

# ISRAEL 2012 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Israel is a multiparty parliamentary democracy. Although it has no constitution, the 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. Under the Basic Laws, 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 problems during the year were terrorist attacks against civilians; institutional and societal discrimination against Arab citizens, in particular in access to equal education and employment opportunities; societal discrimination and domestic violence against women; and the treatment of refugees, asylum seekers, and irregular migrants.

Other human rights problems included institutional and societal discrimination against non-Orthodox Jews and some minority religious groups; societal discrimination against persons with disabilities and Ethiopian Jews; and serious labor rights abuses against foreign workers.

Impunity was not a problem. 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 the government or its agents committed arbitrary or unlawful killings during the year.

Terrorist groups routinely fired rockets and mortars into the country during the year. There were 2,001 terrorist attacks against citizens, including 281 in Jerusalem and six elsewhere in the country; 11 cross-border attacks from Egypt;

576 attacks in the West Bank; and 1,127 attacks from the Gaza Strip. Those attacks included the firing of 2,327 rockets and mortar shells from the Gaza Strip into the country (compared with 419 rockets and 244 mortar shells in 2011), according to data compiled by the Israel Security Agency (ISA). In total nine persons were killed and 307 injured in these attacks. Terrorist attacks from across the Egyptian border killed an Israeli Arab construction worker, Said Pashpasha, who was building the border fence on June 18, and a soldier, Corporal Netanel Yahalomi, when he brought food and water to a group of African asylum seekers camped outside the security barrier on September 21.

On January 17, a court convicted Jack Teitel on two counts of murder and attempted murder for attacks in 2008 and earlier against Palestinians and Messianic Jews.

### **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. In 1999 the High Court of Justice ruled that, although torture and the application of physical or psychological pain were illegal, ISA interrogators may be exempt from criminal prosecution if they used such methods in extraordinary cases determined to involve an imminent threat or “ticking bomb” scenario. Human rights organizations alleged that interrogation methods permitted by law and used by security personnel in practice included beatings and forcing an individual to hold a stress position for long periods. Nongovernmental organizations (NGOs) continued to criticize these and other alleged 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 facilities run by the Israel Prison Service (IPS) generally met international standards according to international and domestic

NGOs. (Conditions in four facilities for security detainees are covered in the annex.)

Physical Conditions: All prisoners had access to potable water. At year's end, there were 17,279 prisoners in IPS facilities, including 148 minors. According to IPS figures reported by the Israeli Information Center for Human Rights in the Occupied Territories, at year's end there were 178 administrative detainees in IPS detention centers; 12 had been detained for between two and four and a half years. None had been detained for more than five years (see section 1.d., Arrest Procedures and Treatment While in Detention). None of the administrative detainees were minors. Prison conditions were equal for male and female prisoners. Hundreds of Palestinian security prisoners participated in organized hunger strikes during the year in order to seek release from administrative detentions, end solitary confinement, and allow visits from the Gaza Strip. None of them died as a result of these hunger strikes. The authorities agreed to restart visits from the Gaza Strip and ended solitary confinement in many cases in exchange for commitments not to plan terrorist acts while in prison.

Several NGOs and the Ministry of Social Welfare noted conditions in two detention centers for illegal migrants and asylum seekers were substandard. The NGOs reported severe overcrowding and lack of access to medical, legal, and social services.

Administration: Recordkeeping was adequate. The law allows for alternatives to sentencing for nonviolent offenders, including community service. 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. In July the government approved a program facilitated by the ICRC to restart a similar program for visitors from the Gaza Strip, which had been stopped since the 2007 Hamas takeover. Travel restrictions on entry 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 inhuman conditions and documented results of such investigations publicly. In addition, the state comptroller serves as ombudsman and investigates public complaints against government institutions, including the prison service.

Monitoring: The ICRC regularly monitored IPS facilities, interrogation facilities, and the two Israeli Defense Forces (IDF) provisional detention centers in accordance with its standard modalities but did not monitor security detainees in military detention centers. The Public Defenders' Office is officially responsible for monitoring and reporting on prison conditions, and did so during the year. The government also permitted the Israel Bar Association to inspect IPS facilities.

#### **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. 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 credible 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.

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 if a minor, risk of escape, or other factors. A person detained on security grounds may be prosecuted criminally or held as an administrative detainee or illegal combatant, according to one of three legal regimes.

First, under a temporary law on criminal procedures, repeatedly renewed since 2006, the IPS may hold individuals suspected of a security offense for 48 hours prior to bringing them before a judge, with limited exceptions allowing the IPS to detain a suspect up to 96 hours before bringing the suspect before the senior judge of a district court. In exceptional cases the law allows the court to authorize the holding of a detainee for up to 20 days for interrogation without an indictment.

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 for criminal proceedings. An administrative detainee has the right to appeal any decision to lengthen detention to a military court of appeals and then to the Supreme Court, which happened routinely in practice. 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 authorities to hold a detainee for 14 days before review by a district court judge, deny access to counsel for up to 21 days with the attorney general's approval, and allow indefinite detention subject to twice-yearly district court reviews and appeals to the Supreme Court. In July the authorities released the only detainee held under the Illegal Combatant Law, a member of the Palestinian Islamic Jihad from the Gaza Strip.

Detention of Rejected Asylum Seekers or Stateless Persons: For foreign nationals suspected of immigration violations, the law provides they 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 interpreters in Ketziot, where most asylum seekers were detained, were rarely present during hearings. An amendment to the 1954 Prevention of Infiltration Law, which went in to effect in June, defines all irregular border crossers as "infiltrators" and permits authorities to detain illegal migrants, including asylum seekers and their children, indefinitely. An "infiltrator" may be released if the government has not begun to process the asylum claim within three months, has not decided the claim within nine months, or if three years have elapsed since the unauthorized migrant was first detained.

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

The law provides for an independent judiciary, and the government generally respected judicial independence in practice.

#### **Trial Procedures**

Defendants enjoy the right to presumption of innocence, to be informed promptly and in detail of the charges against them, to a fair trial without undue delay, to adequate time and facilities to prepare their defense, not to be compelled to testify or confess guilt, and to consult with an attorney, or if indigent, to have one provided at public expense. Trials are public except when the court determines 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 most 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 have counsel, even in minor cases. The defendant and public are read the indictment in Hebrew and, unless the defendant waives this right, in Arabic. In past years many written indictments were translated into Arabic. According to the government no requests for translations were made, and 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 usually were enforced. The law grants Palestinians the possibility of obtaining compensation in some cases, even when the actions against them were considered legal.

#### **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. Each year an estimated 20,000 civil marriages, marriages of some non-Orthodox Jews, marriages in non-Orthodox ceremonies, marriages of a Jew to a non-Jew, or marriages of a Muslim woman to a non-Muslim must take place outside the country to be considered legal, as religious courts refuse to accept these marriages and the country lacks a civil marriage law. 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 in the country. The estimated 20,000 Messianic Jews, who believe Jesus is the Messiah and consider themselves to be Jews, also often experienced these infringements on their personal lives, since the Orthodox Rabbinate did not consider them Jewish. 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**

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 of the 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. Legislation from 2011 permitting civil cases for damages against citizens who publicly and knowingly advocate for anti-Israel boycotts remained unimplemented pending a High Court judgment on its constitutionality.

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 grounds 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.

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. Internet access was widely available and used regularly by approximately 70 percent of the country's inhabitants.

### **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 generally 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 internal movement, foreign travel, emigration, and repatriation, and the government respected these rights in practice for citizens. The Office of the UN High Commissioner for Refugees (UNHCR) and NGOs expressed concern over the government's actions in providing protection and assistance to some refugees, asylum seekers, and other persons of concern, but not to others. The UNHCR raised specific concerns over the government's deportation of South Sudanese migrants, the government's failure to provide individual refugee status determinations for Eritreans and Sudanese, and the government's implementation of new "anti-infiltrator" laws, which impose long-term detention (including the possibility of indefinite detention) for all individuals who enter the country irregularly, including asylum seekers and their children. The amended Prevention of Infiltration Law, which went into effect in June, defines all irregular border crossers as "infiltrators" and gives authorities the discretion to prosecute all irregular border crossers for unlawful entry, even if they request asylum.

The government reported 10,285 new arrivals of irregular migrants during the year, but the rate of arrival decreased sharply after June, which government and NGO observers attributed in part to the construction of a border fence along the border with Egypt and other deterrence measures such as the expansion of the detention period.

During the year, there was an increase in the arrival of women and children (as of year's end, there were approximately 258 women detained under the new law--an increase from 10 percent to 15 percent of the total asylum-seeker population since 2010) and in the number of vulnerable individuals. These included older persons, persons with disabilities, pregnant women, single mothers, unaccompanied minors,

and those suffering from poor physical or mental health who were unable to work and were dependent on the capacities of their communities and NGOs to support their basic needs.

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 May 22, the High Court postponed a decision in the 2007 case filed by the Association for Civil Rights in Israel (ACRI) and the NGO Adalah alleging ethnic profiling of Israeli Arabs during airport baggage screening. The court postponed ruling on the case until after a new baggage screening system was implemented, which was scheduled for 2013. The government rejected the claim of discrimination, noting not all Arab citizens were subjected to strict screenings, and stated the security examination procedures were effective in achieving the goal of foiling terrorism.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of temporary asylum, and the government has established a system for providing temporary protection for most asylum seekers. There were complaints, however, about the system’s accessibility, efficiency, and there were reports of discrimination. The UNHCR and NGOs expressed particular concern about a shortage of trained interviewers in the Interior Ministry’s Refugee Status Determination (RSD) unit to handle asylum claims and its low rate of positive determinations. The government acknowledged the shortage and enhanced training; however it did not process individual status determinations for Sudanese and Eritreans. NGOs also petitioned the High Court stating that implementation of the Prevention of Infiltration Law must have an exclusion provision for asylum seekers as vulnerable cases. That petition was pending at year’s end.

According to the UNHCR, the government has not been forthcoming in providing statistics on asylum applications, including the numbers of those approved, rejected, and pending.

Sudanese and Eritrean migrants and 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. In June the government detained and deported approximately 100 South Sudanese, and facilitated the return of several hundred others who signed voluntary departure forms.

The government significantly increased its capacity to detain and hold illegal migrants during the year by enlarging existing detention facilities and constructing the first wing of a new 10,000-bed facility. In July the IPS limited access of domestic NGOs to these detention facilities. In response the Hotline for Migrant Workers filed a petition on the grounds these visits provide jailed migrants with advice and counsel on their rights in the country, most notably the opportunity to file asylum requests. That petition was 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 and media outlets periodically referred to asylum seekers as “infiltrators” and characterized them as directly associated with rises in crime, disease, and terrorism. Interior Minister Eli Yishai made several inflammatory comments about African migrants and organizations that provided them with assistance, and threatened mass arrests and deportation of illegal migrants. Yishai publicly stated the purpose of the Prevention of Infiltration Law was to make the lives of asylum seekers unbearable. Beginning in September there was a general practice of arresting and detaining illegal migrants under new criminal procedures and regulations. On May 23, some members of the Knesset spoke at an anti-immigrant rally in south Tel Aviv calling African migrants “a cancer in our body” and making other inflammatory statements that led to riots and violence against African residents.

Refoulement: The government provided some protection against the expulsion or return of refugees to countries where their lives or freedom could be threatened.

On May 30, the prime minister issued a statement indicating that migrants would not be returned to dangerous countries of origin, although in December he vowed to send many irregular immigrants back to Africa. The UNHCR identified at least four possible cases of refoulement involving individuals from the Ivory Coast whom the government returned without an adequate RSD review. However,

NGOs also expressed concern about possible cases of Sudanese being returned alongside South Sudanese.

Government officials also pledged adherence to the Supreme Court's 2011 ruling suspending the "hot returns" procedure of immediately returning African asylum seekers across the border to Egypt. Several NGOs, however, reported the practice had resumed.

In early September, a group of approximately 20 Eritreans camped along the Sinai Peninsula border fence for several days seeking entry into the country. The state allowed two women and a child to enter but denied entry through the border fence to the others. The government of Egypt deported them to Eritrea.

Refugee Abuse: Communities with a large concentration of African migrants were occasionally targets of violence. In April and May there was a series of incidents in Tel Aviv and Jerusalem during which arsonists set fire to homes where African migrants lived. The government investigated and prosecuted those responsible for these crimes. On July 31, a man stabbed three Eritrean men in south Tel Aviv. Police investigating the case stated they believed the attack was racially motivated.

