions.

Brokers and employers collected hiring fees from migrant workers. The government limited such fees to NIS 3,135 (approximately \$820) per worker. However, Kav LaOved asserted that foreign workers paid brokerage fees of NIS 10,000-13,000 (approximately \$2,620-\$3,405) in the agriculture sector and from NIS 6,000-13,000 (approximately \$1,570-\$3,405) in the homecare sector. The Ministry of Foreign Affairs initiated a pilot program to recruit foreign agricultural workers directly from Thailand and other countries as a means of eliminating brokerage fees.

**THE OCCUPIED TERRITORIES  
(INCLUDING AREAS SUBJECT TO THE JURISDICTION OF THE  
PALESTINIAN AUTHORITY)**

**EXECUTIVE SUMMARY**

The Palestinian Authority (PA) had a democratically elected president and legislative council. The PA exercised varying degrees of authority over the Palestinian population in the West Bank and none over Arab residents of East Jerusalem due to the Israel Defense Forces' (IDF) continuing presence in the West Bank and Israel's extension of Israeli law and authority to East Jerusalem in 1967. The PA had little authority in the Gaza Strip and none over Israeli residents of the West Bank. In the 2006 Palestinian Legislative Council (PLC) elections, candidates backed by Hamas, a terrorist organization, won 74 of 132 seats in elections that generally met democratic standards. In 2007 President Mahmoud Abbas dismissed the national unity government after Hamas staged a violent takeover of PA government installations in the Gaza Strip and killed hundreds in the Fatah movement--the largest faction of the Palestine Liberation Organization (PLO)--and PA security forces. President Abbas appointed a cabinet of independents led by Prime Minister Salam Fayyad that continued to govern the West Bank during the year. Both PA and Israeli security forces reported to civilian authorities. Hamas maintained control of security forces in the Gaza Strip. Various terrorist organizations, including Hamas in a number of cases, launched rocket and mortar attacks against Israeli targets from inside the Gaza Strip.

The three most egregious human rights violations across the occupied territories were arbitrary arrest and associated torture and abuse, often with impunity and particularly against security or political prisoners, by multiple actors in the region; restrictions on civil liberties; and the inability of residents of the Gaza Strip under Hamas to choose or hold to account their own government.

Other human rights problems under the PA in the West Bank included at least one reported unlawful killing. Some detainees faced abuse and mistreatment, overcrowded detention facilities, arbitrary arrest, and in some cases prolonged detention. Corruption, although reduced from previous years, remained a problem. Societal discrimination and abuse against women, discrimination against persons with disabilities, and child labor remained serious problems.

In addition to the lack of political freedom for residents of the Gaza Strip, human rights violations under Hamas reportedly included security forces killing, torturing,

arbitrarily detaining, and harassing opponents, Fatah members, and other Palestinians with impunity. Hamas and other Palestinian militant factions in the Gaza Strip also launched rockets and mortars against civilian targets in Israel, killing and injuring civilians. Gaza-based civil rights organizations reported that prisoners were held in poor conditions in Gaza Strip detention facilities. Authorities reportedly failed to provide fair trials to a number of accused prisoners, including political prisoners. Hamas also significantly restricted the freedoms of speech, religion, and movement of Gaza Strip residents. Corruption was reportedly a problem. Hamas promoted gender discrimination against women, and domestic violence was a problem.

Human rights problems related to Israeli authorities included reports of excessive use of force against civilians, including killings; abuse of Palestinian detainees, including minors and political prisoners, particularly during arrest and interrogation; austere and overcrowded detention facilities; improper use of security detention procedures and incommunicado detention; demolition and confiscation of Palestinian property; limitations on freedom of expression and assembly; and severe restrictions on Palestinians' internal and external freedom of movement. The IDF maintained restrictions on the trade of goods into and out of the Gaza Strip and largely limited the travel of Palestinians out of Gaza to humanitarian cases, in addition to some business travelers.

The PA, Israeli, and Hamas authorities took minimal steps to address impunity or reduce abuses. There were reports that the IDF and Hamas did not adequately pursue investigations and disciplinary actions related to violations.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

### **a. Arbitrary or Unlawful Deprivation of Life**

There were reports that the PA committed at least one unlawful killing during the year. On April 24, a PA security forces officer shot at a vehicle exiting Nablus, killing Ben Yosef Livnat, an Israeli citizen, and wounding four others who had attended prayer services at Joseph's Tomb. The worshippers reportedly had failed to coordinate their visit with Israeli and PA authorities as required. PA security forces investigated the incident and found four officers at fault. The officer who killed Livnat was removed from duty.

Palestinian terrorist groups, including Hamas, committed unlawful killings in Israel, the West Bank, and the Gaza Strip.

For example, on March 11, 17-year-old Hakim and 19-year-old Amjad Awad, cousins affiliated with the Popular Front for the Liberation of Palestine (PFLP), stabbed and killed five members of the Israeli Fogel family, including two young children and an infant, in their home in the settlement of Itamar, near Nablus, in the West Bank. On September 13, Israel's Samaria Military Court sentenced Hakim to 130 years in prison, which he began serving immediately. Amjad was convicted of five counts of murder on November 28 but had not been sentenced by year's end.

On April 15, Salafist militants reportedly killed Vittorio Arrigoni, an Italian pro-Palestinian activist living in the Gaza Strip. After claiming to have captured two Salafist suspects shortly after the killing, the Hamas ministry of interior announced the capture of two additional suspects on April 19 following a raid by Hamas security forces in which another two Salafists were killed. During the first hearing in a military court in Gaza City in late September, the four suspects claimed their videotaped confessions had been extracted under torture. The trial was ongoing at year's end.

Hamas and Palestinian armed groups in Gaza, including the armed wings of the Popular Resistance Committees, Palestinian Islamic Jihad (PIJ), PFLP, and al-Aqsa Martyrs Brigade, launched indiscriminate rocket attacks into Israel. According to Israeli government statistics, Palestinian terrorist acts emanating from the West Bank killed seven Israeli civilians and one foreign tourist. Eight Israeli civilians died in violence emanating from the Gaza Strip. Four of those who died were minors. During the year approximately 700 rockets, mortars, and Grad missiles were fired at southern Israel from the Gaza Strip, according to data compiled by the IDF's Home Front Command.

According to local media and the Independent Commission for Human Rights (ICHR), a PA human rights institution, Hamas unlawfully executed at least five persons by hanging and gunfire in the Gaza Strip during the year. By law the PA president must ratify the death penalty, but Hamas did not contact the PA regarding the executions. For instance, on July 26, Hamas hanged Mahmoud and Rami Abu Qenas, reportedly convicted in 2004 of murder and collaborating with Israel.

The Israeli government killed Palestinian civilians as well as militants, mostly in the Gaza Strip, but also in the West Bank. Israeli security forces killed 105 Palestinians in Gaza and 10 in the West Bank during the year. Some of these

killings were unlawful. Eighteen of those killed in the Gaza Strip were minors. The Israeli government launched missile, unmanned aerial vehicle, and fighter aircraft strikes in the Gaza Strip, killing 49 Palestinians whom the Israeli Information Center for Human Rights in the Occupied Territories (B'Tselem) described as participating in hostilities through their membership in Hamas's military wing or the PIJ (a terrorist organization) and at least 40 of whom B'Tselem described as not participating in hostilities. The IDF used tanks and remote-controlled weapons stations to fire on Palestinians inside the Gaza Strip. IDF personnel maintained secure stations every several hundred yards along the border fence; each station contained machine guns with a nearly one-mile firing range. The IDF's tanks also sometimes fired ammunition with "flechette" projectiles, which explode in midair, releasing thousands of 1.5-inch metal darts that disperse in an arc 328 yards wide.

On January 7, IDF troops from the Duvdevan elite counterterrorism unit entered the house of 66-year-old Omar Salim Suliman al-Qawasmeh in Hebron, in the West Bank, and shot and killed him in his bed during a nighttime raid. The IDF spokesman later stated that troops had entered the wrong house. On January 19, the IDF issued a statement saying that, while the initial shots were fired as a result of suspicious movement, a second soldier also fired at al-Qawasmeh in response to the first soldier's shots. The IDF ended the second soldier's military service.

The IDF killed a Palestinian demonstrator during the year. On December 9, during a weekly demonstration in Nabi Saleh, an IDF soldier fired a tear gas canister at close range toward a stone-throwing protester, Mustafa Tamimi, who died as a result of wounds after the canister directly struck his face. The IDF spokesperson stated that the incident was "exceptional" and was a result of the soldier's inability to see the protester clearly. Nongovernmental organizations (NGOs) disputed this claim, pointing to photos and video coverage that showed the IDF soldier aiming directly at the protester's face. The IDF launched an investigation into the incident.

There were also continued reports of Israeli forces killing Palestinians in restricted areas in the Gaza Strip. In September the UN Office for Coordination of Humanitarian Affairs (UNOCHA) reported that Israel aerially distributed leaflets across the Gaza Strip warning residents that their lives would be at risk if they approached within 300 meters of the "buffer zone" separating Gaza from Israeli territory. In practice Israel regularly enforced the buffer zone by firing toward Palestinians approaching at distances well beyond 330 yards, and UNOCHA

reported several cases of civilians being shot at distances beyond 365 yards during the year.

The IDF also fired at minors working inside or near the Gaza Strip buffer zone. For example, on August 16, IDF fire killed 17-year-old Mahmoud al-Majdalawi, who reportedly suffered from a mental disability, at a distance of approximately 440 feet from the perimeter fence. Defense for Children International-Palestine Section (DCI-Palestine) reported six children shot by IDF fire during the year as far as 660 yards out from the Gaza buffer zone, noting that most of the children were shot in the leg while collecting gravel, without apparent intent to kill.

The IDF announced it opened investigations into some civilian deaths in Gaza and the West Bank. However, various human rights groups claimed that the Israeli government failed to investigate violence thoroughly, including that which resulted in Palestinian deaths, whether by the IDF or by Israeli settlers (for the latter, see section 6, National/Racial/Ethnic Minorities). According to B'Tselem, the Israeli government did not order criminal investigations into cases in which soldiers killed Palestinians who were not taking part in hostilities. In addition Israeli law restricts the ability of Palestinians who have been harmed by illegal acts by Israeli security forces to seek compensation in Israeli courts.

On September 25, the Jerusalem District Court ruled that the Israeli government pay NIS 1.6 million (approximately \$420,000) to the family of Abir Aramin, a 10-year-old who was shot in the back of the head with an IDF rubber bullet in Jerusalem in 2007, according to press reports. A 2010 ruling from the same court determined that the state of Israel was responsible for her death, noting that the bullet was fired in violation of orders. Previously, on July 10, the Israeli High Court of Justice rejected a petition by Aramin's family to indict the border police officers responsible for her death. However, the court's decision was based on the fact that it was difficult to investigate the death four years later. The judges criticized the border police for not opening an investigation immediately, stating that an immediate investigation should follow any violent incident that causes severe injury or the death of a civilian.

The PA set up a commission that looked into the PA violations during the Operation Cast Lead conflict in 2008-09 and published a report on its findings. Since the principal Palestinian violations during Cast Lead were committed by Hamas in the Gaza Strip, the PA was unable to effectively hold perpetrators accountable. In previous years NGOs criticized Hamas for not pursuing investigations into violations during Operation Cast Lead.

During the year there were no new Israeli indictments related to violations by Israeli forces during Operation Cast Lead. Various human rights organizations stated that many of their requests for information about investigations went unanswered, but the military advocate general (MAG) responded to B'Tselem's inquiries about specific cases, reporting that four out of nine cited cases did not lead to investigations. In other cases where investigations were completed, the MAG's reporting to B'Tselem documented that legal proceedings did not result for every case cited by the organization. NGOs such as B'Tselem pointed to such findings to protest what they considered a lack of serious investigation into alleged human rights violations and opined that insufficient attention was paid to responsibility related to the chain of command.

### **b. Disappearance**

In the West Bank there were no reports of politically motivated disappearances in connection with internal Palestinian conflict, largely due to improved security conditions in recent years.

In the Gaza Strip, Hamas security operatives carried out extrajudicial detentions based on political affiliation during the year. Information concerning the whereabouts and welfare of those detained was not consistently or reliably available, and many of those detained were denied due process or access to family and legal counsel.

On October 18, Hamas released Gilad Shalit, an Israeli soldier abducted in 2006 in a cross-border attack from the Gaza Strip, as part of a prisoner exchange between Israel and Hamas.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The PA Basic Law prohibits torture or use of force against detainees; however, international human rights groups reported that abuse and torture remained a problem across the occupied territories.

