

# ISRAEL 2016 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Israel is a multiparty parliamentary democracy. Although it has no constitution, 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 nationwide Knesset elections in 2015, considered free and fair, resulted in a coalition government led by Prime Minister Benjamin Netanyahu. 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.

Civilian authorities maintained effective control over the security services. During the year, according to the Ministry of Foreign Affairs, Palestinians committed 12 terror attacks within the Green Line that led to the deaths of seven Israelis and one foreign citizen, as well as injuries to 62 Israelis. According to the Ministry of Foreign Affairs, Palestinian militants fired 46 projectiles into Israel, and there were 21 incidents of mortar fire or cross-border shooting from Syria. Further information on the human rights situation in the occupied territories is in the annex.

The most significant human rights problems were terrorist attacks targeting civilians and politically and religiously motivated societal violence; institutional and societal discrimination against Arab citizens of Israel, many of whom self-identify as Palestinian, in particular in access to equal education, housing, and employment opportunities; and institutional and societal discrimination against Ethiopian Israelis and women.

Other human rights problems included administrative detention, often extraterritorial in Israel, of Palestinians from the occupied territories; stigmatizing of human rights nongovernmental organizations (NGOs); the treatment of asylum seekers and irregular migrants; institutional and societal discrimination against non-Orthodox Jews and intermarried families; and labor rights abuses against Arab and foreign workers.

The government took some steps to prosecute and punish officials who committed abuses within Israel regardless of rank or seniority.

**Section 1. Respect for the Integrity of the Person, Including Freedom from:****a. Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings**

There were reports the government or its agents committed arbitrary or unlawful killings.

The number of terrorist attacks by armed individuals decreased during the year, while attacks by rocket and mortar fire increased. According to the Ministry of Foreign Affairs, militant groups launched 46 projectiles from the Gaza Strip, and there were 21 incidents of mortar fire or cross-border firing from Syria.

The wave of uncoordinated attacks, which began in September 2015, mostly by lone attackers not directed by any organization, decreased during the year. According to the Ministry of Foreign Affairs, during the year terrorist attacks killed eight persons and injured 62. Inside the Green Line, the location of attacks included West Jerusalem, Tel Aviv-Jaffa, Netanya, Petah Tikva, Rahat, and Ramle. Most of the attackers were Palestinians from the West Bank, and four were Arab citizens of Israel. A much higher number of attacks occurred in the West Bank and Jerusalem (see annex).

For example, a bar on Dizengoff Street in Tel Aviv was the site of an attack on January 1, when Arab citizen of Israel Nashat Milhem killed two persons, injured eight others, and later killed a taxi driver. Security forces killed Milhem after a weeklong hunt.

On June 8, Palestinian cousins Khaled and Mahmoud Mahamrah fired on customers in a Tel Aviv marketplace, killing four Israelis. Authorities captured the two gunmen and indicted them for murder on July 4 in Tel Aviv District Court. Authorities indicted Yunis Aish Musa Zin, from the same West Bank town, on charges of aiding and abetting a terrorist attack. The cases continued as of the end of the year.

On October 25, the Egyptian military shot and killed 15-year-old Arab citizen of Israel Nimer Abu Amer, who was accompanying relatives employed in maintenance work on the border fence between Israel and Egypt by a contractor for the Ministry of Defense. An investigation was underway as of November 1.

## **b. Disappearance**

There were no reports of politically motivated disappearances.

## **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 Supreme Court ruled that although torture and the application of physical or psychological pain were illegal, Israeli Security Agency (ISA) interrogators might be exempt from criminal prosecution if they used such methods in extraordinary cases determined to involve an imminent threat, the “ticking bomb” scenario. Human rights organizations such as the Public Committee Against Torture in Israel (PCATI), Defense for Children International-Palestine, and Military Court Watch reported that “physical interrogation methods” permitted by Israeli law and used by security personnel could amount to torture. The methods included beatings, forcing an individual to hold a stress position for long periods, and painful pressure from shackles or restraints applied to the forearms. The government insisted it did not use any interrogation methods prohibited by the UN Convention Against Torture (UNCAT).

NGOs continued to criticize other alleged detention practices they termed abusive, including isolation, sleep deprivation, unnecessary shackling, denying access to legal counsel, and psychological abuse such as threats to interrogate family members or demolish family homes.

In May a report in the newspaper *Ha'aretz* alleged that Israeli soldiers abused three Palestinian minors from Gaza for three days after their arrest in October 2015. The abuse included being stripped, kicked, sleep deprived, beaten with a rifle butt, and burned with cigarette butts. After the three minors completed sentences of four to six months, authorities released them from prison and returned them to Gaza. The Israeli Defense Force (IDF) stated that the allegations were under investigation by the Military Advocate General.