Employment: Access to employment became more difficult than in the previous year for African asylum seekers. Recognized refugees were given renewable work visas, but renewable documents given to most asylum seekers explicitly stated, "This is not a work visa." However, the government allowed asylum seekers to work in the informal sector. In July the Knesset approved in a preliminary reading a bill stipulating any employer who employed, accommodated, or transported illegal infiltrators would face a punishment of up to five years in prison or a fine of 500,000 new Israeli shekels (NIS) (\$126,000). The Knesset Interior Committee also held a hearing on a bill that would make it illegal for migrants that work, including asylum seekers, to send money outside the country.

Access to Basic Services: Recognized refugees received social services, including access to the national health care system, but the government did not provide asylum seekers with public social benefits such as health insurance. NGOs were critical of the unavailability of immediate specialized medical treatment and psychological care for arriving asylum seekers who had been abused, raped, and tortured by smugglers in Egypt's Sinai desert. The UNHCR and NGOs advocated greater access to health and social services by asylum seekers who were victims of sexual abuse, particularly access to psychologists and gynecologists. On August 27, in response to a case filed by the Refugee Rights Clinic and Hotline for

Migrant Workers, the Supreme Court approved an agreement for the integration of children of African migrants into the schools of the southern city of Eilat. The children previously had been forced to study in a makeshift school outside the city's boundary.

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 the Congo and Somalia. Protective status for the approximately 2,000 asylum seekers from the Ivory Coast ended on January 1. On June 7, the Jerusalem District Court upheld the government's plan to end temporary protected status for South Sudanese, prompting several hundred South Sudanese to voluntarily depart the country rather than risk deportation.

### **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. In December the Supreme Court unanimously overturned the Central Elections Committee's decision to disqualify Israeli-Arab Member of the Knesset Haneen Zoabi of the Balad Party from running for the scheduled January 22, 2013 Knesset elections. The disqualification had been based on claims that Zoabi demonstrated disloyalty to Israel by participating in the 2010 *Mavi Marmara* flotilla.

Participation of Women and Minorities: Women and minorities participated in political life on the same legal basis as men or nonminority citizens. Although the senior political and social leaders have traditionally come from among veterans of the predominantly male IDF, women generally did 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 23 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 were women and one was Arab.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, 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, and their disclosures are verified by the Civil Service Commission. Information in these disclosures is not made public without the consent of the person who submitted the disclosure. There is no specific criminal sanction for noncompliance.

During the year the government investigated and prosecuted several senior political figures for alleged misconduct, including former prime minister Ehud Olmert. On September 24, the Jerusalem District Court sentenced Olmert to a one-year suspended prison sentence and a NIS 75,300 (\$19,800) fine after convicting him of breach of trust. The court acquitted him of several other charges. On November 7, the State Attorney's Office appealed the ruling to the Supreme Court for fraud and breach of trust in two instances. On December 30, the attorney general indicted Avigdor Lieberman, who resigned just beforehand as foreign minister, on the charge of breach of trust. His trial was expected to begin in 2013.

NGOs that focused on anticorruption efforts operated freely without government interference.

In a September 4 report, the NGO Transparency International alleged the government took no steps to enforce the Organization for Economic Cooperation and Development (OECD) antibribery convention during the year, with no cases filed for bribing foreign officials and no investigations. However, the report indicated there were emerging signs of enforcement. It recommended the police establish foreign bribery offenses as an enforcement priority.

The law requires governmental agencies to make their internal regulations, administrative procedures, and directives available to the public. The law was not effectively implemented by all governmental agencies.

### **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 generally cooperative, responsive to their views, and routinely invited NGOs 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 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 generally cooperated with UN and other international bodies. In March the government suspended its participation on the UN Human Rights Council following the council's approval of a fact-finding mission on settlements, and the government partially suspended its coordination with UNESCO.

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, sexual orientation, 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 one of his relatives. There were 1,345 reports of rape during the year. The government effectively enforced rape laws.

Women filed 20,904 domestic violence complaints with police. At year's end 2,753 of the complaints remained under investigation, 6,511 were being handled by prosecution offices, and the remainder 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, Bedouin, and Druze communities face significant social pressure not to report rape or domestic abuse. According to police, training is provided to investigators to directly address the difficulties in uncovering and reporting incidents of rape in traditional, conservative populations and work with NGOs to provide support to victims during police investigations.

The Ministry of Social Affairs operated a battered women's shelter and a hotline for reporting abuse. 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: Murder cases which involved perpetrators' intent to protect family "honor" continued to occur within the Arab community, contributing to a disproportionate number of killings of Arab women. Legal experts estimated half of all murders in the north and a majority of murders in the south involved female Arab victims, killed for allegedly being in relationships that members of their families viewed as inappropriate.

On May 28, an unknown assailant shot and killed Nasrin Musrati in the Arab village of Kafr Yasif. She had spent the previous two years in a shelter for domestic violence victims after leaving her hometown of Ramle, where her sister had been killed in an unsolved "honor" killing in 2006. Prosecutors filed an indictment against two suspects related to the family of Musrati's husband, and an investigation was ongoing at year's end. This was the 30th killing in six years of women from Lod and Ramle perpetrated by persons whose apparent motive was protection of family "honor."

According to the Women's International Zionist Organization's annual figures on violence against women in Israel, 19 women were killed by family members during the year.

Sexual Harassment: Sexual harassment is illegal but remained widespread. An August 5 *Yediot Aharonot* article reported an 80 percent increase in the number of sexual harassment and assault complaints in the IDF in the preceding five years, from 318 in 2007 to 583 in 2011. An IDF officer responded it was difficult to determine whether the increase indicated a rise in the number of cases of sexual harassment or a rise in awareness of the issue and the duty to report.

The law requires that suspected victims of harassment be informed of their right to assistance. Penalties for sexual harassment depend on the severity of the act and whether blackmail is involved. They range from two to nine years' imprisonment. According to police, sexual harassment in various forms accounted for approximately 10 percent of all sexual offenses reported. Police investigated 515 cases of sexual harassment during the year. Police notified all victims of their right to be assisted by the Association of Rape Crisis Centers in Israel, and the law ensures victims that they can be informed of the progress on their cases through a computerized system and information call center.

Harassment based on gender segregation continued in some public places, including on public buses. "Modesty patrols" continued to harass women in some "Haredi" (ultra-Orthodox) neighborhoods, according to local media. In January 2011 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 male passengers in ultra-Orthodox communities telling women to sit in the back of buses. However, according to the Israel Religious Action Center, few drivers enforced segregation during the year, fearing fines ranging from 4,000 to 12,000 NIS (\$1,000 to \$3,000). In April police arrested two teenagers for reportedly using a megaphone to call for women to board the buses leaving from the Western Wall through the back door. Police also arrested two ultra-Orthodox men for allegedly paying the teens to take this action. The Authority for the Advancement of the Status of Women in the Prime Minister's Office has established a hotline for complaints regarding public exclusion of women.

In ultra-Orthodox areas of Jerusalem, images of women in advertising were repeatedly vandalized. In September in response to a petition from Yerushalmim, a Jerusalem NGO, the High Court of Justice ruled that the Transport Ministry must

uphold the law that advertising companies cannot ban images of women being displayed in the public sphere.

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 social/religious pressure on women in Haredi communities often led them to seek approval from a rabbi to use contraception.

Discrimination: In the secular criminal and civil courts, women and men enjoy the same rights, but religious courts responsible for adjudication of family law, including divorce, limit the rights of Jewish, Christian, Muslim, and Druze women. A Jewish woman is allowed to initiate divorce proceedings, but her husband must give his consent in order to make the divorce final. Because some men refused to grant divorces, thousands of “agunot” (chained women) could not remarry or give birth to legitimate children. Rabbinical tribunals could, and sometimes did, sanction a husband who refused to give his wife a divorce, while at the same time declining to grant the divorce without the husband’s 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 his 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. Druze divorces are performed by an oral declaration of the husband alone and then registered through the Druze religious courts, placing disproportionate burdens on the woman to immediately leave the home as well as her children. Child custody, alimony, and property matters are settled after the divorce either by a civil family court or a religious court, which gives preference to the father unless it can be demonstrated that a child especially “needs” the mother.

Although the law prohibits discrimination based on gender in employment and wages and provides for class action antidiscrimination suits, a wage gap between men and women persisted. Women’s salaries averaged 66 percent of men’s in 2011, according to the Central Bureau of Statistics. According to government statistics from 2011, 45.5 percent of new hires were women during that year. In May the High Court struck down the decision of a lower court that ruled against a female store employee and ruled the burden is on the employer to uphold the law and pay men and women equally. Previously the burden was on the female employee to prove a claim of pay discrimination.

The Authority for the Advancement of the Status of Women in the Prime Minister's Office (the Authority) 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 is required to have an adviser working to advance women's issues. The Authority maintains a list of qualified women to serve on government committees. Committees must examine the list if it is unable to find a suitable female candidate for consideration and consider the women according to their expertise, education, training, and experience. Government Resolution 1362 requires ministers to appoint women to the directorates of government-owned companies until a representation of 60 percent is reached. As of March, the rate of representation had reached 44 percent.

Discrimination in the form of gender segregation continued in some public places, including in public health clinics and at the Western Wall. In late December, Prime Minister Netanyahu asked Natan Sharansky, the chairman of the Jewish Agency, to study the issue and suggest ways to make the Western Wall site more accommodating to all Jews.

## **Children**

Birth registration: Citizenship at birth is derived within or outside of the country from birth to at least one citizen parent. Births are registered within 10 days of the delivery. The country registers the births of Palestinians in Jerusalem, although Arab residents of Jerusalem reported delays in the process.

According to the National Council for the Child, 6 percent of children in the country did not have citizenship and therefore lacked its corresponding rights. The figure included children of legal and illegal foreign workers and children of mixed marriages, especially those between Arab-Israelis and Palestinian residents of the occupied territories. The government provides preventive health services to minors without civil status who are younger than six, and services similar to those provided citizen children to noncitizen minors younger than 18 if they are registered in the "Meuhedet" health care fund by their parents.

Education: Education is free, universal, and compulsory through age 17, which usually coincides with the 12th grade. During the year, the government began providing free public preschool beginning at age three. Compulsory education was not enforced, however, in unrecognized Bedouin villages in the Negev, and Bedouin children, particularly girls, 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. A growing number of Jewish students, approximately 30.9 percent, attended ultra-Orthodox Jewish schools that operated outside the purview of the Ministry of Education.

Haredi political parties continued to oppose government regulation of their government-funded school systems.

Child Abuse: The National Council of the Child received a number of complaints during the year of abuses related to health, availability of welfare services, education, physical and sexual abuse, child pornography, and poor educational environments. According to the council's 2011 yearbook, the last year for which data was available, there were 49,426 cases of child abuse. The council estimated that for every reported case, there were between three and 10 cases that were not reported. The law requires mandatory reporting of any suspicion of child abuse.

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. The Ministry of Education operated a special unit for sexuality and for prevention of abuse of children and youth that assisted the education system in preventative educational work and with appropriate intervention in cases of suspected abuse of minors. During the 2010-11 school year, the unit handled approximately 1,100 complaints.

Child Marriage: The legal minimum age of marriage is 17, with some exceptions for younger children due to pregnancy and for couples over 16 if the court permits it due to unique circumstances. The rate of marriage for girls under 18 was 4 percent of all marriages and under 1 percent for boys in 2010, the most recent year cited by the Central Bureau of Statistics.

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 for consensual sex is 16; consensual sexual relations with a minor between the ages of 14 and 16 are not necessarily considered rape but are punishable by five years' imprisonment.

Police investigated several hundred cases of alleged sexual offenses against children during the year, including dozens of cases of offenses within the family.

The government supported a number of programs to combat sexual exploitation of children, including establishing an interministerial research team, preparing educational materials, and conducting numerous training sessions for government and police officials.

International Child Abductions: The country is a 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**

Jews constituted approximately 80 percent of the population. There were some reports of anti-Semitic acts perpetrated by members of minority groups. In June vandals spray painted slogans about the Holocaust on the entrance to the Yad Vashem museum in Jerusalem. Police later arrested three Jewish youth who belonged to an anti-Zionist sect. A special department in the State Attorney's Office prosecuted 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. Legislation mandates access to buildings, transportation, and physical accommodations and services in the workplace. According to NGOs government progress in enforcing these laws was limited, especially for minority populations and persons with intellectual disabilities.

Societal discrimination and lack of accessibility persisted in employment, transportation, housing, and education. The workforce participation rate of persons with disabilities in 2009, the last year for which data was available, was 54.5 percent, compared to 76 percent of those without disabilities. Gross per capita income of persons with disabilities was 73 percent of that of persons without disabilities; however, net income was relatively higher at 80 percent. The average

monthly income of people with severe disabilities was 36 percent lower than that of people without disabilities.