Palestinian detainees held by PA security forces registered more than 816 complaints of abuse and torture with the ICHR during the year. Reported abuse by PA authorities in the West Bank included forcing prisoners to sit in a painful position for long periods, beating, punching, flogging, intimidation, and

psychological pressure. Independent observers noted that abuse was not systematic or routinely practiced in PA prisons, although some prisoners experienced abuse during arrest or interrogation. The PA Corrections and Rehabilitation Centers Department (CRCD) reported no cases of inmate abuse by its staff. However, Human Rights Watch (HRW) reported that credible reports of torture by PA security services continued during the year. The PA General Administration for Reform and Rehabilitation Center, under the authority of the PA Ministry of Interior, operated a mechanism for reviewing complaints of prisoner abuse in civil prisons.

Detainees held by Hamas filed at least 304 claims of abuse and torture with the ICHR during the year. In the Gaza Strip, security elements under the Hamas ministry of interior tortured and abused purported security detainees, persons associated with the PA or the Fatah political party, those held on suspicion of “collaboration” with Israel, civil society activists, journalists, and those who had reportedly engaged in “immoral” activity. Hamas also reportedly deployed undercover officers to assault such persons. The Office of the UN High Commissioner on Refugees (UNHCR) reported three deaths in detention as a result of Hamas torture between December 2010 and November 2011. The ICHR reported that complaints of abuse included being forced to stand in uncomfortable stress positions, flogging, hand binding, suspension, blindfolding, punching, and beatings with clubs or hoses. For example HRW reported that on February 28-29, Hamas police and plainclothes security officers detained, beat, and tortured Ahmad Arar, who had organized a demonstration in Gaza City calling for Palestinian unity. According to HRW, Hamas police beat Arar, forced him into stress positions, denied him medical care, threatened him with electrocution, and coerced him into confessing affiliation with the PA.

Hamas reportedly took little or no action to investigate reports of torture, and documentation of abuses was limited, due to victims’ fear of retribution and to lack of access to Gaza Strip prisoners by NGOs or PA officials.

Human rights organizations reported that “physical interrogation methods” permitted by Israeli law and used by Israeli security personnel could amount in practice to torture; these included beatings, forcing an individual to hold a stress position for long periods, and painful pressure from shackles or restraints applied to the forearms. Israeli and Palestinian NGOs continued to criticize these and other Israeli detention practices they termed abusive, including isolation, sleep deprivation, and psychological abuse, such as threats to interrogate spouses, siblings, or elderly parents, or demolish family homes.

Israeli authorities reportedly used similar tactics on Palestinian minors. DCI-Palestine claimed Israeli security services continued to abuse and in some cases torture minors who were frequently arrested on suspicion of stone throwing to coerce confessions. Tactics included beatings, long-term handcuffing, threats, and solitary confinement. DCI-Palestine reported in December that it had documented 34 cases of minors held in solitary confinement at al-Jalame facility between 2008 and 2011. For example, according to DCI-Palestine, on November 4, the IDF arrested 16-year-old R.S.J. in the West Bank settlement of Tzufin, interrogated him using threats, and held him for 13 days in a small cell with a light on 24 hours a day.

During the year the Public Committee Against Torture (PCATI), five other NGOs, and nine other complainants submitted a petition to the Israeli High Court of Justice demanding effective accountability mechanisms in complaints of torture; this petition was still pending at the end of the year. The PCATI also reported more than 700 complaints that had yet to lead to a criminal investigation at year's end.

### **Prison and Detention Center Conditions**

PA prison conditions improved in recent years, yet despite some improvements, the PA prison system remained seriously inadequate and overcrowded for the prison population it served. The PA Ministry of Health reported that prisoners in PA facilities, including in both the West Bank and Gaza Strip, suffered from "extremely bad detention conditions." In the West Bank some facilities did not have enough beds for all inmates, forcing some to sleep on mattresses on the floor. Most prisons continued to lack ventilation, heating, cooling, and lighting that conformed to international standards. Inmates had sufficient access to potable water. Space and capacity issues also reduced the availability of medical care and vocational or other programs for inmates in civil police prisons. There were no deaths reported in PA prisons from adverse conditions. PA civil police prisons held 967 prisoners at the end of the year, approximately 30 percent more than capacity. Male juveniles were at times housed with adult male prisoners. Security services used separate detention facilities. Conditions for women were virtually identical to those for men; however, some detention centers for women had limited outdoor recreation space.

All PA civil police prisons allowed visitors on a weekly basis, religious observance, a procedure for submitting complaints through a prison officer or

directly to the warden, and an investigation process for complaints. Recordkeeping was adequate, with the CRCD storing information on computers, but access to records was not publicly available. The PA investigated allegations of mistreatment. Although ombudsmen cannot serve on behalf of prisoners, the ICHR played an ombudsman role.

The PA generally permitted the International Committee of the Red Cross (ICRC) access to detainees and allowed regular inspections of prison conditions in accordance with the ICRC's standard modalities. Preliminary, unpublished accounts by human rights groups, humanitarian organizations, and lawyers indicated that, as in previous years, there were some difficulties in gaining access to specific detainees, depending on which security organization managed the facility.

PA authorities undertook prison improvement efforts at various facilities, such as at the Dhahiriya Prison in Hebron District, where authorities took steps to address overcrowding and moved prisoners from outdoor recreation facilities and the kitchen to indoor, more appropriate facilities. The PA Ministry of Interior also approved land for a new prison and continued to build a 312-bed facility in Nablus in line with international standards.

Prison conditions in the Gaza Strip were reportedly poor although little information was available. Detention facilities were reportedly below international legal or humanitarian standards. The ICRC conducted monitoring visits to some prisoners in the Gaza Strip, but Hamas authorities denied representatives permission to visit captured IDF soldier Gilad Shalit prior to his October release.

IDF detention centers were less likely than Israeli civilian prisons to meet international standards, with some, such as the Ofer detention center, providing living space as small as 15 square feet per detainee. The PCATI reported that, after it petitioned the Israeli High Court in March to improve poor conditions in pretrial holding cells at Ofer and Salem detention centers, these facilities improved. In November 2010 B'Tselem and another Israeli human rights organization, HaMoked, reported unsatisfactory conditions, including poor hygienic conditions, in the Petah Tikva detention center under the Israel Security Agency (ISA or Shin Bet). ISA facilities were exempt from regular independent inspections, and NGOs stated that poor conditions appeared to be used as an interrogation or intimidation method. Prisoners also continued to claim inadequate medical care.

According to sources in NGOs, approximately 4,500 Palestinians were held in Israeli prisons at the end of the year. DCI-Palestine reported that at year's end 135 minors were held in Israeli detention. Following a change in the law in September (see section 1.d.), unlike in previous years, Palestinian minors between 16 and 18 years of age were not held in pre- or posttrial detention with adults, unless it "benefited the minor." DCI-Palestine reported that the law was open to wide interpretation; aside from being used to allow children to be detained with family members, it can also be used to provide some adult Palestinian supervision over children's detention facilities.

The PCATI and DCI-Palestine reported that most reports of abuse or poor conditions occurred during arrest and interrogation.

In June, according to the Palestinian NGO Addameer, the ISA initiated a policy reportedly aimed at collectively punishing Palestinian prisoners in response to the incarceration of Israeli soldier Gilad Shalit. Israeli authorities reportedly began shackling prisoners' hands and legs more regularly; shortened family visits; increased the frequency of night raids and searches; increased the punitive use of isolation; banned prisoners' access to university education, newspapers, and outside books; and limited television use and channel availability. NGOs reported there was no information as to whether this treatment ended once Gilad Shalit was released, but confirmed that the ban on university education remained in force.

Detainees under Israeli control had access to potable water and were allowed visitors and religious observance. There were no reports of improvements in recordkeeping. NGOs claimed systematic failures to investigate abuse claims. The PCATI reported that despite more than 600 complaints it filed since 1999, not one torture complaint resulted in a criminal investigation, let alone a prosecution or conviction. This remained a pattern during the year. The PCATI reported that the Israeli government regularly dismissed complaints of abuse following a primary examination by an ISA employee. NGOs reported that investigations into IDF and police abuse were slow and ineffective but at times did lead to prosecution. There was an ombudsman.

The government permitted visits by independent human rights observers. The Israeli government permitted the ICRC to monitor prison conditions in accordance with standard modalities. NGOs sent representatives to meet with prisoners and inspect conditions in prisons, detention centers, and IDF facilities, except ISA detention and interrogation facilities, since security prisoners and facilities remained inaccessible to independent monitors. Human rights groups reported

delays and difficulties in gaining access to specific detainees, frequent transfers of detainees without notice, and the limited ability of families of imprisoned Palestinians, particularly Gazans, to visit.

#### **d. Arbitrary Arrest or Detention**

Palestinian law prohibits arbitrary arrest and detention; however, in practice the PA failed to charge detainees promptly. Hamas also charged that the PA detained individuals during the year solely on the basis of their Hamas affiliation.

Hamas reportedly practiced widespread arbitrary detention in the Gaza Strip, particularly against Fatah members, civil society activists, and others accused of publicly criticizing Hamas.

Israeli law provides safeguards against arbitrary arrest and detention, but key safeguards do not apply to security detainees. Palestinian security detainees are subject to the jurisdiction of Israeli military law, which permits eight days' detention before appearing before a military court. There is no requirement that a detainee have access to a lawyer until after interrogation, a process that may last weeks. The maximum period for such a prevention order, according to military law, is 90 days; however, detention can be renewed if deemed necessary. Denial of family visits, outside medical professionals, or others outside of the ISA, the IDF, or the prison service occurred. NGOs reported that persons undergoing interrogations were often held incommunicado for several weeks.

#### **Role of the Police and Security Apparatus**

In West Bank Palestinian population centers, mostly "Area A" as defined by the Oslo-era agreements, the PA has formal responsibility for security and civil control; however, since 2002 Israeli security forces have regularly conducted security operations in Area A cities without coordinating with PA security forces. In "Area B" territory in the West Bank, composed mostly of small Palestinian villages and farmland, the PA has civil control--including civil policing--but Israel retains responsibility for security control. In "Area C," which contains Israeli settlements, military installations, some small Palestinian villages and farmland, and open countryside, Israel retains full civil and security control.

Six PA security forces operated in the West Bank. Many of the security forces are under the PA Ministry of Interior's operational control and follow the prime minister's guidance. The Palestinian Civil Police (PCP) have primary

responsibility for civil and community policing. The National Security Force (NSF) conducts gendarmerie-style security operations in circumstances that exceed the capabilities of the civil police. The Military Intelligence (MI) agency, which is part of the NSF, handles intelligence and criminal matters involving PA security force personnel, including accusations of abuse. The MI is responsible for investigations into allegations of abuse and corruption involving PA security forces and can refer cases to court. The General Intelligence (GI) service is responsible for external intelligence gathering and operations; the Preventive Security Organization (PSO) is responsible for these matters internally. The Presidential Guard (PG) protects facilities and provides dignitary protection. Both the GI and PG report to the president, while the other services report to the PA Ministry of Interior. The Civil Defense service provides emergency humanitarian response services including firefighting. Palestinian security forces continued to show improvement during the year. The ICHR continued to report complaints of abuse and torture at the hands of the security forces to the PA, although it noted that most complaints were filed against the PSO and GI agencies. The NSF, PG, PCP, and corrections officers received basic training in human rights, and some received more advanced training. The rate of reported complaints of abuse and torture by the PA security forces decreased significantly in recent years.

During the year the military judiciary claimed it would no longer exercise jurisdiction over civilians, but NGOs reported that it was unclear at year's end whether security agencies, rather than the civil police, continued detaining civilians, including journalists.

In the Gaza Strip, forces under Hamas control maintained security. Press and NGO reports suggested Hamas enforced strict control across all sectors of society. Hamas police reportedly facilitated and benefited from illegal activity, such as the operation of smuggling tunnels. Impunity remained a problem in the Gaza Strip. The ICHR noted that the internal security services in the Gaza Strip prohibited field researchers from visiting detention centers and that authorities failed to respond to ICHR letters. There were no reports of human rights training or efforts to improve security services. There were numerous instances in which Hamas either failed to deter violence, as in the case of the murder of Vittorio Arrigoni (see section 1.a.), or was complicit in organizing violence, such as rocket attacks into Israel during the year.

Israeli authorities maintained their West Bank security presence through the IDF, ISA, national police, and border police. Israeli authorities in some instances investigated and punished abuse and corruption, but there were several reports of

failure to take disciplinary action in cases of abuse. The IDF instituted a policy during the year of conducting automatic investigations of claims of abuse in military police custody; previously investigations were initiated at the discretion of military personnel. However, NGOs stated that automatic investigations only applied to military activity in the West Bank. The policy did not apply to individuals reporting abuse in custody. Israeli security forces remained effective; however, NGOs reported that impunity remained a problem, in part because mechanisms for investigating allegations were not effective. Reports of abuse go to the attorney general's office; however, the PCATI reported that allegations were systematically disregarded.