The government established the Turkel Commission to implement the findings of the 2010 report of the Public Commission to Examine the Maritime Incident--the interception and capture by the Israeli Navy of ships carrying humanitarian aid bound for Gaza. Following the publication of the Turkel Commission's Second Report in 2013, which examined the country's mechanisms for investigating

alleged violations of the laws of war, the government in 2014 established a team of professionals led by Joseph Ciechanover to recommend practical steps to implement the recommendations of that report.

The Ciechanover report, released in September 2015, found that overall the country's internal mechanisms for investigating and prosecuting alleged war crimes, many initiated following and in response to the Turkel Commission report, were sufficient and unbiased. Civil society groups criticized the Ciechanover Commission for deferring a decision to impose responsibility on military commanders and civilian superiors for offenses committed by their subordinates. The Ciechanover Commission opted instead to recommend that: "[T]he question of the explicit anchoring of the responsibility of military commanders and civilian superiors in Israeli law would continue to be examined by the relevant parties before being decided." The report also recommended increasing and clarifying civilian oversight (via the attorney general) of the military justice system. In July the security cabinet adopted the report's recommendations. In the context of the Ciechanover report, and in response to more than 60 complaints of soldier violence that the military closed without response from 2014 to September, the Supreme Court ruled in September that complaints should be examined within 14 weeks.

Authorities continued to state the ISA held detainees in isolation only in extreme cases and when there was no alternative option and that it did not use isolation as a means of augmenting interrogation, forcing a confession, or as punishment. The government rejected claims that interrogations of minors breached the convention, claiming that reforms implemented since 2008 improved the treatment of Palestinian minors, including the establishment of a Juvenile Military Court, raising the age of majority to 18 years old, introducing a special statute of limitation for minors, improving notification to a minor's family and the minors themselves regarding their rights, and reducing detention periods (see annex). An independent Inspector for Complaints Against ISA Interrogators in the Ministry of Justice handled complaints of misconduct and abuse in interrogations.

In contrast to criminal cases investigated by police for crimes with a maximum imprisonment of 10 years or more, in which regulations require recording interrogations, an extended temporary law exempts the General Security Services from audio and video recording of interrogations of "security suspects." The Ciechanover report recommended installing cameras in all ISA interrogation rooms that broadcast to a control room in real time, via closed-circuit. The government's implementation team recommended locating this control room in an ISA facility where interrogations are not conducted and that it be accessible and available to a

supervising entity from the Ministry of Justice at any time. According to the recommendation, the supervising entity will prepare a concise memorandum on what the observer saw, but no other record will be kept. In the event that the supervising entity believes that interrogators used illegal means during the interrogation, the observer must report the matter to the Inspector for Complaints against ISA Interrogators in the Ministry of Justice. Human rights NGOs, criticizing this mechanism as insufficient to prevent and identify torture since there is no recording of interrogations for later accountability and judicial review, submitted a petition to the Supreme Court opposing it in June 2015. The case continued as of November 7.

According to PCATI, despite more than 800 complaints of torture by detainees in Israel since 2001--in 15 percent of which cases the government acknowledged that the torture took place--the government had never brought criminal charges against an interrogator. Authorities had never indicted an ISA interrogator for torture during an investigation, but they stated every complaint was investigated and reviewed at the level of the deputy state prosecutor, at a minimum. Some complaints led to disciplinary action. PCATI reported 41 new cases of alleged torture as of September 13.

The UN Committee Against Torture, in its May review of the country's compliance with UNCAT, recommended, among 50 other recommendations, that the government provide for independent medical examinations for all detainees. PCATI added that medical personnel should be trained and equipped to identify, document, and report all allegations and evidence of torture.

PCATI stated the government's system for investigating allegations of mistreatment of detainees was complex and fragmented. For example, allegations against police and the ISA are investigated by two separate departments of the Police Investigation Department in the Ministry of Justice State Attorney's Office, with different procedures. The National Prison Wardens Investigation Unit is responsible for investigating allegations against members of the Israel Prison Service (IPS). PCATI reported that this fragmentation created a disorganized system characterized by widely varying response times and professional standards. PCATI noted that victims often did not know the institutional affiliations of the perpetrators and that complaints were often passed from one organization to another for months or years, each authority denying jurisdiction in the case.

In December 2015 the Supreme Court rejected an appeal by prisoners under questioning for alleged involvement in a terror attack in Duma, the West Bank, in

July 2015. The prisoners' lawyer claimed the ISA prevented the prisoners from meeting with a lawyer and alleged ISA interrogators used illegal methods against the prisoners, including physical force and sleep deprivation. The Association for Civil Rights in Israel called on the Ministry of Justice to investigate the allegations. The Ministry of Justice took no action during the year.