In May the government approved a mental health care reform, which, beginning in 2015, will entitle residents to mental health care as part of the services covered under the National Health Insurance Law.

Access to interurban buses and to independent living facilities for persons with disabilities remained limited. According to the government, 70 percent of municipal buses were accessible to people with visual, auditory, cognitive, and ambulatory disabilities, and 60 percent of bus stops, train stations, and airports were accessible to persons with limited mobility. NGOs continued to work with legislators to strengthen accessibility laws to require that accommodations be made in a range of public and private services (e.g., police investigations and court hearings) to make such services available and physically accessible to persons with all types of disabilities. In December the Knesset approved regulations to improve access by persons with disabilities to public services by such means as eliminating of waiting in line, providing adapted seating, and, for the deaf and hard-of-hearing, SMS public announcements. These were part of a series of regulations requiring Knesset approval for implementation of a 2005 amendment to the Equal Rights for People with Disabilities Law.

The Commission for Equal Rights of People with Disabilities within the Ministry of Justice is responsible for protecting the rights of persons with disabilities and worked with government ministries to enact regulations. To ensure new buildings follow accessibility laws and regulations, the commission informed the planning and construction committees of their responsibilities under the law and conducted sample inspections, which found approximately 50 percent compliance. A Division for Integrating Persons with Disabilities in the Labor Market, located within the Ministry of Industry, examines and promotes employment of 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, whether they are 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 to persons with disabilities.

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

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

On August 17, a group of Jewish youth ranging from 13 to 19 years of age attacked three Arab youth in Jerusalem's Zion Square, while yelling "death to the Arabs" and other racial slurs. The attackers beat one of the Arab youth unconscious, and the primary suspect reportedly later said, "he could die for all I care; he's an Arab." Police indicted one 19-year-old and eight minors following the incidents, charging them with deliberately causing grievous bodily harm, incitement to racism, and incitement to violence.

On December 4, the High Court, in a rare session including all nine judges, heard a petition from NGOs seeking to overturn a March 2011 law on community admissions committees, which NGOs claimed excluded Arabs unlawfully. The High Court justices noted such discrimination was ruled out by the law itself, but did not rule on the case by year's end.

According to NGOs, "kosher certificates" indicating no Arabs were employed by a business were found in several businesses during the year. Numerous "death to Arabs" slogans were spray-painted along highways during the year.

In July Attorney General Yehuda Weinstein closed the investigation into Safed Rabbi Shmuel Eliyahu's reported statements calling on citizens to refuse to rent or sell apartments to Arabs. The attorney general explained that despite the statements attributed to the rabbi, there was insufficient evidence to prove that he made the statements.

The law exempts Arab citizens, except for Druze, from mandatory military service, but many served voluntarily. Citizens who did not perform military service enjoyed fewer societal and economic benefits and sometimes were 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.

A June report published by the Prime Minister's Office stated that 22 percent of employers indicated that they discriminated against Arab applicants in the hiring process. The government continued to implement a five-year economic development fund for Arab and other minority populations, which was authorized in 2010. By late in the year, approximately one-half of the 800 million NIS (\$210 million) fund had been spent in 12 Arab-majority towns and villages, investing in housing, transport, community-based law enforcement, and job training. The government also authorized two additional five-year funds, including 730 million NIS (\$199 million) to encourage Arab and minority employment, and 200 million NIS (\$54 million) to promote real estate development in Arab areas. In 2011 the government authorized economic development grants of 681 million NIS (\$185 million) for local Druze councils, 430 million NIS (\$117 million) for Bedouins in the north, and approximately 1 billion NIS (\$272 million) for Bedouins in the south.

Resources devoted to Arabic education were inferior to those devoted to Hebrew education in the public education system, leading some Arabs in ethnically mixed cities to study in Hebrew instead. The separate school systems produced 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 the Central Bureau of Statistics findings in 2009, the last year for which data was available.

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 Jews 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 was illegal in towns that did not have an authorized outline plan for development, which is the legal responsibility of local authorities. Arab communities that still lacked fully approved planning schemes could turn to their municipal authorities to develop them. Localities were 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 the estimated 160,000 Bedouin population 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, although some ministries failed to offer the same level of service in Bedouin towns.

In the unrecognized “villages” constructed without official authorization on state land in the Negev and claimed by various Bedouin tribes, all buildings were illegal and subject to demolition. In practice few illegally built buildings were destroyed, apart from simple structures in Al-Arakib, which has been illegally rebuilt on state land repeatedly since 1998, despite multiple eviction orders, a 2007 Supreme Court decision, and police enforcement since 2010.

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 would require them to give up claims to land they had lived on for several generations and would separate them from their livelihood, 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 when a citizen’s spouse is a non-Jewish citizen of Iran, Iraq, Syria, or Lebanon. Citizens may apply for temporary visit permits for Palestinian male spouses 35 years old or older or Palestinian female spouses 25 years old or older, but may not receive residency based on their marriage and have no path to citizenship. On January 11, the High Court ruled against a petition filed by several NGOs alleging the law discriminated disproportionately against Arab citizens. 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. The government has yet to implement a policy in response to a 2010 Supreme Court recommendation that social services be provided to an estimated 5,000 Palestinian spouses of citizens who were granted “staying permits” to reside legally in Israel.

The government generally prohibits Druze citizens and residents from visiting Syria. The government, however, does coordinate for Druze residents of the Golan Heights to attend college in Syria and has permitted the Druze religious leadership to attend religious meetings in Damascus. The government also allowed noncitizen Druze residents from the Golan Heights to visit holy sites in Syria through the ICRC-managed pilgrimage program, but it has prevented family visitations since 1982.

An estimated population of 130,000 Ethiopian Jews faced persistent societal discrimination, although officials and the majority of citizens quickly and publicly criticized discriminatory acts against them. In January approximately 2,000 persons demonstrated in Kiryat Malachi in response to reports that apartment building committees forbade fellow owners from renting or selling property to Ethiopian Jews.

There were reports of discrimination by Ashkenazi Jews of European descent against Sephardic Jews of Middle Eastern descent. Nearly 400 Sephardic girls were not accepted into Ashkenazi-majority schools for the start of the school year, according to education ministry figures. Activists claimed the girls were denied entrance based on discriminatory practices. The Housing and Construction Ministry received complaints that applications by Sephardic Jews for housing in the new development city of Harish were denied based on ethnic background. The government was investigating at year’s end.

### **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. Aguda, an organization supporting lesbian, gay, bisexual, and transgender (LGBT) rights, reported cases of discrimination in the private sector. For example, a supermarket displayed a sign that read “No Entry for Homos,” and a Jerusalem court ordered the owners of a reception hall to pay damages to a lesbian couple after refusing to host their same-

sex wedding. NGOs alleged property owners improperly discriminated against same-sex couples in housing rental decisions.

Aguda began collecting data on violence against LGBT individuals in mid-2012. In the first six months, Aguda received 28 such reports. A survey of teenagers found that 20 percent of LGBT teens reported they had attempted suicide, with a higher rate among religiously observant LGBT youth.

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

There were some reports of discrimination against persons with HIV/AIDS, including the denial by some doctors and a dentist of care to HIV-positive individuals. Physicians for Human Rights Israel reported the government did not provide medical care, specifically antiretroviral medications, for HIV-positive individuals with no legal status, such as asylum seekers and migrant workers. The Ministry of Health provides HIV treatment to pregnant women without legal status during their pregnancy and for six months thereafter.

## **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 the minimum wage and overtime, and bargain collectively. The government generally effectively enforced the law. These laws also applied to foreign workers.

The law specifically prohibits antiunion discrimination.

Worker rights to free 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 parties.

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

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

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

Children 14 years of age and older may be employed during official school holidays in light work that does 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 youth between 16 and 18 years of age are restricted in all sectors.

There was little information on child labor inspections or other enforcement efforts involving children during the year. There were reports of Palestinian children working illegally in Jerusalem's central market (see annex).

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

In October the national minimum wage was set at NIS 22.0 (\$5.50) per hour. The new law also set a minimum wage for youth under the age of 18, who 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.

In July the Knesset passed a new law to strengthen the enforcement of labor laws, which included financial sanctions for employers (excluding contractors) who violated the law. The Labor Inspection Service, along with union representatives, enforced labor, health, and safety standards in the workplace. The government added 37 new safety supervisors during the year. As of July, 20 persons were killed in workplace accidents, a decrease compared with the same period in previous years.

Few labor inspectors were focused on violations of foreign worker rights. 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.

Many foreign workers and persons whose working capacity was reduced by disabilities earned significantly less than the minimum wage.

In the homecare sector, live-in arrangements and lack of legal protections and inspections led to many cases of exploitive working conditions among female migrant workers. During the year, the NGO Kav LaOved filed 119 complaints on behalf of foreign caregivers, including allegations of underpayment of wages, physical violence, sexual harassment, and unsuitable employment conditions. The government asserted that most of the complaints related to salary disputes and they were forwarded for criminal and administrative enforcement. In 2011 the government received 67 complaints regarding partial salary payments; in 11 cases the government ensured completion of payment.

Some foreign workers reported unlawful withholding of passports, restrictions on movement, the inability to change or otherwise choose their employers, nonpayment of wages, threats, and physical intimidation. There were numerous documented cases of foreign laborers' living in harsh conditions and being subjected to debt bondage, but authorities prosecuted few employers. 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.

Brokers and employers collected hiring fees from migrant workers. The government limited such fees to NIS 3,135 (\$820) per worker, but Kav LaOved asserted that in practice they were higher. The government has established an interministerial committee to regulate mediation fees.

In 2011 the Ministry of Foreign Affairs initiated a pilot program to recruit foreign agricultural workers directly from Thailand as a means of eliminating brokerage fees. According to Kav LaOved, the first workers were recruited from the International Organization for Migration in April.

According to the government, workers, including foreign workers, can remove themselves from a dangerous work situation and seek alternate employment.

**THE OCCUPIED TERRITORIES 2012 HUMAN RIGHTS REPORT**

(INCLUDING AREAS SUBJECT TO THE JURISDICTION OF THE PALESTINIAN AUTHORITY)

**EXECUTIVE SUMMARY**

The Palestinian Authority (PA) has a democratically elected president and legislative council. The PA exercised varying degrees of authority over the West Bank due to the Israel Defense Forces' (IDF) continuing presence, and none over Arab residents of East Jerusalem due to Israel's extension of Israeli law and authority to East Jerusalem in 1967. Although PA laws apply in the Gaza Strip, 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 Hamas staged a violent takeover of PA government installations in the Gaza Strip. Prime Minister Salam Fayyad 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.

The three most significant human rights abuses across the occupied territories were arbitrary arrest and associated torture and abuse, often with impunity, by multiple actors in the region; restrictions on civil liberties; and the inability of residents of the Gaza Strip under Hamas to choose their own government or hold it accountable.

Other human rights problems under the PA in the West Bank included abuse and mistreatment of detainees, poor and overcrowded detention facilities, prolonged detention, and infringements on privacy rights. Restrictions on freedom of speech, press, and assembly continued. There were some limits on freedom of association and movement. Corruption was a problem. Violence against women and societal discrimination were serious problems. At times the PA allowed anti-Semitic expression. Abuse of children and discrimination against persons with disabilities also were serious problems. Discrimination based on sexual orientation and HIV/AIDS status persisted. There were some limits on worker rights and forced labor, including by children. Child labor also remained a serious problem.

Human rights abuses under Hamas included security forces killing, torturing, arbitrarily detaining, and harassing opponents, Fatah members, and other

Palestinians with impunity. Hamas and various other terrorist organizations and militant factions in the Gaza Strip launched rockets and mortars against civilian targets in Israel, killing and injuring civilians. Gaza-based civil rights organizations reported prisoners were held in poor conditions in detention facilities in the Gaza Strip. Authorities reportedly failed to provide fair trials to a number of accused prisoners. Hamas also infringed on privacy rights. Hamas restricted the freedoms of speech, press, assembly, association, religion, and movement of Gaza Strip residents. Discrimination against women and domestic violence were problems. Abuse of children and discrimination against persons with disabilities were problems. Hamas frequently promoted anti-Semitism. Discrimination based on sexual orientation and HIV/AIDS status persisted. Restrictions on worker rights continued. Forced labor, including by children, occurred. There were reports of children trained as soldiers. Child labor remained a problem.