According to Israeli and Palestinian NGO and press reports, the IDF was insufficiently responsive to violence perpetrated by Israeli settlers in the West Bank against Palestinians, although the IDF reportedly took proactive steps in October to protect Palestinians harvesting olives from settler attacks, a common form of violence and vandalism against Palestinian properties that the IDF did not adequately address in previous years. In addition to attacks during the olive harvest, there was an increase in settler violence, including mosque burnings. UNOCHA reported that settler violence increased by 40 percent during the year. Settlers killed three Palestinians, and settler violence injured 167 by the end of November. UNOCHA reported that 90 percent of Palestinian complaints of settler violence in recent years were closed without indictment.

The Association for Civil Rights in Israel (ACRI) stated that Israeli security and justice officials operating in predominantly Arab East Jerusalem displayed bias against Arab residents in investigating incidents involving Arab and Israeli actors. Palestinian residents in the West Bank in several cases sought to press charges against Israeli settlers or their security guards, but many complaints went uninvestigated despite the availability of evidence.

### **Arrest Procedures and Treatment While in Detention**

PA law requires a warrant for arrest and provides for prompt judicial determination of the legality of detention, and these provisions were largely--but not uniformly--observed in practice. PA law allows police to hold detainees without charge for 24 hours and with court approval for up to 45 days; it requires that a trial must start within six months, or the detainee must be released. PA security forces detained persons outside of appropriate legal procedures, including without warrants and without bringing them before judicial authorities within the required timeframe, although there were no known detentions extending beyond the time limit without

trial. Bail and conditional release were available at the discretion of judicial authorities. Authorities generally informed detainees of the charges against them, albeit sometimes not until interrogation. Detainees were granted access to a lawyer. The indigent had the right to counsel; however, they were generally provided lawyers through NGOs, not the PA.

In a number of cases, PA military intelligence reportedly exceeded its legal authority to investigate other security services' officers and detained civilians suspected of "security offenses," such as terrorist activities. Hamas continued to charge that the PA detained individuals during the year solely on the basis of their Hamas affiliation, but the PA presented evidence that many of these individuals had been charged with criminal offenses under civil or military codes. In several cases the PA disregarded civilian court orders requiring the release of civilians suspected of terrorist activity, citing countervailing military court orders.

In the Gaza Strip, Hamas reportedly detained a large but unverifiable number of persons during the year, largely without recourse to legal counsel, judicial review, or bail. PA laws concerning arrest apply in Gaza, but there was no indication Hamas enforced them.

Israeli authorities operated under military and legal codes in the occupied territories. Israeli military law applied to Palestinians in the West Bank. Israeli settlers were under the jurisdiction of Israeli civil law. Under Israeli military law detainees can be held for up to 90 days without access to a lawyer and are frequently transferred from the West Bank to Israel for detention or interrogation. Detainees were informed of the charges against them during detention, but DCI-Palestine reported that minors and their families were often not informed during arrest. Israeli authorities stated that their policy is to post notification of arrests within 48 hours, but senior officers may delay notification for up to 12 days, effectively holding detainees incommunicado, during the interrogation process. A military commander may request that a judge extend this period indefinitely. In accordance with the law, Israeli authorities generally provided Palestinians held in Israeli military custody inside Israel access to a lawyer of their choice (and lawyers were provided for the indigent), but impediments to movement on West Bank roads or at crossings often made consultation difficult and postponed trials and hearings. The government frequently delayed notification to foreign government officials after detaining their citizens in the occupied territories.

On September 27, Israel issued Military Order 1676, which was yet to be published in Arabic at year's end, recategorizing Palestinians between the ages of 16 and 18

as minors; previously Israel defined minors in the occupied territories as under 16. The law requires authorities to inform a minor of his right to legal counsel and immediately notify parents of the arrest.

NGOs claimed that despite this law Israeli authorities reportedly failed to inform parents where minor children would be taken when arrested. The IDF also entered Palestinian homes at night to either arrest or take pictures of children. DCI-Palestine reported that authorities tortured and abused minors to coerce confessions (see section 1.c.), and B'Tselem reported lack of parental presence at interrogation, contrary to the law.

Israeli authorities “administratively detained” some persons on security grounds. Several NGOs, including the PCATI, claimed that the administrative detention process was abusive, arbitrary, and often employed as a punitive deterrent measure. It reportedly relied on evidence withheld from the detainees and their lawyers and allowed authorities to bypass standard prosecutions. Administrative detainees, according to B'Tselem, were not granted bail, were not guaranteed access to counsel, and received insufficient information on the reasons for their detention or the charges against them. In February, according to B'Tselem, Israel held 309 Palestinians under “administrative detention” without having charged them with an offense. A military commander can issue administrative detention orders for up to six months, renewable indefinitely, subject to review by a military judge.

During the year the ISA continued its practice of incommunicado detention, including isolation from monitors, legal counsel, and family throughout the duration of interrogation. A 2010 PCATI report found that 90 percent of Palestinian prisoners interrogated by the ISA were denied access to a lawyer. <sup>the</sup> Palestinian NGO Addameer reported that isolation was used to punish detainees or silence politically prominent Palestinian detainees; however, according to the Israeli government, the Israel Prison Service (IPS) does not hold detainees in separate detention punitively or to induce confessions, but rather only when a detainee threatens himself or others and other options have been exhausted, or in some cases during interrogation to prevent disclosing information. In such cases the Israeli government maintained that the detainee had the right to meet with ICRC representatives, IPS personnel, and medical personnel if necessary.

Arbitrary Arrest: The ICHR reported that arbitrary arrest by the PA in the West Bank was a common practice, particularly arrests based on political affiliation with Hamas. The organization received more than 1,270 complaints of arbitrary arrests

in the West Bank during the year. HRW reported in April that PA security forces improperly detained Palestinian journalists.

On July 2, according to an ICHR report, the Palestinian special police and personnel from the NSF arrested and later released protesters participating in a march organized by “Hizb al-Tahrir” in Hebron on the anniversary of the “Islamic Caliphate Collapse.” The ICHR reported that security forces beat protesters with batons and gun butts.

The ICHR received more than 460 complaints of arbitrary arrests by Hamas in the Gaza Strip. Many of these arrests and detentions appeared to be politically motivated, targeting former PA officials, Fatah party members, and those suspected of ties to Israel.

Throughout the year there were reports that Israeli security forces in East Jerusalem and in the West Bank arbitrarily arrested and detained Palestinian protesters and activists, particularly those participating in demonstrations against the separation barrier.

Pretrial Detention: The ICHR reported on at least 100 complaints of Palestinians who were detained by PA security services and not immediately released, even after courts ordered their release after determining their detentions were illegal.

It was unclear how long detainees in Hamas custody stayed in pretrial detention or what legal means, if any, Hamas used to detain individuals.

There were reports that detention by Israeli authorities could exceed the length of time that individuals would be sentenced for some convictions. For example, on March 24, the IDF arrested Bassem Tamimi, a Palestinian activist from the West Bank village of Nabi Saleh, for organizing youth to throw stones at IDF soldiers. Popular Struggle Coordination Committee contacts reported that in the six months following his arrest, there were nearly 20 hearings related to his case. The Committee reported that it expected the trial to last at least a year, which would leave him in prison awaiting trial for a longer duration than a typical sentence for related behavior.

### **e. Denial of Fair Public Trial**

The Palestinian Basic Law provides for an independent judiciary. In practice the PA generally respected judicial independence and the autonomy of the High

Judicial Council and maintained authority over most court operations in the West Bank. PA-affiliated prosecutors and judges stated that IDF prohibitions on movement in the West Bank, including restrictions on the ability to transport detainees and collect witnesses, hampered their ability to dispense justice. In some cases involving investigations by PA intelligence services in the West Bank, civilian defendants appeared before the PA's military court system, which until 2011 had jurisdiction over security personnel and crimes by civilians against security forces. After Palestinian NGOs criticized this practice, however, the PA mandated that civilians appear before civilian courts.

Hamas-appointed prosecutors and judges operated courts in the Gaza Strip, although the PA considered them illegal.

Israeli law provides for an independent judiciary, and the government generally respected civil court independence in practice. The IDF tried Palestinians accused of security offenses (ranging from rock throwing to membership in a terrorist organization to incitement) in military courts, which some NGOs claimed were inadequate and unfair. Israeli law defines security offenses to include a variety of different charges.

### **Trial Procedures**

PA law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence. Juries are not used. Trials are public, except when the court determines privacy is required by PA security, foreign relations, a party or witness's right to privacy, or protection of a victim of a sexual offense or an "honor" crime. Defendants have the right to be present and to consult with an attorney in a timely matter during the trial, although during the investigation phase, the defendant only has the right to observe. The law provides for legal representation, at public expense if needed, in felony cases, but only during the trial phase. Defendants can confront or question witnesses against them or present witnesses and evidence during the trial, but not during the investigation phase; defendants may also review government-held evidence and have the right to appeal. Authorities generally observed these rights in practice.

As in previous years, the PA sought military judicial review and court orders for detaining civilians suspected of terrorist activity. In most of these incidents, the PA was unwilling to provide evidence required by the civilian court system, and the military courts provided a more efficient system to deal with any shortcomings in providing evidence.

Hamas authorities in the Gaza Strip follow the same criminal procedure law as the PA in the West Bank but implemented these procedures unevenly in practice.

Israelis living in settlements in the West Bank and in East Jerusalem were tried under Israeli civil law in the nearest Israeli district court. Israeli civil law applied to Palestinian residents of East Jerusalem. Palestinians held by Israeli authorities in the West Bank or in Israel were subject to trial in Israeli military courts. Military court trials of Palestinians and others in the occupied territories provide some, but not all, of the procedural rights granted in criminal courts. The same evidentiary rules used in Israeli criminal cases apply; for instance, convictions cannot be based solely on confessions. In military trials, however, prosecutors often present secret evidence that is not available to the defendant or counsel. Indigent detainees do not automatically receive free legal counsel for military trials, but in practice almost all detainees had counsel, in part because NGOs would represent them. The military courts use Hebrew, but the defendant has the right to simultaneous interpretation in every hearing. Various human rights organizations claimed that Arabic interpretation was insufficient, especially since most interpreters were not professionals, but were instead bilingual Israelis performing mandatory military service. Defendants can appeal through the Military Court of Appeals and petition the High Court of Justice. Israeli military courts rarely acquitted Palestinians charged with security offenses; sentences occasionally were reduced on appeal. The military courts' annual report revealed that 99.74 percent of cases heard resulted in the defendant being found guilty.

Several NGOs claimed that Israeli military courts, which processed approximately 7,000 Palestinians in the West Bank during the year, were not equipped to adjudicate each case properly. NGOs and lawyers reported that it was better to plead guilty and receive a reduced sentence than to maintain innocence and go through a trial that could last months, if not more than a year. Human rights lawyers also reported that the structure of military trials, which take place in military facilities with military officers as judges, prosecutors, and court officials and have tight security restrictions, limited defendants' rights to public trial and access to counsel.

Signed confessions by Palestinian minors, which were written in Hebrew, a language most cannot read, continued to be used as a source of evidence against minors prosecuted in Israeli military courts. NGOs reported these confessions were often coerced during interrogations. B'Tselem reported that Israeli military courts acquitted only one out of 835 children accused of throwing stones between

2005 and 2010. Human rights lawyers reported unfair circumstances in one of the rare cases in which a child, Islam Dar Ayyoub, did not plead guilty. Dar Ayyoub was picked up in the middle of the night for throwing stones in the West Bank village of Nabi Saleh in October 2010 and signed a confession in Hebrew, a language he could not read, that stated that he had been informed of his right to remain silent. Video presented at Dar Ayyoub's trial, which continued at year's end, demonstrated that he was not informed of this right.

### **Political Prisoners and Detainees**

NGOs reported that arrests on political grounds occurred in the West Bank and Gaza; however, there was no estimate of the number of political prisoners the PA held during the year.

Hamas detained several hundred persons, allegedly because of their political affiliation or public criticism of Hamas and held them for varying periods of time. Numerous allegations of denial of due process and some executions were associated with these detentions. The ICRC had limited access to these prisoners.

Addameer reported that there were 23 PLC members detained by Israel in December, some of whom were not known to be members of Hamas, including two associated with the militant wing of Fatah. Palestinian media and NGOs posited that Israel's string of arrests of PLC members and other party leaders was in response to the PA's application for membership in the UN.

Administrative detainees held by Israeli entities were not afforded an opportunity to refute the suspicions or access the evidentiary material presented against them in court. The ICRC was permitted access to administrative detainees.