The ISA reported the number of hate crimes by Jews dropped significantly after the Duma attack, including only one in the first eight months of the year, compared with 14 hate crimes in 2015 prior to the attack. A September report by *Ha'aretz* alleged that the government denied legal counsel to dozens of Jews arrested by the ISA in recent years for up to three weeks, which their lawyers claimed unfairly targeted settlers.

On May 22, plainclothes Border Police officers beat an Arab citizen of Israel, Maysam Abu Alqian, outside the supermarket where he was working in central Tel Aviv. After requesting to see his identification, the officers beat Alqian severely. The officers later alleged that he attacked them, but the Tel Aviv District Court ordered him released the day after his arrest. On May 31, police internal investigations unit announced that they were investigating the incident. As of November 4, the case remained under investigation.

The government's investigation into the death of Palestinian prisoner Arafat Jaradat, who died in custody at Megiddo Prison in 2013, concluded in August 2015 when a judge ruled that the cause of death was uncertain, after taking into account differing forensic opinions. He ruled that most of the bruises were likely caused by resuscitation efforts and that the other bruises did not lead to Jaradat's death.

### **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 permanent detention facilities run by the IPS generally met international standards, according to the International Commission of the Red Cross (ICRC), but an Israel Bar Association inspection visit at Neve Tirza, a women's prison, revealed major flaws, including unacceptable physical conditions, misuse of solitary confinement, and violence against prisoners. African migrants and asylum seekers detained in the Holot detention facility complained of severe cold in winter, heat in summer, and poor food quality. According to the Ministry of Foreign Affairs, authorities provided detainees with a bed, clothes, clean towels, food, free medical care, and air-conditioned living quarters. The facility offered classes and professional training, and detainees received a monthly

allowance of 480 shekels (\$127). NGOs reported, however, that very few detainees participated in the classes, and authorities regularly docked detainees' monthly allowance for minor infractions.

Since 2014 NGOs have had access to Holot, and in September the government reported that five NGOs visited the facility on a periodic basis. The NGO Hotline for Refugees and Migrants (HRM) reported its representatives could access Saharonim Prison by providing authorities with the name and prison identification number of the detainee who had requested their assistance, but they could not move about and engage with individuals in the facility freely and, therefore, could not obtain new detainees' names and prison numbers. The Office of the UN High Commissioner for Refugees (UNHCR) reported it could regularly access Saharonim, Givon, and Holot detention facilities by submitting a request in advance. The ICRC reported that the IPS granted it access to protected persons, including migrants in detention.

There were reports of mistreatment and abuse by Nachshon, the IPS transportation unit. For example, in May *Ha'aretz* reported that Nachshon prevented prisoners from drinking water or using the toilet for 11 hours during a routine transfer from Ramle to a prison in northern Israel. The guards provided them with a sandwich. According to the report, these circumstances forced some of the prisoners to urinate in the transport vehicle, after which all the prisoners sat in the urine for the remainder of the trip.

Physical Conditions: As of December 18, according to the government, there were 9,555 prisoners in IPS facilities in Israel and the occupied territories who were citizens of Israel, 10,488 prisoners who were residents, and 6,599 Palestinian prisoners. As of September 8, the government reported 49 minors who were citizens or residents of Israel and 77 Palestinian minors. Of the total prisoner population, 6,815 were characterized as security prisoners as of December 18. These prisoners often faced harsher conditions than those of the general prison population, including increased incidence of administrative detention, restricted family visits, ineligibility for temporary furloughs, and solitary confinement. According to an interministerial team established to address racism against Israelis of Ethiopian origin, the percentage of minors of Ethiopian origin in prison was nearly 10 times their proportion of the population, comprising 18.5 percent of the inmates in Ofek Prison for juveniles as of June. Data from the Public Defender's Office, reported by *Ha'aretz* in September, revealed that the proportion of Ethiopian Israeli minors convicted of crimes sentenced to prison instead of treatment was nearly 90 percent, which was three times the percentage for non-

Ethiopian Jewish minors and almost double that of minors who are Arab citizens of Israel. The publication *+972 Magazine* reported in September that it obtained data indicating 60 percent of the prisoners in Israeli prisons were Arab.

In response to a petition by the Association of Civil Rights in Israel (ACRI), in January the Supreme Court ordered the government to explain within 120 days why the average prison cell size was less than 43 square feet. According to ACRI, the average size was 32 square feet. The government replied that it would take steps to decrease the number of prisoners, thereby increasing the average living space per prisoner. A follow-up hearing was scheduled for February 2017.