Human rights problems related to Israeli authorities included reports of excessive use of force against civilians, including killings; abuse of Palestinian detainees, particularly during arrest and interrogation; austere and overcrowded detention facilities; improper use of security detention procedures; demolition and confiscation of Palestinian property; limitations on freedom of expression, assembly, and association; and severe restrictions on Palestinians' internal and external freedom of movement. The IDF maintained restrictions on movement 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, Hamas, and Israeli authorities took minimal steps to address impunity or reduce abuses. There were reports the PA, Hamas, and IDF 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 no reports the PA security services committed arbitrary or unlawful killings; however, there was a death in custody. In July while being detained by PA security forces, a PA official facing possible treason charges for allegedly selling land to Israelis died after he reportedly jumped from the third story of a PA security forces building. Some of his family members alleged he was pushed from the window.

Palestinian terrorist groups, including Hamas, committed unlawful killings in Israel and the Gaza Strip. According to Israeli government statistics, Palestinian terrorist acts emanating from the West Bank injured approximately 30 Israelis, although according to Shin Bet, the Israeli Security Agency (ISA), for the first time since 1973 no Israelis were killed in the West Bank or Jerusalem during the year.

Hamas and other Palestinian armed groups in Gaza, including the armed wings of the Popular Resistance Committees, Palestinian Islamic Jihad, and the Popular Front for the Liberation of Palestine, launched indiscriminate rocket attacks against Israel. During the year, Hamas fired approximately 2,327 rockets and mortars at Israel from the Gaza Strip, according to data compiled by the ISA.

According to local media and the Independent Commission for Human Rights (ICHR), Hamas unlawfully executed at least seven persons in the Gaza Strip during the year. By law the PA president must ratify each death penalty case, but Hamas did not contact the PA regarding any of these executions. For example, on April 7, Hamas hanged three men. Hamas released only the initials of the first two, “W.J.” and “M.A.”; the third was named Mohammad Baraka. W.J. reportedly was convicted of collaborating with Israel, while M.A. and Baraka were convicted of murder. Through November the Qassam Brigades, the military arm of Hamas, claimed responsibility for seven extrajudicial killings of persons accused of collaborating with Israel. According to press reports, on November 20, the Hamas military wing shot and killed six suspected collaborators with Israel and dragged one of the bodies behind a motorcycle through the streets of Gaza City. According to a 2012 Human Rights Watch (HRW) report, Hamas torture in 2011 reportedly resulted in five deaths in detention (see section 1.c.).

There were new developments in the April 2011 case in which Salafist militants reportedly killed Vittorio Arrigoni, an Italian pro-Palestinian activist living in the Gaza Strip. In September a Hamas-run military court sentenced four Palestinians for their involvement in the abduction and murder of Arrigoni. Two were sentenced to life imprisonment with hard labor, one to 10 years’ imprisonment, and one to one year’s imprisonment. In late September 2011, at the first hearing in a military court in Gaza City, the four suspects claimed their videotaped confessions had been extracted under torture.

The Israeli government killed Palestinian civilians as well as militants. As of the end of October, Israeli security forces killed at least 68 Palestinians in Gaza and seven in the West Bank. Some of these killings were unlawful. Five of those killed in the Gaza Strip and two of those killed in the West Bank were minors.

In the West Bank, the IDF killed three Palestinians during demonstrations or clashes during the year.

On March 27, IDF soldiers in civilian clothes involved in a training exercise outside of Ramallah in the West Bank shot Rashad Shawakha. Shawakha and his brothers, who thought their house was being robbed, met the soldiers with a knife and a club. Shawakha stabbed one of the soldiers after they did not identify themselves when asked and one drew a gun. The soldiers fired on Shawakha and his two brothers. He died six days later and his two brothers suffered moderate injuries. The IDF reported that a preliminary examination of the incident indicated it was clearly a combat situation, which does not require an immediate investigation. An operative inquiry was held and the findings were submitted to the office of the Military Advocate General.

On March 30, on the Gaza border, an IDF soldier in a guard tower at the Erez crossing killed Mahmoud Muhammad Yihya Zaqut in response to stones being thrown at the tower during “Land Day” protests.

There were also continued reports of Israeli forces killing Palestinians in restricted areas in the Gaza Strip. Israel warns Palestinians they are at risk of being shot if they come within 300 meters (328 yards) of the “buffer zone” separating Gaza from Israeli territory; however, in practice Israel regularly enforced the buffer zone by firing toward Palestinians approaching at distances well beyond 328 yards.

On April 3, the IDF killed Hashem Musbah Salem Sa’ed, and on November 23, the IDF killed Anwar Qdeih, after each came within 300 meters of the fence.

The Israeli government launched missiles, unmanned aerial vehicles, and fighter aircraft strikes into the Gaza Strip. According to the Israeli Information Center for Human Rights in the Occupied Territories (B’Tselem), prior to a November operation against Hamas these attacks killed 41 Palestinians participating in hostilities, at least nine Palestinians not participating in hostilities, and 10 Palestinians who were the objects of targeted killing. The IDF used tanks and remote-controlled weapon 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 that explode in midair, releasing thousands of 1.5-inch metal darts that disperse in an arc 328 yards wide.

In response to repeated rocket fire, Israel launched Operation Pillar of Defense targeting Hamas in the Gaza Strip between November 14 and November 21, which ended in a cease-fire agreement. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), Israeli aerial and artillery attacks killed 158 Palestinians in the Gaza Strip. OCHA reported 103 were civilians, including 30 children, and 13 women. The operation killed Hamas' military leader, Ahmed Jabari, in a targeted attack on November 14. A Hamas photographer also was killed in that attack. HRW reported a two-year-old boy was a casualty of a targeted attack that struck across the street from his residence.

In December 2011, in the village of a-Nabi Saleh, a soldier in an armored jeep fired a tear gas canister directly at Mustafa Tamimi, who was throwing stones at the IDF vehicle. The gas canister struck Tamimi in the head and he died several hours later. While IDF and police orders specifically prohibit tear gas from being fired directly at demonstrators, B'Tselem reported in April the Border Police frequently fired tear gas canisters directly and carelessly at demonstrators, without ensuring demonstrators were out of the line of fire. The organization also reported authorities did not prosecute any member of the security forces for causing injury by firing a tear gas grenade directly at a person.

In May two Israeli police officers were convicted of negligent homicide in 2008 for abandoning Omar Abu Jarban, a Palestinian who was in an accident driving a stolen car, by the side of the road.

According to B'Tselem, in April 2011 Israel began investigating every case in which the IDF killed civilians not taking part in hostilities. Since April 2011 soldiers killed Palestinians in nine incidents. Investigations were conducted in eight of these incidents. Israeli law restricts the ability of Palestinians harmed by the illegal acts of Israeli security forces to seek compensation in Israeli courts.

## **b. Disappearance**

In the West Bank, there were no reports of politically motivated disappearances in connection with internal Palestinian conflict.

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.

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

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

Palestinian detainees held by PA security forces registered more than 296 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 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 (CRCDC) reported no cases of inmate abuse by its staff. The PA General Administration for Reform and Rehabilitation Centers, under the authority of the PA Ministry of Interior, operated a mechanism for reviewing complaints of prisoner abuse in civil prisons.

Palestinian press reported in January the Preventive Security Services opened an investigation into reports one of its officers beat Yazan Sawafta, an attorney for the ICHR, during a January 9 protest.

On May 13, police arrested Zakaria Zubeidi, the cofounder of Jenin's Freedom Theater, during an attack by an unidentified group on the home of the Jenin governor. In September he was released on bail, after being held without charges for four months. He stated he was held in solitary confinement for 50 days and that his PA interrogators tortured and abused him.

HRW reported Palestinian police forces beat peaceful protesters in Ramallah in the West Bank during protests on June 30 and July 1. Six protesters were severely beaten and required hospitalization. Although numerous reports implicated specific individual police, there was no evidence authorities held anyone accountable for the beatings.

Detainees held by Hamas filed at least 142 claims of torture and abuse with the ICHR through October 31, as opposed to 112 complaints for all of 2011. HRW reported the Hamas Internal Security Services, the drugs unit of the civil police force, and police detectives tortured detainees. In the Gaza Strip, security elements under the Hamas de facto “ministry of interior” tortured and abused 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 reportedly had engaged in “immoral” activity. Hamas also reportedly deployed undercover officers to assault such persons. HRW reported that complaints of abuse included being forced to stand in uncomfortable stress positions, flogging, hand binding, suspension, blindfolding, punching, and beatings with clubs, electric cables, or hoses. On October 16, a 27-year-old man died in police custody in Gaza; his family claimed his death was a result of torture.

Hamas reportedly took little or no action to investigate reports of torture, and reports and documentation of abuses was limited, due to victims’ fear of retribution and to lack of access to Gaza Strip prisoners by nongovernmental organizations (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. Defence for Children International-Palestine (DCI-Palestine) and Breaking the Silence claimed Israeli security services continued to abuse, and in some cases torture, minors who frequently were arrested on suspicion of stone throwing, to coerce confessions. Tactics included beatings, long-term handcuffing, threats, intimidation, and solitary confinement. Since 2008 DCI-Palestine has documented 59 cases of minors held in solitary confinement. For example, according to the group, on October 14, Israeli soldiers arrested 16-year-old Adham D. and transferred him to the al Jalame facility, where he was held in solitary confinement for 12 days while the IDF used harsh interrogation techniques on him.

On December 17, Israeli naval forces fired in the direction of a Palestinian fishing vessel that allegedly passed beyond the six-nautical-mile limit imposed on Gaza Strip residents, injuring one fisherman.

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

The PA Ministry of Health reported prisoners in PA facilities, including in both the West Bank and the Gaza Strip, suffered from extremely bad detention conditions.

Prison conditions in the Gaza Strip were reportedly poor, although little information was available.

IDF detention centers for security detainees were less likely than Israeli civilian prisons to meet international standards.

Physical Conditions: Despite one new and one expanded facility, the PA prison system remained seriously inadequate and overcrowded for the prison population it served. 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 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 934 prisoners at year's end, approximately 12 percent more than the rated capacity of 831. Male juveniles at times were 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.

Detention facilities in the Gaza Strip were reportedly below international legal or humanitarian standards. HRW reported prisoners in Gaza were deprived of potable water, food, and other basic necessities.

Some Israeli government facilities, such as the Ofer detention center, provided living space as small as 15 square feet per detainee. NGOs stated poor conditions appeared to be used as an interrogation or intimidation method. Prisoners also continued to claim inadequate medical care. Detainees under Israeli control had access to potable water.

According to NGO sources, approximately 4,743 Palestinians were held in Israeli prisons at the end of November. DCI-Palestine reported that at the end of November 135 minors were held in Israeli detention.

The Public Committee Against Torture in Israel (PCATI), DCI-Palestine, and Breaking The Silence reported that most reports of abuse or poor conditions occurred during arrest and interrogation, generally within the first 48 hours following arrest.

In May Israeli media reported Israel agreed to pay 1.2 million NIS (\$320,000) to the family of a Palestinian prisoner killed during a 2007 prison riot. Israel did not find any of the prison guards at fault for the killing.

Administration: Recordkeeping in the West Bank was adequate, with the CRCDC storing information on computers, but records were not publicly available. According to the law any person sentenced to imprisonment for a term of not more than three months may petition the public prosecutor to put him to work outside the correctional and rehabilitation center [the prison] instead of executing the sentence of imprisonment against him, unless the judgment deprives him of that option. Although the law allows for this, the legal system did not have the capacity to implement such a process. All PA civil police prisons allowed visitors on a weekly basis, permitted religious observance, provided a procedure for submitting complaints through a prison officer or directly to the warden, and had an investigation process for complaints. The PA investigated allegations of mistreatment. Although ombudsmen cannot serve on behalf of prisoners, the ICHR played an ombudsman role.

Little information was available about prison administration in the Gaza Strip. In October HRW reported it had documented cases in which hospital officials allegedly refused to provide medical records that could be used as evidence of custodial abuse.

Recordkeeping by Israeli authorities in the West Bank was often only in Hebrew, inaccessible to the Palestinian public, and there were no reports of improvements in recordkeeping. There was an ombudsman. Detainees under Israeli control were allowed visitors. Human rights groups reported families of imprisoned Palestinians, particularly Gazans, had limited ability to visit prisoners. After an extended hunger strike initiated by nearly 2,000 Palestinian detainees incarcerated in Israeli prisons, in May Israel eased restrictions instituted in response to the capture of Israeli soldier Gilad Shalit. This included an end to solitary

confinement of some prisoners, a resumption of family visits for prisoners from Gaza, and a limitation of administrative detention to six months. In July Israel began allowing visits from families in Gaza, a policy that had been in place since 1968 but suspended since 2007. Detainees were allowed religious observance. NGOs claimed there was a systematic failure 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 the government regularly dismissed complaints of abuse following a primary examination by an ISA employee. NGOs reported investigations into IDF and police abuse were slow and ineffective but at times did lead to prosecution. ISA facilities were exempt from regular independent inspections.