### **Civil Judicial Procedures and Remedies**

The PA civil and magistrate courts handled civil suits and were able to provide an independent and impartial judiciary in most matters. However, there were unconfirmed reports of various factions trying to influence judicial decisions. A citizen can file a suit against the government, including on matters related to alleged abuses of human rights, but this was uncommon. There are administrative remedies available in addition to judicial remedies, but they were seldom used. The execution of court orders was not systematic.

Gaza Strip residents may file civil suits, including those related to human rights violations. Unofficial anecdotal reports claimed that Gaza Strip courts operated independently of the Hamas government and were at times impartial. There were reports that enforcement of court orders improved.

Israeli law denies Palestinians the possibility of obtaining compensation in most cases for human rights abuses or injuries resulting from illegal acts by Israeli security forces.

### **Property Restitution**

When the IDF offered opportunities for compensation for demolished or seized homes (see section 1.f.), subject to an appraisal, verification, and appeals process, Palestinians generally refused, citing a desire not to legalize the confiscation. Palestinians had difficulty verifying land ownership in Israeli courts according to Israeli definitions of land ownership.

### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The PA required the attorney general to issue warrants for entry and searches of private property; however, Palestinian security services often ignored these requirements and entered homes without judicial authorization.

There was at least one example during the year of the PA harassing family members for an alleged offense by an individual. NGOs and the press reported that PA security forces arrested the brothers of Palestinian journalist Majdoleen Hassouneh reportedly in an attempt to pressure Hassouneh to turn herself into police after she covered a sit-in strike.

Hamas authorities in the Gaza Strip frequently interfered arbitrarily with personal privacy, family, and home, according to reporting from local media and NGO sources. NGOs reported numerous cases of home searches and property seizure without warrants targeting journalists, Fatah loyalists, civil society and youth activists, and those whom Hamas security forces accused of criminal activity. Hamas forces monitored private communications systems, including telephones, e-mail traffic, and social media sites by demanding passwords, access to personal information, and seizure of personal electronic equipment of detainees. While Hamas membership did not appear to be a prerequisite for obtaining housing, education, or government services, employment in some government positions in Gaza, such as the security services, was commonly reserved for Hamas members

only. In several instances, Hamas detained individuals for interrogation and harassment based on the purported actions of their family members, particularly prodemocracy youth activists.

Hamas enforced a policy of curbing activities that it deemed contrary to Islam or “immoral.” For example, during the week of February 21, Hamas police summoned five male hairdressers whose clients were primarily women and compelled them to sign pledges to “avoid sinful acts” and not to reenter their salons on penalty of a 20,000 NIS fine (approximately \$5,500) or incarceration. In late December Hamas police officials reportedly demanded that 142 self-described fortune-tellers sign documents promising to discontinue their business operations, and Hamas also inspected several clothing vendors, warning against displays of nude mannequins, lingerie, or “indecent advertisements.”

There were no reports that Israeli security monitored private communications or movement of individuals without legal process. Under occupation orders only IDF officers of lieutenant colonel rank and above could authorize entry into Palestinian private homes and institutions in the West Bank without a warrant, based upon military necessity. There were no reported cases of IDF soldiers punished for acting contrary to this requirement. The PCATI reported that Israeli authorities threatened an East Jerusalem man arrested on November 2 at his home in Wadi Joz in East Jerusalem on unknown charges; they reportedly told him they would detain his wife if he did not confess. On November 15, Israeli officials summoned, arrested, and detained her until November 27, when she was released without indictment.

In the West Bank and East Jerusalem, the Israeli Civil Administration, part of Israel’s Ministry of Defense, continued to demolish homes, cisterns, and other buildings and property constructed by Palestinians in areas under Israeli civil control on the basis that these buildings lacked Israeli planning licenses. Compensation was generally not offered in these cases. Properties approximately 328 yards from the separation barrier or IDF military installations also remained subject to demolition or confiscation. NGOs expressed great concern over demolitions in Area C of the West Bank. For example, B’Tselem and UNOCHA reported that the Israeli Civil Administration informed approximately 250 Bedouin families in the Khan al-Ahmar area east of Jerusalem that they would be relocated. The rate of demolitions increased: UNOCHA reported that 222 residential structures and 400 other structures were demolished during the year, representing a 96 percent increase in residential demolition between 2009 and 2011 and a 153 percent increase in other (nonresidential) demolitions. Between 2010 and 2011

alone, there was a 62 percent increase in residential demolitions and a 36 percent increase in other demolitions. UNOCHA counted that demolitions displaced more than 1,000 individuals in East Jerusalem and “Area C” of the West Bank during the year.

Affected Palestinians and human rights NGOs reported that the IDF was largely unresponsive to Israeli settlers’ actions against Palestinians in the West Bank, including demolition of property (see section 6, National/Racial/Ethnic Minorities).

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

#### **Status of Freedom of Speech and Press**

The PA Basic Law provides every person the right to freedom of thought, conscience, and expression, orally, in writing, or through any other form. The PA does not have laws specifically providing for freedom of press; however, PA institutions applied aspects of an unratified 1995 press law as de facto law. In practice, PA security forces in the West Bank and members of the Hamas security apparatus in the Gaza Strip continued to restrict freedom of speech and press. HRW reported that since 2007 most abuses against journalists in both the West Bank and Gaza were related to tensions between the PA and Hamas. The PA military judiciary detained civilian journalists, according to human rights organizations.

Israeli authorities placed limits on certain forms of expression in the occupied territories.

Freedom of Speech: Although there is no PA law prohibiting criticism of the government, there were reports that the government was not fully tolerant of criticism. HRW reported in February that the PA repeatedly responded to peaceful demonstrations with violent attacks (see section 2.b., Freedom of Assembly).

In the Gaza Strip, individuals publicly criticizing authorities risked reprisal by Hamas, including arrest, interrogation, seizure of property, and harassment. Civil society and youth activists, social media advocates, and individuals associated with political factions accused of criticizing Hamas in public fora such as the Internet faced punitive measures including raids on their facilities and residences, arbitrary

detentions, and denial of permission to travel outside of Gaza. The ICHR reported numerous detentions of protesters in the Gaza Strip. For example, the ICHR reported at least 16 arrests of protesters in March alone and numerous instances in which Hamas quelled rallies and protests with violence.

In East Jerusalem, under Israeli authority, displays of Palestinian political symbols were punishable by fines or imprisonment, as were public expressions of anti-Israeli sentiment and support for terrorist groups. Israeli security officials regularly shut down meetings or conferences held in East Jerusalem affiliated with the PA or with PA officials in attendance. For example, the ISA warned organizers of a Palestinian agricultural trade show in East Jerusalem in September that they would face closure if they invited PA officials or displayed a Palestinian flag. In September Israeli police ordered shut a meeting in East Jerusalem on Israeli changes to Palestinian school curricula, and Israeli security officers questioned the organizers about their involvement in the meeting.

Freedom of Press: Across the occupied territories, independent media operated with some restrictions.

In the West Bank, the PA placed some restrictions on independent media as well as official media. The PA maintained a distribution ban in the West Bank on the twice-weekly pro-Hamas *al-Risala* and the *Filistin* daily newspapers, both Gaza-based publications. Hamas's al-Aqsa TV reportedly enjoyed some degree of access to work in the West Bank without harassment.

In the Gaza Strip, Hamas restricted independent media, especially for non-Hamas-affiliated press and media outlets. Israel restricted the mainstream pro-PA dailies, independent *al-Quds* (based in Jerusalem), independent pro-Fatah *al-Ayyam*, and PA official daily *al-Hayat al-Jadida* (the latter two based in the West Bank), from importation into the Gaza Strip. Hamas authorities tolerated reporting and interviews featuring officials from the PA to be locally broadcast. Hamas allowed, with some restrictions, the operation of non-Hamas-affiliated broadcast media in the Gaza Strip. The PA-supported Palestine TV reportedly enjoyed access to operate in the Gaza Strip.

In East Jerusalem independent media were able to operate. As a general rule, Israeli media were able to cover the occupied territories, except for combat zones where the IDF temporarily restricted access, but closures, curfews, and checkpoints limited the ability of Palestinian and foreign journalists to do their jobs (see section 2.d.). Israel revoked the press credentials of the majority of Palestinian journalists

during the Second Intifada in 2000, with the exception of a few Palestinian journalists who worked as stringers for prominent international media outlets. As a result most Palestinian journalists were unable to cover stories outside the Palestinian-controlled areas of the West Bank.

Violence and Harassment: PA security forces reportedly harassed, detained occasionally with violence, and fined journalists several times during the year due to their reporting. HRW reported in April that the PA Preventative Security and General Intelligence services intimidated, detained, and assaulted journalists with impunity, including through detentions of civilian journalists by the military judiciary.

According to the Palestinian Center for Development and Media Freedoms (MADA), PA police officers prevented Ibtihal Mansour, a reporter for al-Sharq al-Awsat Studies Center, from covering a sit-in against PA political arrests in Nablus on June 13. Mansour stated that, although she adhered to orders, two female officers in civilian clothes beat her up and tried to confiscate her camera and cell phone. She was released after the intervention of members of the public and other journalists.

PA security services summoned and questioned several journalists in the West Bank. For example, on September 10, the Palestinian intelligence services in Bethlehem summoned al-Aqsa TV cameraman Osayd Amarneh, whom they questioned about filming a protest and later released.

In the Gaza Strip, journalists faced arrest, harassment, and other pressure from Hamas due to their reporting. There were reports that Hamas also summoned journalists for questioning in an attempt to intimidate them. Hamas also constrained journalists' freedom of movement during the year, attempting to ban access to some official buildings, as well as several prodemocracy protests.

During coverage of popular intra-Palestinian reconciliation protests on March 19 in Gaza City, Hamas internal security forces forcibly entered the Gaza City offices of CNN, NHK (Japan's public broadcasting service), and Reuters, assaulted several journalists, seized equipment, and demanded that the journalists stop filming the protests.

According to MADA, on August 17, Hamas security personnel prevented Wisam Zu'bur, a photographer for al-Hurriya Media Center, from taking pictures near al-Rimal neighborhood in Gaza City.

There were reports during the year of Israeli authorities detaining or assaulting journalists due to their reporting or coverage. In various incidents Israeli forces subsequently raided those journalists' homes.

For example, on August 19, Israeli forces reportedly assaulted Al Jazeera cameraman Nabeel Mizawi and correspondent Shireen Abu Akleh while the two were covering Friday prayers at al-Aqsa mosque in Jerusalem's Old City. In a live report on Al Jazeera, Abu Akleh claimed that IDF personnel beat Mizawi and ordered them to stop filming. According to the report, IDF personnel also cut a voice cable to mute the broadcast.

Local media reported that on November 22, Israeli authorities arrested Israa Salhab, a reporter for al-Quds satellite station, after she anchored a program on Palestinian prisoners. She was released on November 28 and never faced official charges.

Censorship or Content Restrictions: The PA prohibits calls for violence, displays of arms, and racist slogans in PA-funded and controlled official media. Media throughout the occupied territories practiced self-censorship. There were no confirmed reports of any legal actions or prosecutions against any person publishing items counter to these PA guidelines.

Civil society organizations reported that Hamas censored television programs and written content, such as newspapers and books. On January 23, according to HRW, Hamas police officers entered three bookstores in Gaza and confiscated copies of two novels--Haidar Haidar's *A Banquet for Seaweed* and Alaa' al-Aswany's *Chicago*--and searched for copies of a third book, *Forbidden Pleasure*, telling the store owners that the books were seized because the Hamas ministry of interior "deemed them "against sharia" (Islamic law).

There were no reports that the Israeli government monitored the media in the occupied territories. Israeli authorities retain the right to review and approve in advance of printing all Jerusalem-based Arabic publications for material perceived as a security threat. In practice anecdotal evidence suggested the Israeli authorities did not actively review the Jerusalem-based *al-Quds* newspaper or other Jerusalem-based Arabic publications. Jerusalem-based publications reported that, based on previous experiences with Israeli censorship, over time they came to know what is acceptable and self-censored publications accordingly.

Libel Laws/National Security: There were instances in which slander and libel laws were used to suppress criticism. For example, on August 16, the PA attorney general banned the annual Palestinian Broadcasting Corporation's Palestine TV Ramadan comedy program series, *Watan ala Watar*, in its third season, after PA security forces, representatives of the PA Ministry of Health, and the union of PA employees filed complaints claiming the program slandered members of their respective professions. On August 18, the PA attorney general issued final orders sanctioning the forcible suspension of the program.

There were no known reports that Hamas used security justifications or slander or libel laws to censure public critique.