In 2015 the Knesset passed a law authorizing force-feeding of hunger-striking prisoners under specific conditions; however, the Israel Medical Association declared the legislation unethical and urged doctors to refuse to implement it. Security prisoners organized several open-ended hunger strikes during the year to demand the government end administrative detention and to protest prison conditions. Mohammad al-Qiq, a Palestinian journalist detained on suspicion of affiliation and contact with Hamas, ended a 94-day hunger strike in February after authorities agreed not to extend his administrative detention past May 21. Authorities placed Bilal Kayed in administrative detention on June 13, just before completing a sentence of 14 and one-half years for attempted murder and membership in the Popular Front for the Liberation of Palestine, and he went on hunger strike for 71 days before reaching a similar agreement with security services in August. From July to September, brothers Mahmoud and Muhammad al-Balbul went on hunger strike for more than 70 days, and Malik al-Qadi for more than 60 days, before reaching similar agreements. Physicians for Human Rights-Israel (PHR-I) expressed strong opposition to the continuous shackling of detainees throughout their hunger strike--both hand and leg in the case of Muhammad al-Balbul--which PHR-I claimed was not based on any danger after two months of hunger striking, but rather on the government's efforts to break the strike. The government stated that the IPS reduced restraints to the minimum necessary, and it reassessed the need for restraints every few days.

On August 11, the district court in Be'er Sheva ruled that independent doctors such as PHR-I, hunger striker Bilal Kayed's authorized representative, could not examine him because the ICRC was already examining him. The ICRC noted their medical doctor assesses the overall medical condition and treatment of detainees on hunger strike but does not act in the role of a treating physician. According to PHR-I, in contravention of Israel's Law of Patient Rights, which states that a

patient has the right to receive a copy of his own medical records, Barzilai Medical Center declined to provide Kayed's records, referring PHR-I instead to the IPS.

Palestinian Yasser Diab Hamdouna, 41, died in an Israeli prison on September 25. Palestinian media reported that the cause was a stroke or heart attack and accused the IPS of medical neglect. The Ministry of Foreign Affairs stated that he collapsed while exercising and was pronounced dead after receiving unsuccessful medical treatment. As of November 6, according to the ministry, nine other prisoners also died in IPS prisons: six from a heart attack or heart condition, two from suicide, and one from cancer.

NGOs reported lack of access to legal and social services in detention centers for irregular migrants. Social workers provided individual social and supportive treatment, with emphasis on identifying and providing services for trafficking victims, victims of abuse, and victims of sexual violations.

Administration: While authorities generally allowed visits from lawyers and stated that every inmate who requested to meet with an attorney was able to do so, this was not always the case. NGOs alleged authorities did not allow Palestinian detainees, including minors, access to a lawyer during their initial arrest. Travel restrictions on entry into the country affected the access of lawyers and other visitors to some Palestinian prisoners. The government granted permits to family members from the West Bank on a limited basis and restricted those entering from Gaza more severely. In November 2015 the IPS reportedly issued regulations limiting members of the Knesset (MKs) to one visit per month, but the Ministry of Foreign Affairs denied any such regulation exists.

The law allows prisoners to submit a petition to judicial authorities alleging substandard prison conditions, and the government stated that authorities investigated credible allegations of inhuman conditions, documented such investigations, and released the results publicly. The state comptroller serves as ombudsman and investigates public complaints against government institutions, including the IPS.

Independent Monitoring: The ICRC regularly monitored IPS facilities for irregular migrants, including Holot and Saharonim, and the two IDF provisional detention centers. The ICRC monitored all facilities in accordance with its standard modalities, except for urgent or isolated cases raised bilaterally with the concerned authorities (that is, relating to the composition of the visiting team and the conditions for interviews without witnesses). PCATI continued to press for

structural reforms, including mandatory video recordings of interrogations. The Public Defenders' Office is officially responsible for monitoring and reporting on prison conditions, which it does every two years. The most recent report was issued in July 2015.

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

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions for all citizens. Authorities subjected non-Israeli residents of the Israeli-occupied Golan Heights 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).

With regard to irregular migrants, the most recent amendment to the Prevention of Infiltration Law, passed in 2014, allows the government to detain migrants and asylum seekers who arrived after December 2014 for three months in the Saharonim Prison facility “for the purpose of identification and to explore options for relocation of the individual.” The law also states that authorities must bring irregular migrants taken into detention to a hearing within five days and inform them of their rights, including the right to legal counsel. After three months in Saharonim, the government may then hold them for 12 months in Holot, a remote, semi-open facility run by the IPS. Authorities closed Holot from 10 p.m. to 6 a.m. and required daily check-in at 10 p.m. (see section 2.d.). Authorities did not confine detainees to their rooms during the night, but they could not leave the facility.