Monitoring: 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.

The ICRC conducted monitoring visits to some prisoners in the Gaza Strip, but Hamas authorities denied its representatives permission to visit high-profile detainees and prisoners.

The Israeli government permitted visits by independent human rights observers. The government permitted the ICRC to monitor prison conditions in accordance with its 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 and frequent transfers of detainees without notice.

Improvements: The PA undertook prison improvement efforts at various facilities. In the West Bank a new 152-bed prison was built in Jericho, and the renovated section of a 212-bed correction and rehabilitation center in Ramallah became operational in May. At the Dhahiriya Prison in Hebron District, authorities took steps to address overcrowding, such as moving some prisoners who slept in the recreation yard to more appropriate facilities. The PA Ministry of Interior also

approved land for future prison construction in Jenin and Nuba. Redesign and construction of the new 312-bed facility in Nablus continued in an effort to bring it in line with international standards.

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

Palestinian law prohibits arbitrary arrest and detention; however, in practice the PA failed to charge detainees promptly. Hamas also stated the PA repeatedly detained individuals during the year solely based on their Hamas affiliation, especially following several high-profile security sweeps.

Hamas reportedly practiced widespread arbitrary detention in the Gaza Strip, particularly against Fatah members, civil society activists, and others accused of publicly criticizing Hamas. International media reported Hamas leader Khaled Mashaal vowed to kidnap Israeli soldiers as a means of pressuring Israel to release Palestinian prisoners.

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 detention order, according to military law, is 90 days; however, detention can be renewed if deemed necessary. Denial of visits by family, outside medical professionals, or others outside of the ISA, the IDF, or the prison service occurred. NGOs reported persons undergoing interrogations often were 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, following the outbreak of the Second Intifada, 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, 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 through or directly to the PA Ministry of Interior (MOI). The Civil Defense (CD) service provides emergency humanitarian response services, including firefighting, and also reports to the MOI. In general Palestinian security forces continued to demonstrate improved performance levels, especially while maintaining order during demonstrations on "Nakba" and "Naksa" day and during protests against economic conditions in the West Bank in September. The ICHR continued to report complaints of abuse and torture at the hands of the security forces to the PA, although it noted most complaints were filed against the PSO and GI agencies.

The PA has taken significant steps to bring women into the police in the West Bank to allow police work to cross the societal gender barriers. For example, the women on the PA police force are able to conduct searches under women's clothing for contraband.

The PA has made improvements in ensuring civilians are not tried by security sector courts. However, some NGOs reported incidents of civilians being tried in military courts and noted it was unclear whether security agencies, rather than the civil police, continued to detain civilians, including journalists. It was widely reported that during a spring roundup by security agencies of suspects allegedly connected to the attack on the governor of Jenin, several civilians were arrested and detained in security facilities in Jericho. It is unclear whether those civilians subsequently were transferred to civilian facilities.

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 the internal security services in the Gaza Strip prohibited field researchers from visiting detention centers and that authorities failed to respond to ICHR letters. HRW reported one instance of human rights training for a small cadre of police in April. There were numerous instances in which Hamas either failed to deter violence 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, Israeli National Police (INP), and border police. Israeli authorities took some steps to investigate and punish abuse and corruption, but there were reports of failure to take disciplinary action in cases of abuse. According to NGO Yesh Din, no investigations by the Military Police Criminal Investigations Division resulted in an indictment during the year, compared with 2.5 percent in 2009-11. The IDF continued to conduct automatic investigations of claims of abuse in military police custody. However, NGOs stated 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 at maintaining security and preventing terrorism; however, NGOs reported impunity remained a problem, in part because mechanisms for investigating allegations were not effective. Reports of abuse go to the Attorney General's Office; the PCATI reported allegations were systematically disregarded.

According to Israeli and Palestinian NGO and press reports, the IDF and INP were insufficiently responsive to violence perpetrated by Israeli settlers in the West Bank against Palestinians. Levels of settler violence dropped in 2012 compared with 2011, according to OCHA. OCHA counted 98 incidents of settler violence (compared with 120 incidents in 2011) leading to 169 Palestinian casualties. In 2012 there were 268 incidents of settler violence leading to Palestinian property damage (compared with 291 incidents in 2011). A total of 68 Palestinians were injured by Israeli forces during settler-related incidents. OCHA reported 90 percent of Palestinian complaints of settler violence in recent years were closed without indictment.

The Association for Civil Rights in Israel (ACRI) stated 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 generally 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; however, there are exceptions that allow for arrest without a warrant. 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 start within six months or the detainee 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 time frame, 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 many of these individuals were 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. HRW reported Hamas Internal Security arrested individuals without presenting warrants, delayed their handover to the prosecutor's office (using incommunicado detention), refused to promptly inform families of detainees' whereabouts, and denied detainees access to a lawyer. There also have been instances of retroactively issuing arrest warrants and using military warrants to arrest civilians. In some cases, detainees were presented to the military judiciary for civil cases.

Israeli authorities operated under military and civilian legal codes in the occupied territories. Israeli military law applied to Palestinians in the West Bank, while 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 frequently are transferred from the West Bank to Israel for detention or interrogation. According to the military court's annual report published in late 2011, and as covered by the Israeli daily newspaper *Haaretz*, the Israeli military courts had a conviction rate of more than 99 percent for Palestinians tried in Israeli military courts. Detainees were informed of the charges against them during detention, but DCI-Palestine reported minors and their families often were not informed during arrest. Israeli authorities stated their policy was 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 delayed trials and hearings. According to DCI-Palestine, most detained minors see their lawyer for the first time when they appear before a military court. A June United Kingdom Foreign and Commonwealth Office-funded report criticized the overall judicial process for Palestinian minors. The government frequently delayed notification to foreign government officials after detaining their citizens in the occupied territories.

NGOs claimed that despite changes to the law in 2011 that categorized Palestinians between the ages of 16 and 18 as minors, Israeli authorities frequently failed to inform parents where they took minors when arrested. The IDF also entered Palestinian homes at night to either arrest or take pictures of children. DCI-Palestine reported authorities abused minors to coerce confessions (see section 1.c.), and according to human rights organizations, this treatment could amount to torture in some cases. In addition, the military authorities had not translated any of the recent changes to the military laws affecting children into Arabic.

Israeli authorities continued to “administratively detain” some persons on security grounds. In May after a large-scale hunger strike, Israel agreed to review administrative detainee cases regularly. However, Israeli authorities renewed the detentions of high-profile detainees such as Samer al-Barq, Hassan Safadi, and Ayman Sharawna. Many NGOs called for the immediate end to administrative detention without charges or trial.

During the year, the ISA continued its practice of incommunicado detention, including isolation from monitors, legal counsel, and family throughout the duration of interrogation. The Palestinian NGO Addameer reported isolation was used to punish detainees or silence politically prominent Palestinian detainees; however, according to the Israeli government, the Israeli Prison Service (IPS) does not hold detainees in separate detention punitively or to induce confessions. The Israeli government stated it does so only when a detainee threatens himself or others and other options have been exhausted, or in some cases during interrogation to prevent disclosure of information. In such cases the Israeli government maintained the detainee had the right to meet with ICRC representatives, IPS personnel, and medical personnel if necessary.

*Haaretz* reported that an unnamed Palestinian man from Jenin claimed Israeli police officers severely beat him, causing internal bleeding and hospitalization, and dumped him at a checkpoint.

Arbitrary Arrest: The ICHR reported 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 586 complaints of arbitrary arrests based on political affiliation in the West Bank during the year. There were numerous reports of PA security forces improperly detaining Palestinian journalists. Security officials also arrested and abused Palestinians who had posted criticism of the PA online, including on their Facebook pages.

The ICHR received more than 308 complaints of arbitrary arrests by Hamas in the Gaza Strip. Many of these arrests and detentions appeared to be politically motivated, targeting political opponents and those suspected of ties to Israel. HRW reported Hamas security forces assaulted, arbitrarily detained, and allegedly tortured civil society activists and peaceful protesters who had called for an end to the Fatah-Hamas split.

Throughout the year there were reports 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. For example, on November 23, Israeli security forces detained 28 Palestinians, five of whom were Hamas parliamentarians. Those detained also included activists.

Pretrial Detention: The ICHR reported on complaints of Palestinians whom PA security services detained and did not immediately release, 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 detention by Israeli authorities exceeded the length of time individuals would be sentenced for some convictions. There were new developments in the case of Bassem Tamimi, whom the ISF arrested in March 2011. In November Tamimi was sentenced for his part in demonstrating against Israeli settlements. Media reported Tamimi received a suspended sentence after spending 13 months in prison. Sources at the Popular Struggle Coordination Committee reported that in the six months following his arrest there were nearly 20 hearings related to his case. According to Amnesty International, Tamimi agreed to a plea bargain to avoid further pretrial delays.

#### **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 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. No women served as judges in the criminal or military court systems. 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 state security or against the security forces. After Palestinian NGOs criticized this practice the PA mandated that civilians appear before civilian courts. Despite this change, there were reports security forces detained some civilians, particularly those arrested by security agencies in connection with the May attack on Jenin Governor Kadura Musa.

Hamas-appointed prosecutors and judges operated courts in the Gaza Strip, although the PA considered them illegal. HRW reported that "lawyers who are critical of Hamas, or who support Fatah, continue to practice before the courts, but have themselves been the victims of threats and violations of due process and even torture." No women served as criminal prosecutors in the Gaza Strip.

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 (see Trial Procedures). 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' 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 also may 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.

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. West Bank Palestinians held by Israeli authorities 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 example, 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 at every hearing. Various human rights organizations claimed 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, although they occasionally reduced sentences on appeal. The military courts' annual report revealed that 99.74 percent of cases heard resulted in a guilty verdict.

Several NGOs claimed Israeli military courts, which processed thousands of Palestinians in the West Bank during the year, were not equipped to adjudicate each case properly. NGOs and lawyers reported 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 the structure of military trials--in military facilities with military officers as judges, prosecutors, and court officials and with tight security restrictions--limited defendants' rights to public trial and access to counsel.

Signed confessions by Palestinian minors, written in Hebrew, a language most could not read, continued to be used as evidence against them in Israeli military courts. NGOs reported these confessions often were coerced during interrogations.

On October 29, an Israeli district court judge dismissed a civil lawsuit over the death of foreign activist Rachel Corrie, who was crushed by a military bulldozer in 2003 in Rafah. NGOs criticized the decision as a violation of international law. Corrie's family stated the investigation was not thorough, credible, or transparent.

### **Political Prisoners and Detainees**

NGOs reported arrests on political grounds occurred in the West Bank and Gaza. There was no estimate of the number of political prisoners the PA held during the year. In April Palestinian media reported Hamas claims that the PA detained 79 Hamas members and that PA intelligence services summoned 50 members in March. In October a Hamas statement claimed the PA arrested 184 of its members during September.

Hamas detained several hundred persons, allegedly because of their political affiliation, public criticism of Hamas, or collaboration with Israel 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 Israel detained 13 PLC members 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 claimed Israel's string of arrests of PLC members and other party leaders was in response to the PA's application for UN membership.

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, magistrate, and religious 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 seldom used administrative remedies available in addition to judicial remedies. 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 Gaza Strip courts operated independently of the Hamas government and were at times impartial. There were reports enforcement of court orders improved. HRW reported Hamas internal security regularly tried civil cases in military courts.

Israeli law grants Palestinians the possibility of obtaining compensation in some cases, even when the acts were considered legal according to the law.

### **Property Restitution**

In certain cases 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 were no specific reports of the PA harassing family members for alleged offenses by an individual, although NGOs reported this type of tactic was common.

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. HRW reported Hamas also arrested family members as a means of putting pressure on the perpetrator to turn himself or herself over to authorities.

There were no reports 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.

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 generally was not offered in these cases. Properties approximately 328 yards from the separation barrier, IDF military installations, or firing ranges also remained subject to a heightened threat of demolition or confiscation. NGOs expressed great concern over demolitions in Area C of the West Bank. For example, B'Tselem and OCHA reported the Israeli Civil Administration informed approximately 250 Bedouin families in the Khan al-Ahmar area east of Jerusalem they would be relocated, and separately informed villagers in the south Hebron hills village of Susiya their houses and buildings were subject to demolition orders. B'Tselem reported the Civil Administration updated its policies on construction permits; however, this permitting process applies only to Palestinians, with settlements falling under a different permitting regime.