### **Internet Freedom**

There were no PA restrictions on access to the Internet; however, there were reports that the PA, Hamas, and Israel monitored e-mail and Internet chat rooms. Individuals and groups could generally engage in the peaceful expression of views via the Internet, including by e-mail.

On August 11, the Palestinian Telecommunication Company (PTC) suspended the Web site of electronic newspaper *Alshu'la* for one week, according to MADA. *Alshu'la* filed a complaint against the PTC with the PA attorney general. *Alshu'la* was reportedly forced offline because of a dispute between the PA and former Fatah member Mohammed Dahlan, who financially sponsored the site.

On November 15, PA intelligence services arrested George Qanawati, station manager of Bethlehem 2000 Radio, after he published a comment on his Facebook page on September 8 about tensions within Fatah. He was released five days later without charges.

Hamas did not restrict Internet access; however, based on anecdotal reports from Palestinian civil society organizations and social media practitioners, Hamas authorities monitored Internet activities and postings of Gaza Strip residents. Individuals posting negative reports or commentary about Hamas, its policies, or affiliated organizations faced questioning, and authorities at times required them to remove or modify online postings. No information was available regarding punishment for not complying with such demands.

Israeli authorities did not restrict access to the Internet; however, they monitored some Internet activity.

## Academic Freedom and Cultural Events

In the West Bank the PA did not place restrictions on academic freedom, and there were no known reports of PA censorship of school curricula or plays, films, or exhibits in the West Bank. During the year the PA did not interfere with education; however, restrictions on movement adversely affected academic institutions and access to education in the West Bank, as the existence of Israeli checkpoints, although they decreased in number, created difficulties for students and faculty commuting to university campuses (see section 2.d). While there was no overt threat to academic freedom, faculty were aware of security elements' presence on university campuses among the student body and faculty, which may have led to self-censorship.

In the Gaza Strip, Hamas authorities sought to disrupt some educational, cultural, and international exchange programs. Hamas prevented high school students from the Gaza Strip from participating in select cultural and educational exchange programs including programs sponsored by foreign governments and international organizations, including a selected a delegation of 30 eighth-grade students selected by the UN Refugee and Works Agency (UNRWA) who were traveling to Jerusalem to obtain visas for onward travel to the United States in the spring. In some cases Hamas maintained that permits would be granted if accompanied by Hamas officials for the duration of the trip.

Public and UNRWA schools in Gaza followed the same curriculum as West Bank schools, and there was limited interference by Hamas at the primary and secondary level. At the university level there were no known reports of significant interference in teaching or studying.

The Hamas ministry of culture censored films shown at public venues in Gaza, including cutting scenes depicting women deemed to be against "traditional values" from several movies shown during a film festival held from July 13-15 at the Gaza Women's Affairs Center.

Hamas authorities also interfered in local cultural programs. For example, the Gaza-based Society for Culture and Arts reported that the Hamas ministry of culture reviewed the scripts of all plays performed by the society to ensure that they met their approval and did not offend local religious and cultural values. On September 23, Hamas canceled the public broadcast at Gallery Gaza (a cultural venue) of PA President Mahmoud Abbas' speech at the UN.

Israeli authorities generally did not permit students from the Gaza Strip to attend West Bank universities; only three students were granted permission during the year. The three students all faced delays in processing their permits. In general Gazan students did not apply to West Bank universities because they understood that Israel would deny permit requests.

In East Jerusalem, Israeli security shut down an event at the Palestinian National Theater (al-Hakawati) in April, on the suspicion that the event was organized by the PA. Also in April, Israeli authorities canceled a soccer-related celebration planned by the East Jerusalem-based Palestinian youth NGO, The Workers' Club, under suspicion that it had been organized by the PA.

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

Palestinian law permits public meetings, processions, and assemblies within legal limits. It requires permits for rallies, demonstrations, and large cultural events, and authorities rarely denied them. However, both PA and Hamas forces attempted to break up selected protests and demonstrations during the year, including demonstrations in solidarity with the Egyptian revolution in February. Palestinian NGOs stated that checkpoints and police arrests were used in some cases to restrict protests.

NGOs reported that the PA in the West Bank restricted freedom of assembly and movement based on political leanings of the demonstrators. On February 5, PA security forces arrested and physically abused at least five peaceful protesters in Ramallah who were chanting slogans in support of demonstrators in Egypt and publicly criticizing the PA, according to HRW.

According to a Hamas decree, any public assembly or celebration in the Gaza Strip requires prior permission, in contradiction of the PA Basic Law. During the year Hamas specifically banned public celebrations regarding the Palestinian UN bid for statehood. On March 15, Hamas police and security officers, some in plain clothes, violently broke up youth-led demonstrations calling for Palestinian unity. HRW reported that Hamas intimidated and in some cases arrested youth activists calling online for Palestinian reconciliation demonstrations. Hamas detained, harassed, seized personal property from, and prevented access to legal counsel for youth activists publicly participating in reconciliation demonstrations in Gaza. In

addition Hamas did not permit Fatah members to hold rallies, including preventing a rally celebrating the 47th anniversary of the founding of Fatah.

Hamas officials also attempted to impede potential criticism of Hamas policies by imposing arbitrary demands for the approval of meetings on political or social topics. On December 1, Hamas security forces shut down a videoconference on women's rights and forced the departure of attendees from the Gaza Red Crescent Society for reportedly not including Hamas "prime minister" Isma'il Haniyeh in the program. On December 4, Hamas security forces forcibly terminated a Gaza videoconference of a social media event based in the West Bank after threatening to storm the building and arrest attendees. Although the coordinator maintained he had secured the relevant permits, Hamas refuted the claim.

The IDF continued its use of a 1967 military order that effectively prohibited Palestinian demonstrations and limited freedom of speech in the West Bank. The order stipulates that a "political" gathering of 10 or more persons requires a permit from the regional commander of military forces. The penalty for a breach of the order is 10 years' imprisonment or a heavy fine.

Various NGOs noted the IDF demonstrated a lack for respect for the freedom of assembly and often met demonstrators with an aggressive response. Israeli security forces used force against Palestinians and others involved in demonstrations in the West Bank and East Jerusalem, killing one protester during the year (see section 1.a.). The IDF used force particularly against protests by the Popular Resistance Committee against the construction of the separation barrier. IDF forces responded to protests with military crowd-control techniques or weapons, such as tear gas, stun grenades, and force to push back protesters. On November 23, during weekly protests in Nabi Saleh, IDF forces used .22-caliber live fire, which wounded one protester. Israeli military regulations specifically forbid the use of this form of ammunition as a crowd control mechanism.

The IDF Central Command maintained its designation of areas adjacent to the separation barrier in the villages of Bil'in and Ni'lin as "closed military areas" every Friday during the hours in which Palestinian, Israeli, and international activists regularly demonstrated. There were frequent skirmishes between the antibarrier protesters and IDF personnel. IDF and Israeli police personnel stationed on the far side of the barrier during weekly protests in Bil'in and Ni'lin, for instance, responded to rock throwing with tear gas, stun grenades, sound bombs, and rubber-coated bullets. Some citizen journalists claimed that the IDF's

launching of tear gas canisters into crowds at high speeds effectively made the canister a weapon itself.

Abdallah Abu Rahmah, the coordinator for Bil'in Popular Committee Against the Wall protests who was arrested in 2009 and found guilty of incitement and organizing illegal demonstrations in August 2010, was scheduled for release in November 2010; however, the prosecution won an appeal to lengthen the sentence to create "a deterrence not only to [Abu Rahmah], but also to others who may follow in his footsteps." In January the military court of appeals sentenced Rahmah to an additional three months. He was released on March 14.

The ACRI continued to report arbitrary restrictions on the freedom of assembly in East Jerusalem, including the use of unlawful arrests to intimidate demonstrators. In one example, municipal authorities required anticolonialism demonstrators in Sheikh Jarrah to apply for permits to hold demonstrations.

### **Freedom of Association**

In the West Bank the PA law allowed for freedom of association, but it was sometimes limited in practice.

In the Gaza Strip, Hamas attempted to prevent various organizations from operating, including some it accused of being Fatah-affiliated, as well as private businesses it deemed to be in violation of Islamic social norms. In July Hamas began requiring NGOs to undergo audits and suspended the operations of some when they did not allow on-site audits.

Israel maintained prohibitions on at least six prominent East Jerusalem-based Palestinian institutions--the Orient House, the de facto PLO office in Jerusalem, the East Jerusalem Chamber of Commerce, the Higher Arab Council for Tourism, the Palestine Research Center, the Palestinian Prisoners Club, and the Social Research Office--claiming that the groups violated the Oslo Accords by operating on behalf of the PA in Jerusalem. According to press reports, Israeli authorities closed as many as 10 organizations in East Jerusalem on suspicion that they were linked with terrorist organizations, particularly Hamas.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <http://www.state.gov/j/drl/irf/rpt/>.

#### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The PA Basic Law provides for freedom of movement, and the PA generally did not restrict freedom of movement. The Basic Law does not specify regulations regarding foreign travel, emigration, or repatriation.

Hamas authorities in the Gaza Strip restricted some foreign travel. Hamas decisions in June and August increased restrictions on the entry, exit, and stay of foreigners, including aid workers. Hamas also prevented the exit of some Palestinians from Gaza as a means to protest the purpose of their travel or coerce a behavior change, such as the payment of taxes and fines.

The IDF restricted Palestinians' movement within the occupied territories and for foreign travel, and, citing military necessity, it increased these restrictions at times. Barriers to movement included checkpoints, a separation barrier between the West Bank and Israel, internal road closures, and restrictions on the entry of persons and goods into and out of the Gaza Strip. Restrictions on movement affected virtually all aspects of life, including access to places of worship, employment, agricultural lands, schools, and hospitals, as well as the conduct of journalistic, humanitarian, and NGO activities.

The PA, Hamas, and Israeli governments generally cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons and refugees; however, both Hamas and Israeli officials constrained the UNRWA's ability to operate freely in Gaza.

In-Country Movement: Hamas authorities did not appear to enforce routine restrictions on internal movement within the Gaza Strip, although there were some "no go" areas to which Hamas prohibited access.

According to UNOCHA, as of August, the Israeli government maintained more than 519 obstacles to movement inside the West Bank. For example, three roadblocks south of Hebron impeded movement for tens of thousands of residents of Palestinian villages, cutting direct access for businesses to the city's commercial center. While there was some lifting of permanent checkpoints in recent years, Israeli authorities frequently prohibited travel between some or all West Bank towns and deployed "flying" (temporary) checkpoints. Palestinians who lived in affected villages stated that such "internal closures" continued to have negative

economic effects. During periods of potential unrest and major Israeli, Jewish, and Muslim holidays, Israeli authorities enacted “comprehensive external closures,” which precluded Palestinians from leaving the West Bank. The IDF also imposed temporary curfews confining Palestinians to their homes during arrest operations.

The Israeli government resumed construction of a separation barrier, which ran along parts of the Green Line (the 1949 Armistice line) and inside the West Bank. If completed, the barrier would separate approximately 9.5 percent of the West Bank (135,000 acres inhabited by up to 50,000 Palestinians), including parts of Jerusalem, from the rest of the West Bank territory. By use of special permits, Israel continued to restrict movement and development within this area, including access by some international organizations. NGOs reported that many Palestinians who were separated from their land were only allowed access to their property a few days a year. There were reports that permits were not issued in the Bethlehem area, which resulted in Palestinian farmers’ being completely unable to access their lands for harvest season. Private security companies employed by the Israeli government controlled points of access through the barrier, and international organizations and local human rights groups claimed these companies did not respond to requests to move goods and officials through the barrier. The barrier affected the commute of children to school in Jerusalem and some farmers’ access to land and water resources. Operating hours of the accessible gates were limited and erratic, although usually announced. In April the Israeli High Court ruled against a 2003 petition by the NGO HaMoked that contested the legality of the permit system. A 2004 advisory opinion of the International Court of Justice advisory body deemed the barrier contrary to international law.

Israel continued to enforce restrictions on access to farmland in the Gaza Strip near the boundary with Israel and to fishing areas along the coast, with the stated intention of preventing attacks by Palestinian armed factions. Israel continued to enforce the “buffer zone” beyond the declared 300 yards from the separation fence, including directing live fire at Gazans at distances of more than 1,000 yards, according to UNOCHA (see also section 1.a.). The “buffer zone” encompassed approximately 24 square miles, representing 17 percent of the Gaza Strip’s total land mass. UNOCHA estimated that nearly 35 percent of the Gaza Strip’s cultivable land was located within the restricted area.