Authorities soon replaced the 1,178 Eritrean and Sudanese migrants released from the Holot facility after an August 2015 Supreme Court ruling with new 12-month detainees. In accordance with the Supreme Court decision, authorities may hold detainees for only one year without charging them with any offenses. The government barred those freed from Holot from living or working in either Tel Aviv or Eilat, where they would have supportive communities and access to the limited medical facilities and other social services available to the migrant population. In August authorities stopped summoning asylum seekers from Darfur or Sudan to Holot; however, many Darfuri detainees already in Holot were not released early.

The most recent amendment to the Prevention of Infiltration Law also allows authorities to send those who fail to renew their visas on time to Holot for up to 120 days. The Ministry of Interior provided renewal services in Tel Aviv, Be'er

Sheva, and Eilat. HRM reported that authorities required asylum seekers applying to renew their visa to provide a copy of a lease agreement and a current wage slip in support of their application, yet applicants could not obtain those documents without a visa, creating a vicious cycle. The law prohibits detention in Holot based on certain factors including age, health, gender, or other protected status. Authorities can send those who violated rules at Holot to Saharonim Prison. HRM reported that authorities sent more than half of Holot detainees to Saharonim for up to several months for various infractions.

### **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. The IDF is responsible for external security and has no jurisdiction over Israeli citizens. ISA forces operating in the occupied territories fall under the IDF for operations and operational debriefing. The Ciechanover report (see section 1.c.) clarified that the Ministry of Justice and its investigators and the IDF and its investigators would divide investigative and prosecutorial responsibilities in incidents in which police operated under the authority of the military. Civilian authorities maintained effective control over the ISA and police forces, and the government has effective mechanisms to investigate and punish abuse and corruption. The government took steps to investigate allegations of the use of excessive force by police and military. NGOs continued to criticize the extremely low number of indictments issued relative to the number of investigations opened and the high percentage of cases closed due to investigation failures by military police. In May human rights NGO B'Tselem announced that it would no longer refer complaints to the military law enforcement system.

The Department for Investigation of Police Officers (DIPO) in the Ministry of Justice is responsible for investigating complaints against ISA bodies, including incidents involving police and the border police occurring on Israeli territory and Jerusalem and incidents taking place in the occupied territories that do not involve the use of a weapon. In 2015 DIPO reviewed more than 3,500 cases and reached decisions in 640, of which 102 cases ended in criminal indictments (leading to 87 convictions) and 85 in disciplinary proceedings. DIPO closed 974 cases without further investigation, and it closed another 843 following a preliminary examination.

Investigative responsibility for alleged abuses by the IDF, including incidents involving a weapon in which police units were operating under IDF authority in the occupied territories, remains with the Ministry of Defense in the Military Police Criminal Investigations Department. During the year authorities arrested or detained four soldiers, convicted 11 (including nine indicted in prior years), and sentenced 12 (including 10 indicted in prior years).

Human rights NGOs continued to allege that accountability mechanisms precluded serious internal investigations by the military and were marred by severe structural flaws that rendered them incapable of conducting professional investigations.

### **Arrest Procedures and Treatment of Detainees**

Police must have warrants based on sufficient evidence and issued by an authorized official to arrest a suspect. The following applies to detainees, excluding those in administrative detention: Authorities generally informed such persons promptly of charges against them; the law allows authorities to detain suspects without charge for 24 hours prior to bringing them before a judge, with limited exceptions allowing for up to 48 hours; authorities generally respected these rights for persons arrested in the country; there was a functioning bail system, and detainees could appeal decisions denying bail; and authorities allowed detainees to consult with an attorney in a timely manner, including one provided by the government for the indigent, and to contact family members promptly.

Authorities detained most Palestinian prisoners arrested by Israeli security forces in the occupied territories extraterritorially in Israel. The government stated that the establishment of new prisons in the West Bank could adversely affect detainees' living conditions and affect local residents on whose land the new prisons would be built. Authorities prosecuted them under the Israeli military law applicable to the occupied territories, which denies many of the rights Israeli law would grant them. According to the circumstances of each case, such as the severity of the alleged offense, status as a minor, risk of escape, or other factors, authorities either granted or denied bail to noncitizens of Palestinian origin detained for security violations.

Authorities may prosecute persons detained on security grounds criminally or hold them as administrative detainees or illegal combatants, according to one of three legal regimes. First, under a temporary law on criminal procedures, repeatedly renewed since 2006, the IPS may hold persons 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 for up to 96 hours prior to bringing the suspect before the senior judge of a district court. In security-related cases, authorities may hold a person for up to 35 days without an indictment (versus 30 days for other than security-related cases), and the law allows the court to lengthen the holding of a detainee on security grounds for an initial period of up to 20 days for interrogation without an indictment (versus 15 days for other than security-related cases). Authorities may deny security detainees access to an attorney for up to 21 days under Israeli law or 60 days under military regulations.