The rate of demolitions was similar to 2011. OCHA reported 604 residential structures and other structures were demolished during the year. OCHA concluded demolitions displaced approximately 886 individuals in East Jerusalem and Area C of the West Bank during the year.

Palestinians and human rights NGOs reported 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).

In May video footage recorded by villagers in Asira al-Qibliya showed settlers firing live ammunition at Palestinians, while the IDF stood among the settlers. NGOs criticized the IDF's action and requested an investigation into why soldiers did not stop the settlers or take other steps to protect the unarmed Palestinians.

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

### **a. 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 a proposed 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. According to reports, the PA began to charge its critics with libel and slander reportedly based on a Jordanian law from the 1960s still in effect in the West Bank.

According to the Palestinian Center for Rights and Media Freedoms, Hamas security forces prevented Egyptian television correspondent Majed Shibliq and his wife, journalist Hanan Abu Dgeem, from participating in a media conference in Cairo due to supposed lack of coordination with the journalists' union in Gaza and a lack of Hamas representation in the delegation.

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 news reports PA authorities arrested some journalists and bloggers who were critical of the PA and PA officials. In October there were reports authorities charged Jihad Harb, a Palestinian writer and political analyst, with libel and slander after he wrote an article that criticized PA President Abbas' policy of promoting public employees. HRW reported in April that the PA arrested Palestinian journalists for comments they deemed defamatory.

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 detention, and denial of permission to travel outside of Gaza. The ICHR reported the detention of numerous protesters in the Gaza Strip. There were reports authorities harassed activists working to raise awareness on sensitive social matters, such as the role of women and domestic 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.

In February Israeli Defense Forces and Israeli Ministry of Communications officials raided two Palestinian television stations, Wattan and al-Quds Educational, which the IDF claimed used unauthorized frequencies, confiscating computers, editing units, transmitters, servers, cameras, project documents, and financial records. At year's end, the GOI continued to withhold much of the equipment despite a December statement by the Attorney General's office that

most of the equipment would be returned. NGO sources stated that most of the documents and equipment the IDF seized were not involved in the transmission of broadcasts, indicating the raids likely were used to intimidate and silence critics.

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' 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. HRW reported Hamas continued to ban in Gaza three newspapers printed in the West Bank. 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 the broadcast of reporting and interviews featuring officials from the PA locally. 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. However, 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. As a result most Palestinian journalists were unable to cover stories outside Palestinian-controlled areas of the West Bank.

Violence and Harassment: PA security forces reportedly harassed, detained (occasionally with violence), prosecuted, and fined journalists several times during the year.

In March the PA's Intelligence Service detained and questioned Useid Amarnah, a cameraman for the Gaza-based Al-Aqsa TV (affiliated with Hamas) in Bethlehem.

On September 18, the PA Preventive Security Service arrested Walid Khalid, a senior correspondent for *Felesteen* newspaper (a Gaza-based, Hamas-affiliated daily) in the West Bank. The PA Preventive Security Services arrested Khalid two weeks after release from his 17-year imprisonment in an Israeli prison. Initially, he was not interrogated or charged while detained. He eventually was charged with possession of a weapon and being a member of a militia. He was released with a conditional fine and ordered to appear in court for a decision on his case. There were no further developments in his case by year's end.

On September 23, the PA Preventive Security Service arrested Mohammed Mona, a reporter for Quds Press (a pro-Hamas news agency based in London with offices in Gaza). He was still in detention at year's end.

In the Gaza Strip, journalists faced arrest, harassment, and other pressure from Hamas due to their reporting. There were reports 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.

On September 25, members of Hamas Internal Security severely beat cameraman Ismail Alibdh, who was filming a burning house. Although he stopped filming when asked, they detained and beat him, releasing him after an hour. Threats were received by radio stations covering the burning house, in which a child perished.

Palestinian journalists claimed Israeli authorities routinely harassed them when trying to report in Israeli-controlled areas. There were also reports of Israeli authorities detaining, assaulting, or intimidating journalists. In various incidents Israeli forces subsequently raided those journalists' homes.

For example, Israeli forces arrested Bahaa Khairi Moussa, director general of the Palestinian Al-Asir (Prisoner) Channel, in Jenin on May 17. Israeli forces thoroughly searched his house and confiscated the station's transmission equipment. Mousa later was released, and the station resumed partial transmission using less powerful backup equipment.

In July Israeli security agents singled out four Palestinian journalists trying to cover a visiting foreign diplomat's press conference in Jerusalem and made them undergo strip searches. Israeli and international journalists were not subjected to such searches. A subsequent group of invited Palestinian journalists opted not to

cover the event when Israeli security forces informed them they also would have to undergo a strip search.

HRW reported that during the November Operation Pillar of Defense, Israeli forces unlawfully targeted journalists and media facilities. Those targeted were not directly involved in the hostilities. Israeli forces killed two cameramen, injured 10 media workers, and damaged multiple facilities.

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 action against, or prosecution of, any person publishing items counter to these PA guidelines.

Civil society organizations reported Hamas censored television programs and written content, such as newspapers and books.

There were no reports the Israeli government monitored the media in the occupied territories. Israeli authorities retain the right to review and approve in advance the printing of all Jerusalem-based Arabic publications for material perceived as a security threat. Anecdotal evidence suggested 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 was acceptable and self-censored publications accordingly.

Libel Laws/National Security: There were instances in which slander and libel laws were used to suppress criticism. According to HRW, in April PA security forces arrested Yusuf al-Shayeb and investigated him for libel after he wrote an article in *AlGhad*, a Jordanian newspaper, reporting on alleged corruption within the Palestinian foreign ministry mission to France and claiming the mission was spying on other Muslim nations.

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

There were no known reports Israeli authorities used security justifications or slander or libel laws to censure public criticism.

## **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.

The Committee to Protect Journalists reported that, between February and April, the PA blocked access to eight news Web sites. The blocked Web sites were critical of President Abbas. The report stated the order to block the outlets came from Ahmad al-Mughni, the Palestinian attorney general. These sites were soon unblocked after domestic and international criticism.

In January the Palestinian Security Services arrested Rami Samara, news editor with Wafa news agency and Ajyal Radio in Ramallah. He was released after being questioned for three hours about writings on his personal Facebook page. Sameeh Shayeb subsequently was questioned after posting comments in support of Samara on his Facebook page. Both men were released without charge.

In April the PA's Preventive Security Service arrested Palestinian blogger Jamal Abu Rihan and accused him of "slander of a public figure." The arrest took place after Abu Rihan started a Facebook page entitled, "People Want to End Corruption."

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.

On March 26, Hamas Intelligence Services summoned the editor in chief of the Jozour news Web site in Gaza and forced him to sign an affidavit stating he would abide by all instructions and guidelines issued by Hamas related to his work as a journalist. They told him if he refused to sign he would be subject to up to six months in jail.

On August 23, Hamas Internal Security agents arrested Saher Al-Aqraa, editor in chief of Al-Shola news Web site, a Gaza-based anti-Hamas electronic newspaper. Al-Aqraa was released on August 30 after reportedly being subjected to various forms of torture in an attempt to force him to close down his Web site.

In early September Hamas passed a law outlawing pornographic Web sites. All Internet providers must block access to pornographic Web sites or face a shutdown. Restrictions also applied to sites calling for equal roles for men and women.

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 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 members were aware of security elements' presence on university campuses among the student body and faculty, which may have led to self-censorship.

Public and UN Relief and Works Agency (UNRWA) for Palestinian Refugees in the Near East 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.

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 certain cultural and educational exchange programs, including programs sponsored by foreign governments and international organizations. Several students on one foreign exchange program faced difficulty when traveling out of Gaza to obtain visas for onward travel abroad. In some instances, families of the students petitioned Hamas' ministry of education so that their children could travel. There were reports women and girls faced pressure from the authorities for participating in international academic events.

News outlets reported Hamas positioned its rocket launch sites adjacent to schools, playgrounds, and hospitals, leading Israel to target those launch sites and thereby put nearby innocents at risk.

Hamas authorities interfered in local cultural programs. For example, there were continued reports the de facto government continued to crack down on cultural expression that might offend local religious and cultural values, including significant pressure on women's participation in events. Palestinians in Gaza must obtain express permission from the Hamas ministry of culture in order to organize events that might be deemed cultural. The Hamas-controlled *Palestine Times* reported in September the minister of culture signed a memorandum of cultural cooperation with Iran to build a new museum to commemorate the "resistance" against Israel and collaborate on a number of cultural activities.

In May Hamas shut down the Palestinian Festival of Literature because some of the dialogue was viewed as anti-Hamas.

The Israeli Supreme Court upheld the 2000 Israeli ban on students from the Gaza Strip attending West Bank universities; only three students, who began their studies in 2010 under foreign government scholarships, continued to receive permission during the year. The three students all faced delays in processing their permits, which they were required to do every three months. In general students in the Gaza Strip did not apply to West Bank universities because they understood that Israel would deny permit requests.

On October 8, there were reports Israeli police shut down a Palestinian school with more than 1,200 students between the ages of 12 and 18 in East Jerusalem for a period of one week. The police claimed the closure came as a result of suspicions children from the school threw stones in the nearby At-Tur neighborhood, injuring an Israeli settler. However, school authorities asserted no stones were thrown from school grounds and that the school bans such activities; they characterized the school closure as a form of collective punishment.

During the November Operation Pillar of Defense, Israeli bombs rendered a school in the Gaza Strip unusable.

## **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 the PA rarely denied them. However, both the PA and Hamas forces attempted to break up selected protests and demonstrations during the year. Following two Hamas rallies in the West Bank in December that disbanded without incident, the PA and Hamas agreed to ease the five-year ban on rallies. Hamas agreed to allow Fatah to hold a rally in the Gaza Strip.

On June 30, Palestinian youth protested planned negotiations with Shaul Mofaz, an Israeli politician. On July 1, Palestinian demonstrators protested police violence that occurred on the previous day. On June 30 and July 1, according to HRW, PA police officers beat protesters, resulting in at least six hospitalizations. HRW reported the PA did not take action to prosecute police officials responsible for the beatings.

According to a Hamas decree, any public assembly or celebration in the Gaza Strip requires prior permission, in contradiction of the PA Basic Law. Generally, Hamas did not permit Fatah members to hold rallies. Activists reported Hamas officials harassed women in public and impeded their ability to assemble peacefully.

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.

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 of respect for 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 three protesters during the year (see section 1.a.). The IDF used force particularly against weekly protests against the construction of the separation barrier. The IDF responded to protests with military crowd-control techniques or force, using weapons such as tear gas and stun grenades to push back protesters.

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 antiseparation barrier protesters and IDF personnel. IDF and Israeli police personnel stationed on the far side of the barrier during weekly protests in those villages responded to rock throwing with tear gas, stun grenades, sound bombs, and rubber-coated bullets. Some citizen journalists claimed the IDF's launching of tear gas canisters into crowds at high speeds in effect made the canister a weapon. There were reports of at least two persons hit in the neck and face by tear gas canisters during the year.

Three protesters were killed during the year. For example, on February 24, a Palestinian protester, Talat Ramia, died after being shot during protests at an Israeli checkpoint in the West Bank. Ramia fired a firecracker toward the checkpoint; IDF soldiers, who reportedly did not know it was a firecracker, responded with live fire. In another incident, during a March 30 protest near Erez Crossing, IDF personnel shot and killed a protester after he ignored calls to stop approaching the checkpoint.

On April 14, IDF Lieutenant Colonel Shalom Eisner hit a Danish pro-Palestinian activist in the face with his gun. Eisner later was dismissed from his position and made ineligible to serve in a command position for two years.

In May *Haaretz* reported that the commander of the IPS Masada unit testified during the trial for assault of Mohammed Barakeh that undercover Israeli soldiers hurled rocks at IDF soldiers to justify arrests and more severe crowd dispersal techniques.

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 antisettlement 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.

Palestinian media reported in May that a special committee created to look into the legal status of the Union of Public Employees determined the union was illegal because it was not properly registered.

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 and NGOs it deemed to be in violation of its interpretation of Islamic social norms. In April Hamas de facto authorities gave the Hamas ministry of interior supervisory powers over all NGOs, allowing the ministry to request documents, and giving it the authority to shut down NGOs that did not comply. Activists reported women's rights groups faced significant pressure from Hamas.

Israel maintained prohibitions on some prominent East Jerusalem-based Palestinian institutions, such as the Orient House and the de facto PLO office in Jerusalem, claiming the groups violated the Oslo Accords by operating on behalf of the PA in Jerusalem.

### **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 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 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. There were some reports unmarried women faced restrictions on their travel.