Eighty-five percent of Gaza’s fishing waters were completely or partially inaccessible to Palestinians due to Israeli restrictions. Israeli naval patrol boats strictly enforced a fishing limit at three nautical miles from the shore of the Gaza Strip, reduced from twenty nautical miles as designated under the 1994 Agreement

on the Gaza Strip and Jericho Area (later incorporated into the 1995 “Interim Agreement”). In the northern Gaza Strip, Israel restricted Palestinians from accessing a 1.5-nautical-mile-wide strip along the maritime boundary with Israel, as well as a one-nautical-mile-wide strip in the South, which was poorly enforced, along the maritime boundary with Egypt, as established in the 1994 agreement. Israeli naval forces regularly fired warning shots at Palestinian fishermen entering the restricted sea areas, in some cases directly targeting the fishermen, according to UNOCHA. The Israeli military often confiscated fishing boats intercepted in these areas and detained the fishermen.

There were reports that Israeli authorities attempted to reduce the Palestinian population and limit its movement in areas under Israeli control. Military authorities severely restricted Palestinian vehicular and foot traffic in the commercial center of Hebron, citing a need to protect several hundred Israeli settler residents. Palestinians were prohibited from driving on most roads in downtown Hebron and from walking on Shuhada Street and other roads in the Old City; however, Israeli settlers were permitted free access to these roads. The prohibition, which began in 2000, had resulted in the closure of 1,829 businesses and 1,014 Palestinian housing units, according to B’Tselem; the IDF closed most shops on the street and sealed entrances to Palestinian houses. Demolition orders in and around Hebron also threatened single buildings, family homes, and other civilian structures; in some cases, entire villages such as Dkaika, southeast of Hebron, were subject to ongoing demolition orders.

Foreign Travel: Hamas authorities in the Gaza Strip enforced movement restrictions on Palestinians attempting to exit Gaza to Israel via the Erez Crossing and to Egypt via the Rafah Crossing, although they occasionally prevented Fatah members and youth activists from exiting through either crossing.

In June 2010 Israel partially eased the severe restrictions on movement and access for the Gaza Strip, imposed following Hamas’ rise to power in 2007, and imported goods increased during the year. Categories of individuals permitted to enter or exit the Gaza Strip at the Erez crossing point with Israel were largely limited to humanitarian cases; however, the Israeli government also permitted an increased number of businesspersons and some students to cross during the year. The approval rate for exit requests based on medical need during the year was 89.3 percent from January through November, a significant improvement from 2009 and 2010, when approval rates were 68.3 percent and 78.1 percent, respectively. The total numbers of medical patients crossing at Erez also increased, averaging 938 per month during the year, in comparison with 428 and 757 per month in 2009

and 2010, respectively. Israel allowed for increased movement through Erez for business purposes by increasing the validity (often three months) and number of permits issued for business travelers from the Gaza Strip, with approximately 500 permits valid by year's end. Beginning in May the government of Egypt eased its restrictions on travelers allowed to cross through the Rafah crossing, allowing approximately 500-600 to travel each way.

Restricted access to East Jerusalem had a negative impact on patients and medical staff trying to reach the six Palestinian hospitals there that offered specialized care unavailable in the West Bank. IDF soldiers at checkpoints subjected Palestine Red Crescent Society (PRCS) ambulances from the West Bank to violence and delays, or refused entry into Jerusalem even in emergency cases. When ambulances lacked access, patients were moved across checkpoints from an ambulance on one side to a second ambulance (usually one of five East Jerusalem-based ambulances) or private vehicle on the other side. The PRCS reported hundreds of violations against its teams and humanitarian services during the year. Most incidents included blocking access to those in need, preventing their transport to specialized medical centers, or maintaining delays on checkpoints for periods sometimes lasting up to two hours. Most incidents took place at the Qalandiyah and Az-'Za'ayem checkpoints leading to East Jerusalem, while the remainder took place at other checkpoints circling the West Bank. The PCRS reported that on June 30, Israeli forces at the Wadi al-Ghroos checkpoint in Hebron's Old City stopped an ambulance en route to assist an unconscious Palestinian. After an hour, the PCRS team left their vehicle and began heading to the patient's house on foot. The patient later went to the hospital in a private vehicle.

The IDF restricted Gazan students from studying in the West Bank or Israel and limited West Bank Palestinians from university study in East Jerusalem and Israel (see section 2.a.). Palestinians possessing Jerusalem identity cards issued by the Israeli government needed special documents to travel abroad. Upon the individual request of Palestinians, the Jordanian government issued them passports.

Residency restrictions affected family reunification, which did not qualify as a reason to enter the West Bank. For a child in the Gaza Strip, for example, access to a parent in the West Bank was permitted only if no other relative was resident in the Gaza Strip. Israeli authorities did not permit Palestinians who were abroad during the 1967 War, or whose residence permits the Israeli government subsequently withdrew, to reside permanently in the occupied territories. It was difficult for foreign-born spouses and children of Palestinians to obtain residency.

Palestinian spouses of Jerusalem residents were required to obtain a residency permit and reported delays of several years in obtaining them.

Exile: Continued Israeli revocations of Jerusalem identity cards amounted to forced exile to the occupied territories or abroad. According to HaMoked, the Israeli Ministry of Interior renewed “temporary” orders authorizing the revocation of Jerusalem residency rights from legal residents. The Ministry of Interior revoked 191 permits in 2010. Reasons for revocation included having acquired residency or citizenship in a third country, living “abroad” (including in the West Bank or the Gaza Strip) for more than seven years, or, most commonly, being unable to prove a “center of life,” interpreted as full-time residency, in Jerusalem. Some Palestinians born in Jerusalem but who studied abroad reported losing their Jerusalem residency status.

On December 7, an Israeli court ordered Hamas-affiliated PLC member Ahmad Atoun expelled from Jerusalem to the West Bank. Atoun was one of three Hamas-affiliated politicians who took refuge in the ICRC mission in Jerusalem in July 2010 after the Israeli Ministry of Interior revoked their Jerusalem residency permits. Atoun stayed at the ICRC building until September 2011, when Israeli police arrested him at the compound’s gate.

### **Internally Displaced Persons (IDPs)**

Although IDP were not centrally or systematically registered, the Unified Shelter Sector Database estimated there were approximately 15,700 IDPs in the Gaza Strip who remained displaced as a result of Operation Cast Lead. UNOCHA estimated that more than 1,000 individuals were displaced in the West Bank and East Jerusalem as a result of house demolitions during the year.

Although there is no specific legislation to protect IDPs along UN principles and guidelines, West Bank and Gaza Strip authorities are bound by international human rights laws underlying these obligations on displacement. Through rental subsidies and financial assistance to reconstruct demolished houses, the PA provided some assistance to those displaced. The UNRWA and humanitarian organizations provided services to aid IDPs in the Gaza Strip and West Bank, with some limitations due to movement and border access as a result of Israeli restrictions. In the Gaza Strip, Hamas authorities pressed international and local aid organizations providing emergency assistance to coordinate relief efforts with the Hamas ministry of social affairs. Several Gaza-based NGOs reported that

Hamas prevented aid groups from distributing assistance after they refused to comply with Hamas regulations.

### **Protection of Refugees**

Access to Asylum: There were no reports of persons seeking asylum in the occupied territories, although the UNHCR reported that several African migrants were detained in PA jails. At year's end the UNHCR was working to determine whether those persons were bona fide refugees in need of protection. According to a UNRWA estimate in January, there were 848,494 Palestinian refugees in the West Bank and 1,167,361 in Gaza, many living in 27 UNRWA-affiliated refugee camps, 19 in the West Bank and eight in Gaza. The refugees included those displaced as result of the 1948 conflict in Israel and their descendents.

Refugee Abuse: In December IDF airstrikes in Gaza damaged a UNRWA school, and in August an IDF sniper shot and killed a refugee student.

On April 19, 52-year-old Adel Saleh Riziq of the Jabalia Refugee Camp died while in detention in Gaza City; he was arrested at his home on April 14, and family members claimed via an affidavit filed with the ICHR that they were informed several days later that his severely bruised body had arrived at al-Shifa Hospital. The Hamas ministry of interior formed an investigative committee following the incident, but no findings were released by year's end.

The Israeli government obstructed refugee access to UNRWA-provided humanitarian assistance in the West Bank and the Gaza Strip. The UN estimated that 75 percent of the population of the Gaza Strip were recipients of international aid and that 54 percent were food insecure. Essential infrastructure in the Gaza Strip, including water and sanitation services, was in a state of severe disrepair due in part to an inability to bring in spare parts and components under Israeli import restrictions. During the year, however, the Israeli government approved several donor-funded water and sanitation projects, and two large-scale wastewater treatment facilities were under construction.

Access to Basic Services: While many planned UNRWA projects in the Gaza Strip remained pending approval with Israeli authorities, the Israeli coordinator for government activities in the territories approved 73 UNRWA projects during the year, including 1,200 new housing units in June and other international assistance projects. The UNRWA reported that it did not receive approval to date for three rehousing projects for the provision of 1,700 shelters to refugees in Rafah and

Khan Younis refugee camps, pending since 2007 and resubmitted the requests to the Israeli authorities in March.

The UNRWA operated 243 schools with more than 219,000 refugee students in the Gaza Strip, but it claimed its capacity was severely overstretched by Israeli restrictions and that restrictions on movement and access in particular undermined its ability to provide education. UNRWA schools in the Gaza Strip ran on a double shift in “compressed learning periods” and had as many as 50 students per classroom. Thousands of students were schooled in makeshift classrooms.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

#### **Elections and Political Participation**

Recent Elections: In 2006 the 132-member PLC was elected in a process under the Basic Law that international observers concluded generally met democratic standards in providing citizens the right to change their government peacefully. Hamas-backed candidates participated in the 2006 PLC elections as the “Reform and Change Movement” and won 74 of 132 seats. Fatah won 45 seats, and independents and candidates from third parties won the remaining seats. The PLC lacked a quorum and did not meet during the year. Although the Israeli government and the PA followed mutually agreed guidelines for Palestinians residing in Jerusalem to vote in 2005 and 2006, not all Palestinians were allowed to vote in East Jerusalem, and those who could vote were required to do so via post offices (of which there were few), thereby complicating their ability to vote. At the end of the year, municipal elections were put on hold indefinitely, and no date has been set for national elections.

Political Parties: Civil society organizations in the Gaza Strip claimed Hamas authorities and other conservative Islamist groups did not tolerate public dissent, opponents, civil activism, or the promotion of values that ran contrary to their political and religious ideology.

Participation of Women and Minorities: There were 17 women in the 132-member PLC and three women in the 16-member cabinet. There were seven Christians in the PLC and two in the cabinet.

### **Section 4. Official Corruption and Government Transparency**

Palestinian law provides criminal penalties for official corruption, and the government respected this in practice, making progress during the year. The PA's anticorruption commission, consisting of special prosecutors, and an anticorruption court consisting of a panel of three judges, was investigating more than 140 cases and had indicted two PA ministers. PA ministers are subject to financial disclosure laws. The PA attorney general has official responsibility for combating government corruption. There were allegations of past corrupt practices among Fatah officials, particularly in the theft of public funds and international assistance money. The World Bank reported that the PA made significant progress in combating corruption, particularly in public financial management reforms, but that additional reforms in land and business registration were needed. World Bank polling found that public perception of corruption remains high.

In the Gaza Strip local observers and NGOs alleged instances of Hamas complicity in corrupt practices, including preferential purchasing terms for real estate and financial gains from involvement in the illegal tunnel trade by the Hamas security forces, but access to information and reporting were severely inhibited.

PA law requires official PA institutions to "facilitate" acquisition of requested documents or information by any Palestinian, but it does not require agencies to provide such information. Reasons for denial generally referred to privacy rights and security necessity.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

Palestinian human rights groups and several international organizations generally operated without PA restriction, and officials cooperated with their efforts to monitor the PA's human rights practices. Several PA security agencies, including the GI and PCP, appointed official liaisons that worked with human rights groups. The PA was open to human rights observers, and there were no reports of harassment of NGOs.

In the Gaza Strip, Hamas routinely harassed civil society, breaking up Internet forums, and peaceful organizations. Gaza-based NGOs reported that Hamas representatives appeared at their offices to assure compliance and summoned NGO representatives to police stations for questioning.

Israeli, Palestinian, and international NGOs monitored the Israeli government's practices in the occupied territories and published their findings, although ongoing

fighting, movement restrictions in the West Bank, and access restrictions in the Gaza Strip made it difficult to carry out their work. The Israeli government permitted some human rights groups to publish and hold press conferences, and it provided the ICRC with access to most detainees.

UN and Other International Bodies: PA and Israeli officials generally cooperated with and permitted visits by UN representatives or other organizations, such as the ICRC. There were numerous reports that Hamas harassed members of NGOs and international organizations.