Second, the Emergency Powers Law allows the Ministry of Defense to detain persons administratively without charge for up to six months, renewable indefinitely. As of October authorities issued administrative detention orders against 20 Israeli citizens, most of them Arabs. In 2015, following several arson attacks in Israel and the West Bank, the government announced it would expand administrative detention to Jewish extremists suspected of terrorist activity. The Ministry of Foreign Affairs reported that, as of the beginning of December, authorities issued 1,764 administrative detention orders against 1,037 Palestinian adults, 29 administrative detention orders against 19 Palestinian minors over the age of 14, and none to minors under the age of 14 years old. Additionally, authorities issued 106 administrative restraining orders against 42 Israeli adults, 42 orders against 11 Israeli minors, seven orders against Palestinian adults, and none against Palestinian minors (see annex).

Third, the 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.

While international law allows the use of administrative detention in rare "ticking time bomb" scenarios, civil society organizations and some MKs continued to criticize the government for using it excessively, adding that the practice was undemocratic since there was no due process. The government claimed that it issued administrative detention orders "against those who plan terrorist attacks, or those who orchestrate, facilitate, or otherwise actively assist in the commission of such acts when the evidence against those individuals cannot be revealed for security reasons," and it is a preventive measure of last resort. The government said it used administrative restraining orders only "when it is necessary to protect security and order and when it is not possible to use penal measures for various reasons."

Arbitrary Arrest: An annual report from the Office of the Public Defender on September 4 highlighted indictments on issues of trivial importance or against persons who break the law to obtain basic needs such as food, electricity, water, or housing. In 2015 there were allegations of arbitrary arrests of Arab citizens during protests, as well as such arrests of Ethiopian-Israelis.

Pretrial Detention: Administrative detention continued to result in lengthy pretrial detention for security detainees, who were mostly Palestinian; some, however, were Jewish Israelis or Arab citizens of Israel. Authorities held most detainees for less than one year but held some for more than one year and a small number for more than two years.

Detainees' Ability to Challenge Lawfulness of Detention before a Court: 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, and both Palestinian and Jewish detainees routinely did so. The military courts may rely on classified evidence denied to detainees and their lawyers when determining whether to prolong administrative detention. There is no system whereby authorities may clear a defense team member to view classified information used to justify holding an administrative detainee. Some detained Jewish youths, alleged to belong to extremist organizations, questioned the validity of their arrest and use of administrative detention, house arrest, and administrative orders banning them from certain areas of the West Bank.

Protracted Detention of Rejected Asylum Seekers or Stateless Persons: The Prevention of Infiltration Law defines all irregular border crossers as "infiltrators" and permits authorities to detain irregular migrants, including asylum seekers and their children.

In 2014 the Supreme Court struck down the section of the Prevention of Infiltration Law that allowed irregular migrants, including refugees and asylum seekers, to be detained in the Holot open facility indefinitely. In August 2015 the Supreme Court set the limit at one year. This resulted in the release of 1,178 asylum seekers from Holot; authorities soon replaced them with other asylum seekers. The government may still hold irregular migrants, including refugees and asylum seekers, in Saharonim Prison for three months on arrival and then move them to Holot for 12 months. The Supreme Court's ruling affirmed the use of the Holot facility to house irregular migrants, albeit for a limited period.

Under the Law of Entry, the Ministry of Interior and police developed an outline of cooperation that allows for detention of irregular migrants, including refugees and asylum seekers living in the community and suspected of criminal activity, based on an administrative order rather than through the legal process.

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

The law provides for an independent judiciary, and the government generally respected judicial independence. (The annex covers military court trials of Palestinians and others in the occupied territories.)

#### **Trial Procedures**

The law provides for the right to a fair public trial, and an independent judiciary generally enforced this right. Exceptions to the right for a public trial include national security concerns, protection of the interest of a minor or an individual requiring special protection, and safeguarding the identity of an accuser or defendant in a sex-offense case.

Defendants enjoy the rights to a presumption of innocence, to be informed promptly and in detail of the charges against them, to be present at their trial, to a fair and public trial without undue delay, and to adequate time and facilities to prepare their defense. They may not be compelled to testify or confess guilt and may consult with an attorney or, if indigent, have one provided at public expense. Defendants have the right to free interpretation as necessary from the moment charged through all appeals. Defendants have the right to confront witnesses against them, to present witnesses and evidence on their behalf, to access evidence held against them, and to appeal to the Supreme Court. The prosecution is under a general obligation following an indictment to provide all evidence to the defense. The government may on security grounds withhold from defense lawyers evidence it gathered but will not use in its case against the accused. The Supreme Court in civilian courts or the Court of Appeals in military courts can scrutinize the decision to withhold such evidence. The rules of evidence in cases of espionage tried in criminal court do not differ from the normal rules of evidence--no use of secret evidence is permissible.