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. For example, during the November clashes and for the following week, Israel prevented agricultural exports from the Gaza Strip. During the week of fighting, a crossing was open to importation of goods only on two of the scheduled five days.

In November Israel eased the naval blockade off the coast of the Gaza Strip, moving it from three miles to six nautical miles, the pre-2009 distance from shore. Fishermen who moved beyond the six-mile mark were towed to Israeli ports and detained.

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

In-Country Movement: PA authorities did not interfere with movement within the West Bank.

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. Increasing pressure to conform to Hamas' interpretation of Islamic norms led to significant restrictions on movement by women.

According to OCHA, as of August the Israeli government maintained more than 521 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 such "internal closures" continued to have negative economic effects. During periods of potential unrest and some 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 continued construction of the separation barrier, which ran along parts of the Green Line (the 1949 Armistice line) and inside the West Bank. By use of special permits, Israel continued to restrict movement and development within this area, including access by some international organizations. NGOs reported many Palestinians separated from their land were allowed access to their property only a few days each year. 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. Palestinian farmers continued to report difficulty accessing their lands in Israeli-controlled Area C and in the seam zone, the closed area between the separation barrier and the Green Line.

Israel eased restrictions on access to farmland in the Gaza Strip near the boundary with Israel and to fishing areas along the coast. After Israeli Operation Pillar of Defense, there were reports farmers could farm some lands within the declared "buffer zone" 300 meters (328 yards) from the separation fence, which were previously inaccessible. Despite this easing, reports indicated Israel continued to enforce "buffer zone" restrictions on nonfarmers. The "buffer zone" encompassed approximately 24 square miles, representing 17 percent of the Gaza Strip's total territory. OCHA estimated nearly 35 percent of the Gaza Strip's cultivable land was located within the restricted area.

Gaza's fishing waters were partially inaccessible to Palestinians due to Israeli restrictions, but beginning in November Israel eased restrictions on fishing along the coast by allowing fishermen to venture out to six nautical miles, instead of the previous limit of three nautical miles. Israeli naval patrol boats strictly enforced this fishing limit, which was still a reduction from 20 nautical miles, as designated under the 1994 Agreement on the Gaza Strip and Jericho Area (later incorporated into the 1995 Interim 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 OCHA. The Israeli military often confiscated fishing boats intercepted in these areas and detained the fishermen, while Palestinian fishermen reported confusion over the exact limits of the new fishing boundaries.

There were reports Israeli authorities attempted to reduce the number of Palestinians in the West Bank and Gaza and limit their 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: PA authorities did not limit residents' 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. They occasionally prevented Fatah members and youth activists from exiting through either crossing.

During the year, Israel partially eased the severe restrictions on movement and access for the Gaza Strip imposed following Hamas' rise to power in 2007, first by updating the list of banned items in November and then by allowing gravel to enter Gaza in December. Categories of individuals permitted to enter or exit the Gaza Strip at the Erez Crossing with Israel were largely limited to humanitarian cases; however, the Israeli government also continued to permit businesspersons to cross during the year. According to the World Health Organization, the approval rate for exit requests based on medical need during the year was 85.1 percent from January through November, which was comparable to 2010 and 2011, when approval rates were 77.1 percent and 89.3 percent, respectively. The total numbers of medical patients crossing at Erez averaged 671 per month during the year, in comparison with 757 and 938 per month in 2010 and 2011, respectively. Israel allowed for increased movement through Erez for business purposes by increasing the number of business travelers granted permits from 500 in 2011 to 1,000 by August, while also allowing 120 business travelers to cross each day, up from 100 in 2011.

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 harassment and delays, or refused entry into Jerusalem even in emergency cases. When ambulances lacked access, medics moved patients across checkpoints from an

ambulance on one side to a second ambulance (usually one of five East Jerusalem-based ambulances) or a 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 IDF restricted students in the Gaza Strip 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 individual requests by 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: Neither the PA nor Hamas used forced exile.

Continued Israeli revocations of Jerusalem identity cards amounted to forced exile to the occupied territories or abroad. According to HaMoked, an Israeli human rights organization, the Israeli Ministry of Interior renewed “temporary” orders authorizing the revocation of Jerusalem residency rights from legal residents. According to the ACRI, authorities revoked 7,268 identity cards between 2008 and 2011, which NGOs reported was a large increase from previous periods. According to data from the Ministry of Interior, in 2011 Israel revoked the residency permits of 101 East Jerusalem Palestinians, including 51 women and 20 minors, and reinstated the residency of 31 East Jerusalem Palestinians. The Ministry of Interior reportedly cited computerization and greater efficiency in checking residents’ status as the reason for the increase. Reasons for revocation included having acquired residency or citizenship in another 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.

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

Although IDPs were not centrally or systematically registered, the Unified Shelter Sector Database estimated there were 8,056 IDPs in the Gaza Strip who remained displaced as a result of Operation Cast Lead, launched late in 2008, and that more than 2,000 persons remained displaced from earlier operations. OCHA estimated house demolitions during the year displaced 886 individuals in the West Bank and East Jerusalem. NGOs and UN agencies reported at least 382 residential buildings were destroyed or sustained major damage during the November Operation Pillar of Defense, resulting in the displacement of 2,439 persons. According to the UNRWA, at least 12,000 were displaced temporarily during the operation.

Although there is no specific legislation to protect IDPs in accordance with UN principles and guidelines, the PA provided some assistance to those displaced through rental subsidies and financial assistance to reconstruct demolished houses. The UNRWA and humanitarian organizations provided services to aid IDPs in the Gaza Strip and West Bank, with some limitations due to Israeli restrictions on movement and border access. 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 Hamas prevented aid groups from distributing assistance after they refused to comply with Hamas regulations. Israel did not provide any assistance to those displaced.

### **Protection of Refugees**

Access to Asylum: There were no reports of persons seeking asylum in the occupied territories. According to a UNRWA estimate, as of January 1, there were 727,471 registered Palestinian refugees in the West Bank and 1,167,572 in Gaza, many living in 27 UNRWA-affiliated refugee camps, 19 of which are in the West Bank and eight in Gaza. One-quarter of refugees in the West Bank live in refugee camps. The refugees included those displaced as result of the 1948 conflict in Israel and their descendents.

Refugee Abuse: All UNRWA projects in the West Bank and Gaza Strip require Israeli government permits. The Israeli government obstructed refugee access to UNRWA-provided humanitarian assistance in the West Bank and the Gaza Strip. UNRWA estimated 80 percent of the population of the Gaza Strip depended on international assistance and more than 67 percent were eligible for food assistance.

Access to Basic Services: Many planned UNRWA projects in the Gaza Strip remained pending approval with Israeli authorities. As of September UNRWA received approval from Israeli authorities for the construction of 2,909 housing units (equal to 29 percent of the 10,000 foreseen under the UNRWA Gaza Recovery and Reconstruction Plan). In March Israel approved two new housing projects, consisting of just under than 1,000 units, 10 schools, and a road project. During the year movement restrictions imposed by the Israeli authorities on the West Bank resulted in the loss of 182 UNRWA staff days. On 82 occasions at checkpoints entering East Jerusalem, Israeli authorities refused to permit UNRWA staff members in United Nations vehicles to cross without a vehicle search, which UNRWA stated violated UN immunity. The UNRWA reported delivery of services in the area between the West Bank barrier and the 1949 armistice line, in particular in the Barta'a area and in three refugee communities near Qalqilya, was particularly problematic. The UNRWA reported that in September it received approval for six schools, one water and sanitation project and components of another, a regional road project, and, notably, a housing project that was frozen in 2007 and resubmitted for approval in 2010. In September Israeli authorities rejected a UNRWA request for the construction of nine schools and one teacher training college; this rejection was the first rejection UNRWA received. 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.

The UNRWA operated 245 schools with more than 225,000 refugee students in the Gaza Strip. It claimed Israeli restrictions on movement and access, in particular, undermined its ability to provide education. UNRWA schools in the Gaza Strip continued to run on a double shift in “compressed learning periods” and had as many as 50 students per classroom. Thousands of students received schooling in makeshift classrooms. Operation Pillar of Defense resulted in damage to UNRWA schools.

### **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 year’s end no date had been set for national elections. Residents of the Gaza Strip under Hamas were unable to choose or hold their own government accountable. 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.

Political Parties: The PA allowed a diversity of political parties to exist, but limited the ability of Hamas members to campaign and organize rallies, although PA officials slightly eased this policy following Operation Pillar of Defense. In Gaza Hamas allowed other political parties to exist but severely restricted their activities.

Participation of Women and Minorities: Legally women and minorities can vote and participate in political life on the same basis as men and nonminority citizens, although women still face significant social and cultural barriers in the West Bank. There were 17 women in the 132-member PLC and six women in the 23-member cabinet. There were seven Christians in the PLC and two in the cabinet. Women have significant barriers to their political participation in Gaza. Hamas excluded women from leadership positions.

## **Section 4. Corruption and Lack of Transparency in Government**

Palestinian law provides criminal penalties for official corruption, and the government respected this in practice, making progress in investigations and prosecutions during the year. The PA’s anticorruption commission consisted of special prosecutors and an anticorruption court with a panel of three judges. The

commission investigated more than 140 cases, and the court convicted and sentenced in absentia a financial advisor to former president Yasir Arafat and two former Palestinian officials to 15 years in prison. PA ministers are subject to financial disclosure laws. The PA attorney general has official responsibility for combating official 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 in 2011 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 the public perception of corruption remained 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 the necessity of security.

### **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.

In the Gaza Strip Hamas routinely harassed civil society including by dissolving and closing peaceful organizations. Gaza-based NGOs reported Hamas representatives appeared at their offices to assure compliance and summoned NGO representatives to police stations for questioning. In July the ICHR reported that in 2011 Hamas actively prevented NGOs from operating, dissolving five nongovernmental groups, closing 38 others, and performing financial audits on another 196.

Palestinian, Israeli, 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.

In December, in Ramallah, the IDF raided the offices of the Addameer Prisoners Support and Human Rights Association, the Palestinian NGO Network, and the Union of Palestinian Women, seizing files and equipment. Amnesty International later described the raid as an example of a pattern of harassment against campaigners in the occupied territories.

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 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 quasi-governmental 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, they often failed to do so in practice. Some laws are discriminatory. For example, it is illegal for a Palestinian to sell land to Israelis, an offense that is punishable by death.

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 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. The law generally was not enforced effectively in the West Bank or the Gaza Strip. Punishment for rape is five to 15 years in prison. Societal norms led to significant underreporting. There were reports police treated rape as a social and not a criminal matter and that authorities released some accused rapists after they apologized to their victims.

PA law does not explicitly prohibit domestic violence, but assault and battery are crimes. The law was not enforced effectively in domestic violence cases. NGOs reported women were frequently unwilling to report cases of violence or abuse to the police because of fear of retribution, and HRW stated few domestic violence cases were prosecuted successfully in recent years. Many women and girls stated they believed the legal system discriminated against women. According to the Palestinian Authority's Central Bureau of Statistics (CBS), violence against wives, especially psychological violence, was common in the West Bank and the Gaza Strip. A 2011 survey by the CBS found 37 percent of married women (29.9 percent in the West Bank and 51.1 percent in Gaza) reported they were victims of violence. Police often treated domestic violence as a social instead of criminal matter and regularly returned victims to assailants.

The purpose of the PA Ministry of Women's Affairs is to promote women's rights. During the year the ministry was implementing its 2011-13 Cross-Sectoral National Gender Strategy, which seeks to promote gender equality and empower women.

Harmful Traditional Practices: Provisions of Palestinian law discriminate against women. In 2011 President Abbas signed an amendment to the "honor killing law" that removed protection and leniency for perpetrators of crimes in defense of family honor, although some NGOs argued the amendment was not made to the most relevant articles of the law. The Women's Center for Legal Aid and Counseling reported eight killings in the West Bank and Gaza with perpetrators asserting an "honor" defense. On July 30, a man stabbed his wife to death in broad daylight on a busy market street in Bethlehem. Palestinians took to the streets in protest on August 2, demanding further changes in the law that currently gives men substantially reduced sentences in "honor killing" cases. The Bethlehem murder

came at the end of a month in which three other women were allegedly victims of “honor” crimes. In all three cases the alleged perpetrators were arrested and charged with murder.

Sexual Harassment: No law specifically relates to sexual harassment, and it was a significant and widespread problem. 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 they were held responsible for provoking men’s harassing behavior. Authorities in Gaza harassed women for “un-Islamic” behavior, including being in public after dark and walking with an unrelated man.