The UN and international NGOs reported continued difficulty accessing “seam zone” communities in the northwestern West Bank, particularly Barta’a al-Sharqiya in the Jenin Governorate, due to Israeli authorities’ excessive demands for searches of personnel, including UN employees, based on their nationality.

Government Human Rights Bodies: The quasigovernmental ICHR continued serving as the PA’s ombudsman and human rights commission. The ICHR issued monthly and annual reports on human rights violations within Palestinian-controlled areas; the ICHR also issued formal recommendations to the PA.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

PA law prohibits discrimination based on race, gender, disability, language, or social status. PA authorities worked to enforce these laws; however, failures continued in practice.

Hamas, despite remaining under the authority of Palestinian laws prohibiting discrimination, continued to implement discriminatory policies based on race, political affiliation, gender, and sexual orientation.

Many NGOs reported that Israeli actions in the West Bank and Gaza amounted to racial and cultural discrimination, and they cited legal differences between Palestinians in the West Bank and Jewish settlers in the West Bank as a clear policy of racial discrimination.

### **Women**

Rape and Domestic Violence: Rape is illegal under PA law, but the legal definition does not address spousal rape; laws that apply in both the West Bank and the Gaza Strip relieve rapists who marry their victim of any criminal

responsibility. Punishment for rape is five to 15 years in prison; however, societal norms limited the frequency of reporting. In addition there were reports that some accused rapists were released from custody after apologizing to victims. A 2011 survey by the Palestinian Authority's Central Bureau of Statistics found that 37 percent of women (29.9 percent in the West Bank and 51.1 percent in Gaza) who were married reported exposure to violence.

PA law does not explicitly prohibit domestic violence, but assault and battery are crimes. NGOs reported that women were frequently unwilling to report cases of violence or abuse to the police because of fear of retribution, and HRW stated that few domestic violence cases were successfully prosecuted in recent years. Many women and girls stated they believed the legal system discriminated against women. According to the Palestinian Central Bureau of Statistics, violence against wives, especially psychological violence, was common in the West Bank and the Gaza Strip. Specifically, a 2009 survey by the Palestinian Women's Information and Media Center found that 52 percent of Gazan women faced regular physical violence. According to a 2009 survey conducted by the UN Gender Task Force, 37 percent of women in the Gaza Strip cited domestic violence as the primary safety problem facing women and girls in their communities. The results also showed increases in domestic violence against women among households displaced by conflict.

Harmful Traditional Practices: The media reported on only one "honor" killing in the Palestinian territories during the year, but the Women's Center for Legal Aid and Counseling reported three honor killings in the West Bank and one in Gaza. For a portion of the year, the Jordanian penal code, as applied in the West Bank by the PA, mitigated penalties for "honor" crimes. In the honor killing case of 20-year-old Aya Baradiya from the West Bank town of Surif, whose body was found in a well in May but who was reportedly killed in 2010, authorities arrested and charged four men in June, including her uncle Okab Baradiya, for her death. In response to Baradiya's killing, on May 14, President Abbas issued a presidential decree changing the law so that "honor" no longer would be considered a mitigating circumstance.

Sexual Harassment: No law specifically relates to sexual harassment. The Geneva Centre for the Democratic Control of Armed Forces and other NGOs reported that for some women, cultural taboos and fear of stigma compelled them to remain silent about sexual harassment. Some young women claimed that they were held responsible for "provoking" men's harassing behavior.

Reproductive Rights: Couples and individuals in the Gaza Strip, the West Bank, and East Jerusalem had access to contraception. Information regarding family planning was lacking, although the UNRWA continued holding workshops for Palestinian men underscoring their role in family planning. There were at least 147 family planning centers in the West Bank and at least 20 in the Gaza Strip, according to the PA Ministry of Health. High workload, poor compensation, and resource shortages across the occupied territories continued to affect skilled attendance during labor and postpartum care, much of which midwives provided. There were more deaths among mothers and newborns in the Gaza Strip; the PA Ministry of Health attributed continued increases in the number of home births to difficulties in reaching hospitals (see section 2.d.). While governmental authorities and community and international NGOs operated HIV/AIDS education, prevention, and screening programs, limited information was available about the equality of services provided for women.

Discrimination: The law provides for equality of the sexes, but personal status law and traditional practices discriminate against women. For Muslims in the West Bank and the Gaza Strip, personal status law is derived from sharia, which includes inheritance and marriage laws. Women can inherit, but not as much as men. Men may take more than one wife, although they rarely did in urban areas (the practice was more common in small villages). Women may add conditions to marriage contracts to protect their interests in divorce and child custody but rarely did so. Societal pressure generally discouraged women from including divorce arrangements in a marriage contract. Cultural restrictions associated with marriage occasionally prevented women from completing mandatory schooling or attending college. Families sometimes disowned Muslim and Christian women who married outside their faith. Local officials sometimes advised such women to leave their communities to prevent harassment.

Hamas maintained control of the Gaza Strip and enforced a conservative interpretation of Islam on the Gaza Strip's Muslim population that particularly discriminated against women. Authorities generally prohibited public mixing of the sexes. Plainclothes officers routinely stopped, separated, and questioned couples to determine if they were married; premarital sex is a crime punishable by imprisonment. Hamas's "morality police" also punished women for riding motorcycles, smoking cigarettes or water pipes, leaving their hair uncovered, and dressing "inappropriately" (i.e., Western-style or close-fitting clothing, such as jeans or T-shirts). Women living in refugee camps in the Gaza Strip said they felt unsafe using a bathing or latrine facility and cited a lack of reliable sanitary materials.

Palestinian labor law states that work is the right of every capable citizen; however, it regulates the work of women, preventing them from taking employment in dangerous occupations. Women endured prejudice and, in some cases, repressive conditions at work. Additionally some employers reportedly provided preferential treatment to their male counterparts. According to Freedom House, women earned 65 percent of men's wages in the West Bank and 77 percent in the Gaza Strip.

Female education rates were high, particularly in the West Bank, and women's attendance at universities exceeded men's, but female university students reported discrimination by university administrators, professors, and their male peers, according to the Geneva Centre for the Democratic Control of Armed Forces. According to press and NGO reports, in some instances teachers sent home girls not wearing conservative attire in Hamas-run schools, although enforcement was not systematic.

The PA Ministry of Women's Affairs existed to promote women's rights. During the year, the ministry worked closely with the UN to develop a nine-year plan released in January to combat violence against women.

## **Children**

Birth Registration: The PA registers Palestinians born in the West Bank and the Gaza Strip, and Israel requires that the PA transmit this information to the Israeli Civil Administration. As the PA does not constitute a state, it does not determine "citizenship" alone. Children of Palestinian parents can receive a Palestinian identity card (issued by the Civil Administration) if they are born in the occupied territories to a parent who holds a Palestinian identity card. The PA Ministry of Interior and the Israeli Civil Administration both play a role in determining a person's eligibility.

Israel registers the births of Palestinians in Jerusalem, although Arab residents of Jerusalem reported delays in the process.

Education: Education in PA-controlled areas is compulsory from age six through the ninth grade. Education is available to all Palestinians without cost through high school.

In the Gaza Strip, primary education was not universal. The UNRWA and Hamas provided educational instruction.

From January through November, UNICEF reported 34 attacks on schools in the West Bank (30) and Gaza (four), amounting to a denial of access to education. Twenty-two instances were perpetrated by Israeli authorities, eleven by Israeli settlers, and four by Palestinian armed groups.

In Israeli-administered East Jerusalem, Palestinian children did not have access to the same educational resources as Israeli children (see section 6, Minorities).

Child Abuse: Child abuse was reportedly a widespread problem. The law prohibits violence against children; however, PA authorities rarely punished perpetrators of familial violence. In a 2009 study by the UN Gender Task Force in the southern Gaza Strip, survey participants reported a high level of perceived domestic violence against children.

Israeli security forces also participated in violence against children in custody, during arrest (see section 1.c.), or working inside or near the Gaza Strip buffer zone, according to NGO and UN reports.

Doctors Without Borders (MSF) reported that the number of children with post-traumatic stress disorder and other anxiety disorders including depression increased in recent years. MSF attributed a majority of the cases to trauma experienced during Israeli military incursions or as a result of settler violence.

Child Marriage: Palestinian law defines the minimum age for marriage as 18; however, religious law allows for marriage as young as 15. Underage marriage did not appear to be widespread.

Sexual Exploitation of Children: The PA considers statutory rape a felony based on the Jordanian penal code of 1960, which also outlaws all forms of pornography. The minimum age for consensual sex is 18. Punishment for rape of a victim under the age of 15 includes a minimum sentence of seven years.

Displaced Children: Conflict and demolition orders (see also section 2.d.) displaced children in the occupied territories. UNOCHA reported that 618 children were displaced due to home demolitions in the West Bank and East Jerusalem during the year.

Child Soldiers: There were reports that Hamas trained children as combatants.

### **Anti-Semitism**

The size of the Jewish community in the West Bank was approximately 300,000. The Jewish population in Gaza, aside from foreign nationals, was nonexistent. There were an estimated 200,000 Jewish residents of East Jerusalem.

Rhetoric by several Palestinian groups included expressions of anti-Semitism, as did sermons by some Muslim religious leaders. In the Gaza Strip and the West Bank there were a few documented instances in which media outlets, particularly outlets controlled by Hamas, published and broadcast material that included anti-Semitic content, sometimes amounting to incitement. For example, in December Hamas's al-Aqsa TV aired a sermon by a preacher who called for the killing of Jews. Unofficial Palestinian television broadcast content that sometimes advocated for holy war to expel the Jewish presence in the region. Some children's programs shown on Hamas television legitimized the killing of Israelis and Jews via terrorist attacks. In February *Zayzafouna*, a Palestinian youth magazine, featured a story in which Hitler appeared as a teenage girl's role model, making remarks about the killing of Jews on the grounds that they spread destruction.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <http://www.state.gov/j/tip>.

### **Persons with Disabilities**

There is no reference in PA law to disability. Access to buildings, information, or communications was not mandated. Palestinians with disabilities continued to receive uneven and poor-quality services and care. The PA depended on UN agencies and NGOs to care for persons with physical disabilities and offered substandard care for persons with mental disabilities. There were reports that Israeli authorities placed detainees deemed mentally ill or a threat to themselves or others in isolation without full medical evaluation. According to Physicians for Human Rights-Israel, isolation of prisoners with mental disabilities was common.

Familial and societal discrimination against persons with disabilities existed. Press reports indicated that some parents in the West Bank performed hysterectomies on

mentally ill girls to prevent them from becoming pregnant; most of these parents stated they intended to protect their daughters from rape.

In August international media reported that an impoverished Palestinian family, unable to provide necessary care for two mentally ill daughters, Mohedeye Dawabsha, 25, and Nedaa Dawabsha, 21, had chained both in a room in the family house in Duma, citing concern about their vulnerability to sexual violence should either wander away.

### **National/Racial/Ethnic Minorities**

Although not a numerical minority, Palestinians faced targeted violence and discrimination from Israeli actors in the occupied territories (see also sections 1.a., 1.c., 1.f., and 2.d.).

The Jerusalem Legal Aid Society and Human Rights Center and other NGOs reported an increase in attacks by Israeli settlers on Palestinians and their property in the West Bank. The attacks included direct violence against Palestinian residents. Unnamed settlers killed at least two Palestinians during the year, including 17-year-old Fakhri Yousef Akhlaiel, a resident of Khirbat Safa, on January 18. Akhlaiel was reportedly harvesting grapes on his family's land at the time of the shooting. News reported that police investigated the incident, but there were no reports of arrests or indictments.

Some Israeli settlers reportedly used violence against Palestinians as a means of harassment and to keep them away from land that settlers sought to expropriate. In the Palestinian village of al-Baqa'a, NGOs reported that settler violence drove out significant portions of the Palestinian population, with no intervention from the IDF or the Israeli national police. On December 5, Israeli settlers from the Yitzhar settlement kidnapped and subsequently released Salim Jamil Shehadeh, a 60-year-old shepherd, from Orif village. The settlers also stole 50 of Shehadeh's sheep. There was no information about an investigation at year's end.

Other violence was in retaliation for killings of Israelis. On March 12 and 13, for example, following the killing of five Israeli settlers in Itamar (see section 1.a), settlers conducted widespread retaliatory attacks against Palestinians in the West Bank governorates of Nablus, Salfit, Qalqilya, Hebron, and Ramallah. Settlers threw stones at Palestinian vehicles at 16 separate locations in the West Bank, and there were multiple reports of settlers kidnapping and beating Palestinians before releasing them. Settlers also attacked PA emergency medical responders.