The Ministry of Justice determined the law allows the courts to consider secret evidence in reviewing the cases of Palestinians convicted in civilian courts and granted conditional release from prison as part of a prisoner exchange and later

rearrested for violating the terms of their release, because authorities considered this parole board review procedural.

On August 2, in response to the wave of attacks that began in September 2015, many perpetrated by minors, the Knesset passed a “Youth Bill” legalizing imprisonment of children as young as 12 years old if convicted of serious crimes such as murder, attempted murder, or manslaughter.

Security or military trials are open to the public, but since authorities conduct them in a military camp, members of the public require an entry permit from the military. Authorities conducted certain trials in a closed setting, not open to the public, for reasons of security or for the protection of the identity of a minor.

Military courts provide some of the procedural rights granted in civilian criminal courts, although their rates of conviction of Palestinians charged with various crimes were much higher. The evidentiary rules governing trials of Palestinians, and others subject to military law in the occupied territories, are the same as evidentiary rules in criminal cases. According to the Ministry of Justice, the law does not permit convictions based solely on confessions. The government stated that the evidentiary rules applied in military trials were the same as those applied in civilian courts and did not allow presentation of secret evidence not provided to the defendant or their 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 almost all detainees had counsel, even in minor cases. Court indictments were read in Hebrew and, unless the defendant waived this right, in Arabic. Authorities translated all military court indictments into Arabic. At least one interpreter was present for simultaneous interpretation in every military court hearing, unless the defendant waived that right. Defendants may appeal through the Military Court of Appeals and then to the Supreme Court.

### **Political Prisoners and Detainees**

There were no reports of civilian political prisoners or detainees. ACRI, however, petitioned the Supreme Court in 2013 regarding a practice by the ISA to call in political activists suspected of “subversive” activity for questioning under caution, meaning they might be charged with a crime. In response the government confirmed that there is a classified secret procedure that regulates Israel National Police assisting the ISA in the summoning process. As of November 4, the case was still pending with the Supreme Court.

## **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. By law Palestinians may file suit to obtain compensation through civil suits in some cases, even when a criminal suit is unsuccessful and the actions against them considered legal.

## **Property Restitution**

In the 35 unrecognized villages in the Negev claimed by various Bedouin tribes, the government viewed all buildings as illegal and subject to demolition. In cases of demolitions with no agreement from the residents to relocate, the government levied fines against residents to cover expenses incurred in the course of demolitions. Many Bedouin whose residences or structures authorities subjected to demolition orders elected to self-demolish to avoid fines.

According to the NGO Negev Coexistence Forum for Civil Equality (NCF), in recent years the government approved plans for the establishment of 15 new towns and settlements in the Negev region, the vast majority intended for the Jewish population. Authorities approved plans for settlements called Hiran (see below), Daya, and Neve Gurion to replace existing Bedouin villages. Authorities planned Daya to replace the unrecognized village al-Qatamat, and Neve Gurion was to replace some houses in the recognized village of Bir Haddaj. On October 9, the government demolished seven houses in Bir Haddaj, which the NCF claimed belonged to an extended family relocated there by the government 13 years earlier. In response on October 16, approximately 1,500 participants demonstrated near the regional council of Ramat Negev. The NCF noted the Negev was sparsely populated, with only 8 percent of the population living on 60 percent of Israel's land, so there was ample room to establish new communities without razing existing ones.

In January the Supreme Court ruled again that eviction orders issued against residents of the Bedouin unrecognized village Umm al-Hiran, where they had been moved by the Israeli military regime in 1956, were valid. The NCF reported that construction work on Hiran progressed and expanded during the year, reaching to within a few yards of Bedouin houses in Umm al-Hiran, and residents suffered from the dust raised by construction. As of November a group of 30 Jewish families who planned to move to Hiran remained in mobile homes in the forest

outside Umm al-Hiran while waiting to obtain the land. The government offered plots of land and cash compensation to villagers who accept resettlement to the nearby Bedouin town of Hura, three miles away, but village leaders had rejected this option because, according to the Hura local council, there was insufficient space even for natural growth in the town and because of fears it would force the villagers to abandon a more traditional rural lifestyle for an urban one, with attendant problems of drugs, crime, and disintegration of the traditional family/clan structure. Village leaders expressed openness to almost any option that would allow them to remain in place, including living side-by-side with Jewish neighbors in an expanded community. Authorities scheduled demolition of structures that would have displaced approximately 30 to 40 persons in one extended family for November 22, but the Be'er Sheva Magistrate Court postponed the demolition for a last-minute appeal, which the court denied the following day. As of November 30, the targeted villagers agreed to move to Hura and began self-demolishing in order to avoid steep fines and to reuse building materials.