In March the PCATI submitted affidavits to the Israeli attorney general on behalf of nine Palestinian women complaining of treatment they received during interrogation. The complaints alleged officials of Shin Bet used gender and religion as means to threaten and embarrass women it questioned. The Shin Bet publicly stated these claims were untrue.

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. While 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.

There were more deaths among mothers and newborns in the Gaza Strip than in the West Bank. The PA Ministry of Health attributed continued increases in the number of home births to difficulties in reaching hospitals (see section 2.d.).

Discrimination: While the law provides for equality of the sexes, it also discriminates against women, as do traditional practices. 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 the event of divorce

and child custody disputes, 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' "morality police" also punished women for riding motorcycles, smoking cigarettes or water pipes, leaving their hair uncovered, and dressing "inappropriately" (i.e., in 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 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. Women's participation in the workforce was among the lowest in the world, according to PA statistics, with rates particularly low in Gaza.

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 in Gaza sent home girls not wearing conservative attire in Hamas-run schools, although enforcement was not systematic.

## **Children**

Birth Registration: The PA registers Palestinians born in the West Bank and the Gaza Strip, and Israel requires the PA to 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. UNRWA and Hamas provided instruction.

During the year UNICEF reported more than 100 attacks on schools in the West Bank and Gaza, amounting in some instances to periodic denial of access to education. Israeli authorities, Israeli settlers, and Palestinian armed groups were responsible for the attacks. Israel targeted schools in Gaza because Hamas regularly placed their rocket launch sites in or near schools.

In Israeli-administered East Jerusalem, Palestinian children did not have access to the same educational resources as Israeli children (see section 6, National/Racial/Ethnic 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 were responsible for 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 reported the number of children with post-traumatic stress disorder and other anxiety disorders, including depression, increased in recent years. The organization 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. Child marriage did not appear to be widespread, according to NGOs including the Women's Center for Legal Aid and Counseling.

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.

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

Displaced Children: Conflict and demolition orders (see section 2.d.) displaced children in the occupied territories. OCHA reported 468 children were displaced due to home demolitions in the West Bank and East Jerusalem during the year.

## **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. At a nationally televised West Bank rally held on January 9 to mark the 47th anniversary of the founding of the Fatah Party, Grand Mufti of Jerusalem Mohammed Hussein--a PA-appointee--quoted a hadith (a saying traditionally attributed to the prophet Muhammad) reading, "The hour of judgment will not come until you fight the Jews...The Jews will hide behind stones and behind the tree. The stone and tree will cry, 'Oh Muslim, Oh Servant of God, this is the Jew behind me, come and kill him.'" A video of the sermon posted on YouTube (since removed) shows an unidentified man introducing Hussein by saying, "Our war with the descendants of the apes and pigs is a war of religion and faith."

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. 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 January the aunt of one of the Palestinians convicted of killing the Fogel family in 2011 called in to a television program and praised her nephew's actions. Israeli media reported the television host responded by saying, "We wish them well."

Anti-Israel sentiment was widespread and sometimes crossed the line into anti-Semitism in public discourse, including media commentary longing for a world without Israel and glorifying terror attacks on Israelis. Palestinian Football Association Chairman Jibril Rajoub opposed a moment of silence at the Olympics in memory of the Israeli athletes murdered at the 1972 Munich Olympics. Media included cartoons demonizing Israel, as well as comments using anti-Semitic rhetoric, including by academics, accusing Israel of seeking to subvert the Palestinians and take over the world and exploiting the Holocaust to its advantage.

Palestinian organizations criticized Ziad Bandak, adviser for Christian affairs to PA President Abbas, for his visit to the Nazi death camps of Auschwitz and Birkenau in July. Hamas spokesman Fawzi Barhoum said, "This visit is useless to the Palestinian cause and only benefits the Israeli occupation by propagating the lie of the Holocaust."

### **Trafficking in Persons**

No PA law specifically prohibits trafficking in persons, and reportedly small numbers of children and adults experienced forced labor conditions in both the West Bank and the Gaza Strip. There were reports some children worked in forced labor conditions in the West Bank, including in settlements. These children reportedly faced exploitation and harassment.

NGOs report Palestinian men were subjected to forced labor in Israeli settlements in industry, agriculture, construction, and other sectors. The PA was unable to monitor and investigate abuses in these areas and elsewhere because the PA does not control its borders and has limitations on its authority to work in Areas B and C.

### **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 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 in both the West Bank and Gaza. Press reports indicated there were isolated incidents of parents in the West Bank performing hysterectomies on mentally ill girls to prevent them from becoming pregnant; most of these parents stated they intended to protect their daughters from rape.

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

According to OCHA, an estimated 27,500 Bedouin live in Area C in the West Bank. Many Bedouin were registered as refugees with UNRWA and inhabited areas designated by Israel as closed military zones or as areas planned for settlement expansion. In September the UN reported that between July 2011 and July 2012, forced displacement continued of Bedouin and herding communities in Area C and that many of these communities suffered from limited access to water, health care, education, and other basic services.

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

Palestinian law, based on the 1960 Jordanian penal code, prohibits consensual same-sex sexual activity, although in practice the PA did not prosecute individuals suspected of such activity. Societal discrimination based on cultural and religious traditions was commonplace, making the West Bank and Gaza challenging environments for lesbian, gay, bisexual, and transgender (LGBT) persons. Some Palestinians claimed PA security officers and neighbors harassed, abused, and sometimes arrested LGBT individuals because of their sexual orientation. NGOs reported Hamas also harassed and detained persons 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. Anecdotal evidence suggests societal discrimination against HIV/AIDS patients was also very common in Gaza.

OCHA, the Jerusalem Legal Aid Society and Human Rights Center, and other NGOs reported a slight decrease in attacks by Israeli settlers on Palestinians and their property in the West Bank. The attacks included direct violence against Palestinian residents. International media reported a Palestinian man was shot and wounded in April when clashes broke out between Israeli settlers from the settlement of Yitzhar and Palestinian villagers from the nearby village of Orif. The IDF, which was present during the confrontation, stated it was investigating the shooting. *Haaretz* reported in August there were more than 50 reports of settler violence in July. Some Israeli settlers reportedly used violence against Palestinians as a means of harassment and to keep them away from land that settlers sought to acquire.

Various human rights groups continued to claim 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 as well as to Palestinian residents' reluctance to report incidents due to fears of settler retaliation or because they felt discouraged by the lack of accountability in most cases. The Israeli NGO Yesh Din reported in 2010 that more than 90 percent of Israeli investigations into offenses against Palestinians in the West Bank were closed without indictments. *Haaretz* reported in May IDF legal officials were investigating 15 complaints against soldiers who witnessed violence and did not respond to assist Palestinians beaten or attacked by settlers. The same article reported that B'Tselem has filed 57 similar complaints since 2000. B'Tselem separately reported just 11 percent of the settler violence incidents it tracked ended with indictments. From those 57 complaints, four cases have been opened, two of which were closed with no action taken.

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 they document land ownership in the absence of

a uniform post-1967 land registration process, high application fees, and requirements 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 approximately half of the domestic water supply for Palestinians was purchased from Israel. The Palestinian Water Authority claimed Israel controlled 90 percent of the shared water resources of the Mountain Aquifer, which underlies the West Bank and Israel. According to Amnesty International, Palestinians received an 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. The Israeli military continued to destroy water cisterns, some of which donor countries funded for humanitarian purposes. The Israeli military also destroyed unlicensed Palestinian agricultural wells, claiming they depleted aquifer resources.

NGOs claimed 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 permits were subject to demolition. The Israeli NGOs Bimkom and Ir Amim claimed 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 at least 79 percent of all land designated for housing in West Jerusalem and in the Israeli neighborhoods of East Jerusalem 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 predominantly

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 Palestinian 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 Palestinian neighborhoods in East Jerusalem. Palestinian residents constituted 35 percent of Jerusalem's population but received only 10-15 percent of municipal spending. In 2011 the ACRI reported this resulted in Palestinian residents' lack of access to running water, crowded classrooms in substandard buildings, and poor sewage infrastructure, among other problems. The ACRI reported 78 percent of East Jerusalem Palestinians lived in poverty, which was an increase from previous years. The Israeli media reported the Jerusalem municipality claimed 400 new classrooms were built, however, the ACRI reported in August only 33 new classrooms were built in the past year despite a high court ruling ordering that the municipality fill the gap of 1,100 missing classrooms in East Jerusalem by 2016. Bus services in Jerusalem were largely segregated between Israelis and Palestinians in practice, while its light rail service completed in 2010 served both Palestinian and Israeli populations, although NGOs reported that of the 24 stops on the light rail, only five were located in Palestinian neighborhoods.

## **Section 7. Worker Rights**

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

PA law protects the rights of 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 protect the right to collective bargaining. The PA labor code does not apply to civil or domestic servants, although the law allows civil servants the right to form 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 a 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 the employer, and finally to a specialized labor court.

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

The government did not effectively enforce labor laws, and procedures were subject to lengthy delays and appeals. The PA's labor law still had not been fully implemented at year's end, and labor unions asserted 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. The PA did not seek to enforce collective bargaining rights for unions serving other than PA employees.

In September widespread strikes occurred as a result of the financial situation, the same held true after Israel withheld tax revenues from the PA late in the year.

Freedom of association and the right to collective bargaining were respected in practice, with some significant exceptions. Public sector workers engaged in frequent protests and some strikes over nonpayment of wages.

Labor unions were not independent of authorities and political parties. 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.

Two main labor unions in the West Bank competed for membership and political recognition. A leader of one of the two main unions was also the PA deputy labor minister. There were no reports of the politically motivated firing of union leaders.

Israeli law applies to Israeli settlements in the West Bank and Jerusalem but was not enforced uniformly. Most settlements applied Jordanian labor law as it existed prior to 1967 to Palestinian workers, which provides for lower wages and fewer protections than Israeli law. Palestinian 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 in both the West Bank and the Gaza Strip.

**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 age 15 to work for immediate family members under close supervision. Hiring of children between the ages of 15 and 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. In December an amended PA Child Law passed by presidential decree included provisions on child labor accompanied by explicit penalties. Comprehensive in nature, the law addresses a broad range of aspects related to children's rights, including protection from familial violence and an extension of free health care coverage to those under six. The amended law includes explicit penalties for those who subject children to labor. Those found guilty of exposing children to dangerous working conditions can face fines ranging from 1,000 to 2,000 Jordanian Dinars (\$ 1,409 to \$2,819) per child. Repeat offenders can be penalized by having the fines doubled and/or full or partial closure of their facility.

Due to inadequate resources and logistical difficulties, PA authorities did not effectively enforce the law. During the year, the PA Ministry of Labor employed approximately 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 age 15 to work in dangerous conditions or hazardous jobs were referred to the attorney general for prosecution; the ministry referred only a few cases during the year. PA officials reported fining "numerous" persons after 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 PA estimated 4 percent of children between the ages of 10 and 17 worked in the West Bank and Gaza. Palestinian child laborers generally worked on family farms, in shops, as roadside and checkpoint 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.

Children also continued to work smuggling goods--from food products to chemicals--through the tunnels between Egypt and the Gaza Strip. There were reports children in the Gaza Strip worked in such tunnels for long periods of time under harsh conditions. Hamas reportedly did not enforce child labor laws in Gaza; in some cases, Hamas reportedly encouraged children to work gathering gravel and scrap metal from bomb sites to sell to recycling merchants. There were reports Hamas trained children as combatants.

The Israeli government stated it did not issue permits for Palestinian West Bank residents younger than age 18 to work in Israeli settlements, except in the Jordan Valley, where the law allows work permits for persons age 16 and older; however, according to the PA, children entered the settlements or crossed into Israel to seek work. The PA reported 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**

The PA cabinet approved a minimum wage, set to take effect in 2013.

Palestinians working in Israeli settlements reported 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.

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; ministry officials reported they would need at least an estimated 300 inspectors to adequately enforce the labor laws. 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, the area east of the Green Line and west of Israel's barrier wall, Israel (where Palestinians were employed on permits or illegally), or in Israeli settlements in the West Bank. Israeli authorities did not conduct labor inspections in Israeli settlements, where 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 Israeli settlements were widespread. Israeli NGOs brought some cases in Israeli labor courts on behalf of Palestinian workers employed by enterprises in the settlements. The PA Ministry of Labor reported the number of Palestinians who raised cases against settlers during the year remained very low.

Working conditions with respect to minimum wage and occupational safety and health were poor. The PA was often unable to meet payroll, leading to frequent protests. Informal sector work, especially in illegal smuggling tunnels between the Gaza Strip and Egypt, and rubble and garbage collection was often dangerous. According to OXFAM, 13 workers died in the tunnels by the end of September.