Various human rights groups continued to claim that settler violence was insufficiently investigated and rarely prosecuted. Some groups in part attributed this to the Israeli Ministry of Defense's Civil Administration's neglect of Palestinian complaints and also to Palestinian residents who were often reluctant to report incidents, fearing settler retaliation. The Israeli NGO Yesh Din reported in 2010 that more than 90 percent of investigations into offenses against Palestinians carried out by Israeli in the West Bank were unsuccessful.

Settlers also exploited religious tensions to harass Palestinian villages by vandalizing, breaking into, or burning 10 mosques. UNOCHA reported a 150 percent increase in attacks on mosques during the year.

Access to social and commercial services, including housing, education, and health care, in Israeli settlements in the West Bank was available only to Israelis. Israeli officials discriminated against Palestinians in the West Bank and Jerusalem regarding access to employment and legal housing by denying Palestinians access to registration paperwork. In both the West Bank and Jerusalem, Israeli authorities placed often insurmountable hurdles on Palestinian applicants for construction permits, including the requirement that they document land ownership in the absence of a uniform post-1967 land registration process, high application fees, and requirements that new housing be connected to often unavailable municipal works. According to B'Tselem, since 2000 Israel has curtailed the Palestinian population registry, denying paperwork to Palestinians and effectively declaring Palestinians illegal residents. Some Palestinians defined as illegal residents faced harassment, arrest, or deportation to the Gaza Strip.

The World Bank reported that Palestinians suffered water shortages, noting that approximately half of the domestic water supply for Palestinians was purchased from Israel. The Palestinian Water Authority claimed that Israel controls 90 percent of the shared water resources of the Mountain Aquifer, which underlies the West Bank and Israel. According to Amnesty International (AI), Palestinians received on average of 18.5 gallons of water per person per day, falling short of the World Health Organization's standard of 26.5 gallons per person per day, the minimum daily amount required to maintain basic hygiene standards and food security. The PA's ability to improve water network management and efficiency was limited by political constraints, including the requirement for Israeli approval to implement water-related projects and the PA's lack of authority in Area C to prevent theft from the network, as well as by the PA's own management challenges. Between January and July, according to the UN, the Israeli military

destroyed 20 water cisterns, some of which were funded by donor countries for humanitarian purposes. The Israeli military also destroyed unlicensed Palestinian agricultural wells, claiming they depleted aquifer resources. During the year the two sides partially resolved a long-standing dispute on the rehabilitation of licensed Palestinian wells, with Israel allowing Palestinian farmers to rehabilitate 57 licensed wells in the Eastern Basin of the Mountain Aquifer, increasing water supply in the largely agricultural Jordan Valley of the West Bank.

In the West Bank, some NGOs reported an increase in settler expropriation of natural water springs located on privately owned Palestinian land. Yesh Din documented settler expropriation of 26 springs and their conversion into recreational “nature parks.” Palestinian residents reported that water supplies were intermittent, and settlers and their security guards denied Palestinians, including shepherds and farmers, access to the springs. AI estimated that the settler population in the West Bank used as much water as the entire Palestinian population.

NGOs claimed that Jerusalem municipal and Israeli national policies aimed at decreasing the number of Palestinian residents of East Jerusalem. Government-sponsored construction of new Israeli housing units continued, while building permits were difficult to obtain for Arab residents of East Jerusalem, and homes built by Arab residents without legal permit were subject to demolition. The Israeli NGOs Bimkom and Ir Amim claimed that Palestinians in East Jerusalem continued to face barriers to purchasing property or obtaining building permits. Land owned or populated by Arabs (including Palestinians and Israeli Arabs) was generally zoned for low residential growth. Approximately 30 percent of East Jerusalem was designated for Israeli residents. Palestinians were able in some cases to rent Israeli-owned property, but were generally unable to purchase property in an Israeli neighborhood. Israeli NGOs claimed that of all land designated for housing in West Jerusalem and in the Israeli neighborhoods of East Jerusalem, at least 79 percent was unavailable for Arab construction.

The Jerusalem Municipality and Jewish organizations in Jerusalem made efforts to increase Israeli property ownership or underscore Jewish history in predominately Arab neighborhoods of East Jerusalem. The Jerusalem Municipality advocated increased Israeli influence and property ownership in East Jerusalem’s Kidron Valley.

Although Israeli law entitles Arab residents of East Jerusalem to full and equal services provided by the municipality and other Israeli authorities, in practice the

Jerusalem Municipality failed to provide sufficient social services, infrastructure, emergency planning, and postal service for Arab neighborhoods in East Jerusalem. Palestinian residents constituted 35 percent of Jerusalem's population but received only 10-15 percent of municipal spending. The ACRI reported that this resulted in Palestinian residents' lack of access to running water, crowded classrooms in substandard buildings, and poor sewage infrastructure, among other problems. Many Jerusalem municipal forms were not available in Arabic. Bus services in Jerusalem were largely segregated in practice.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Palestinian law, based on the 1960 Jordanian penal code, prohibits homosexual activity, although in practice the PA did not prosecute individuals suspected of such activity. Societal discrimination based on cultural and religious traditions was commonplace. Some Palestinians claimed that PA security officers and neighbors harassed, abused, and sometimes arrested lesbian, gay, bisexual, and transgender persons because of their sexual orientation. NGOs reported that Hamas also harassed and detained people due to sexual orientation.

### **Other Societal Violence or Discrimination**

While the PA Ministry of Health provided treatment and privacy protections for patients with HIV/AIDS, societal discrimination against affected individuals was common.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

PA law permits workers to form and join independent unions and conduct legal strikes. The law requires collective bargaining to be conducted "without any pressure or influence" but does not explicitly state a right to collective bargaining. The PA labor code does not apply to civil or domestic servants, although the law allows civil servants to form their own unions.

The requirements for legal strikes are cumbersome, and strikers had little protection from retribution. Prospective strikers must provide written warning two weeks in advance of the strike (four weeks in the case of public utilities). The PA Ministry of Labor can impose arbitration; workers or their trade unions face

disciplinary action if they reject the result. If the ministry cannot resolve a dispute, it can be referred to a committee chaired by a delegate from the ministry and composed of an equal number of members designated by the workers and employer, and finally to a specialized labor court.

Antiunion discrimination and employer interference in union functions are illegal; however, although the law gives workers the right to unionize, it does not specifically prohibit termination due to union activity.

In practice the PA generally respected freedom of association and the right to collective bargaining, with some exceptions. Labor unions reported that the PA's 2000 labor law had not been fully implemented at year's end and asserted that the current system benefitted employers. For example, the labor court provided for in the law had not been established. During the year the waiting time for court hearings was five to six years. The PA enforced the prohibitions on antiunion discrimination and employer interference in union functions; however, it inconsistently enforced laws regarding freedom of association, and there were reports that PA enforcement of collective bargaining rights for unions serving other than PA employees was limited. The right to strike remained weak in practice.

Two main labor unions in the West Bank competed for membership and political recognition. A leader of one of the unions is also the PA deputy labor minister. Otherwise, the unions were independent from the government, and there were no reports of politically motivated sackings of union leaders.

In 2007 Hamas replaced Fatah-affiliated union leaders with Hamas members or sympathizers in the Gaza Strip, and during the year it maintained restrictions on union membership.

Israeli law applies to Israeli settlements in the West Bank and Jerusalem but was not uniformly enforced. Most settlements apply to Palestinian workers Jordanian labor law as it existed prior to 1967, which provides for lower wages and fewer protections than Israeli law. Workers in Jerusalem often joined West Bank unions or the Israeli General Federation of Labor (Histadrut); however, they cannot vote in Histadrut elections.

## **b. Prohibition of Forced or Compulsory Labor**

PA law does not expressly forbid forced or compulsory labor. Children and women were vulnerable to forced labor conditions.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

According to PA law, the minimum age for employment in the occupied territories is 15 years. The law classifies children as those under 18 years of age, and it restricts employment for those between 15 and 18. However, the law allows children younger than 15 to work for immediate family members under close supervision. Hiring of children ages 15-18 for certain types of employment is permitted under set conditions. The law prohibits children from working more than 40 hours per week, operating certain types of machines and equipment, performing work that might be unsafe or damage their health or education, and working at night, in hard labor, or in remote locations far from urban centers.

Due to inadequate resources and logistical difficulties, PA authorities did not effectively enforce the law. The PA estimated that 2.3 percent of children between the ages of 10 and 14 and 6.1 percent of children between the ages of 15 and 17 worked in the West Bank and Gaza during the year. According to the PA, more than 90 percent of child laborers lived in the West Bank; the smaller proportion for Gaza was due to the unavailability of jobs and high unemployment among adults in Gaza, according to the PA. Palestinian child laborers generally worked on family farms, in shops, as street vendors, in car washes, in factories, or in small manufacturing enterprises. They were vulnerable to forced labor. Conditions were especially poor for Palestinian children working as street vendors, many of whom worked all day without food or water and were subject to abuse, according to the PA Ministry of Labor. According to the ministry, children also continued to work smuggling goods--from food products to chemicals--through the tunnels between Egypt and the Gaza Strip. Children reportedly worked in the tunnels for 10-hour shifts, with one hour's rest. From 2007 to 2010, at least 32 children died while working in the tunnels; common causes of death included tunnel collapse, electric shock, and Israeli shelling

During the year the PA Ministry of Labor employed six officers tasked with monitoring child labor conditions, a number it recognized as insufficient. Many reported cases of child labor violations took place in home environments, for example, on family farms, which were not open to labor ministry inspection. Child protection officers with the PA Ministry of Social Affairs were overburdened and also lacked the resources to follow up on such cases. The PA Ministry of Labor reported that only employers who hire children under 15 to work in dangerous conditions or hazardous jobs are referred to the attorney general for prosecution; between 2007 and 2011, the ministry referred 10 such cases. PA officials reported

fining “numerous” people after it conducted successful investigations conducted by the PA Ministry of Labor in recent years. The ministry was unable to conduct investigations in the Gaza Strip, nor did it have access to Israeli-controlled Area C of the West Bank (nearly 60 percent of the West Bank) where child economic exploitation and labor were most likely to occur, according to PA officials.

The Israeli government stated that it did not issue permits for Palestinian West Bank residents younger than 18 years old to work in Israeli settlements, except in the Jordan Valley, where the law allows work permits for persons from the age of 16 and older; however, according to the PA, children entered the settlements or crossed into Israel to seek work. The PA reported that Palestinian children working in Israeli settlements in the West Bank without legal protection or labor inspectors faced security problems, exploitation, and harassment.

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

There was no minimum wage in Palestinian-controlled areas.

Palestinians working in Israeli settlements reported that they continued to receive wages lower than the Israeli minimum wage, despite a 2008 high court ruling that Israeli labor laws apply to relations between Palestinian workers and Israeli employers in settlements in the occupied territories. In November, the Ma’ale Adumim municipality became the first Israeli settlement to apply Israeli labor law to Palestinian workers, in response to a successful lawsuit filed by the workers who demanded Israeli minimum wage and labor protections. A three-month-long strike that began in July caused an Israeli quarry in the West Bank in Mishor Adumim to close. The strike was in response to the employer’s refusal to recognize the workers’ collective agreement. In December a court in Jerusalem approved the creditors’ disposition of the company, along with compensation to the workers.

According to PA law, the maximum official Sunday to Thursday workweek was 48 hours. The law also allows for paid official and religious holidays, which may not be deducted from annual leave. Workers must be paid time and a half for each hour worked beyond 45 hours per week and may not perform more than 12 hours of overtime work per week.

The PA Ministry of Labor was responsible for setting occupational health and safety standards, but its enforcement ability was limited, in part due to lack of staff. The ministry employed 45 labor inspectors during the year, but ministry contacts reported that they would need at least 150 inspectors to adequately enforce the labor law. Unions also stated that the PA did not effectively monitor smaller worksites, which were at times below legal standards for safety.

The PA was unable to monitor labor conditions in the Gaza Strip and has no authority to monitor labor safety in the 60 percent of the West Bank that is designated Area C, under the terms of Oslo-era agreements with Israel. The ministry cannot enforce Palestinian labor law in seam zones, Israel (where Palestinians were employed on permits or illegally), or in Israeli settlements in the West Bank. At the same time Israeli authorities did not conduct labor inspections in Israeli settlements, where, according to the International Labor Organization, the number of Palestinian workers constituted a significant part of the workforce. The lack of a competent labor authority in the settlements increased workers' vulnerability to exploitation. NGOs like Kav LaOved asserted exploitative practices in the Israeli settlements were widespread. Israeli NGOs brought some cases in Israeli labor courts on behalf of Palestinian workers employed by enterprises in the settlements.

Informal sector work, especially in illegal smuggling tunnels between the Gaza Strip and Egypt and rubble and garbage collection, was often dangerous. In 2010, according to the Gaza-bases al-Mezan Centre for Human Rights, 46 workers died in the tunnels.