Other Bedouin communities, such as Attir and al-Araqib, faced eviction due to the government's forestation plans, while a planned extension of the Cross Israel Highway will affect approximately 400 structures. In May 2015 the Supreme Court rejected Bedouins' claims of ownership of al-Araqib, a small community in the northern Negev, which the government had demolished more than 100 times since 2010. Residents of al-Araqib typically rebuild their shelters within one day of demolition. In July the Jewish National Fund worked in al-Araqib for 10 days, preparing land in four lots in preparation to plant trees in the winter.

The government noted its policy in Bedouin areas was to demolish "new vacant illegal structures" built without permits after 2010 and found in areas it determined to be state land, not belonging to any local authority. The NCF recorded 982 demolitions in 2015, down from 1,073 in 2014. Demolitions by Israeli authorities increased slightly to 365 in 2015 from 355 in 2014, while Bedouins demolished the remainder to avoid fines. In May a report from the State Comptroller stated: "The ongoing circle of construction for housing and demolition of these structures deepens the alienation of the Bedouin residents of the Negev towards the state and does not contribute to the regulation of their settlement."

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. Bedouins often refused to participate in this program because they asserted that they owned the land or that the government had

given them prior permission to settle in their current locations. The NCF alleged the seven government-established towns were unable to accommodate their own natural growth, much less the arrival of new residents. Court-ordered demolitions and the rejection of their designated relocation sites for reasons of overcrowding caught some residents between these policies. Additionally, many Bedouins complained that moving to government-planned towns would require them to surrender claims to land they had occupied for several generations and would separate them from their livelihood. Conversely, the government claimed it was difficult and inefficient to provide services to clusters of buildings throughout the Negev that ignored planning procedures. Some Bedouins continued to pursue legal recognition of their 3,200 claims to parcels of land based on practices of land ownership and sales predating the establishment of the state in 1948, although in all cases the Supreme Court ruled in favor of the government.

NGOs and Bedouin leaders noted that the implementation of the government plan for developing the Negev, with the resultant home demolitions and planned relocations of some Bedouin communities, continued apace in the absence of specific legislation to address Bedouin land claims. The NCF raised concerns that the policies of Minister of Agriculture and Rural Development Uri Ariel had exacerbated the gaps between recognized and unrecognized Bedouin villages.

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

The law prohibits such actions, and the government generally respected those prohibitions. 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, because 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. For example, the Orthodox Rabbinate did not consider to be Jewish approximately 337,000 citizens who considered themselves Jewish and who immigrated either as Jews or as family members of Jews; therefore, they may not be married or buried in Jewish cemeteries in the country. The Orthodox Rabbinate had the authority to handle divorces of any Jewish couple regardless of how they were married, as well as the divorce of any couple wherein one spouse considers him or herself to be Jewish. The government stated that 24 cemeteries in the country served

immigrants not considered Jewish by the Orthodox Rabbinate. The estimated 15,000 Messianic Jews, who believe Jesus is the Messiah and consider themselves Jews, also experienced these infringements on their personal lives, since the Orthodox Rabbinate regards them as Jewish apostates. Authorities did not fully implement a law requiring the government to establish civil cemeteries.

The Law of Citizenship and Entry, which is valid through April and renewed annually, prohibits Palestinians from the West Bank or Gaza, including those who are spouses of Israeli residents or citizens, from obtaining resident status in Jerusalem or Israel unless the Ministry of Interior makes a special determination, usually on humanitarian grounds. The law allows the entry of spouses of Israelis on a “staying permit” if the male spouse is age 35 or older and the female spouse is age 25 or older. Authorities required East Jerusalem residents who relocated to forfeit their Jerusalem identification cards. The government may revoke the Jerusalem identification cards of those who have been away from Jerusalem for seven years, and the government may seek to revoke a Palestinian’s Jerusalem identification card if the person obtains citizenship or residency in another country. The only way to qualify for Jerusalem residency and an identification card is to derive it from one’s parents or through a spouse. There is no immigration process, and one usually may not regain Jerusalem residency if authorities revoke it. (The annex addresses revocation of identity cards for Palestinian residents of East Jerusalem in more detail.)

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

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

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

The law, however, criminalizes calling persons “Nazis” or “fascists.” The law imposes tort liability on any person who knowingly issues a public call for an economic, cultural, or academic boycott of the State of Israel and the Israeli-controlled occupied territories. Plaintiffs must prove direct economic harm to claim damages under the “antiboycott” legislation. In 2015 the Supreme Court upheld the constitutionality of this law. The law also permits the minister of finance to institute regulations imposing administrative sanctions on those calling

for such a boycott, including restrictions on participating in tenders for contracts with the government and denial of government benefits.

Freedom of Speech and Expression: The law prohibits hate speech and content liable to incite to violence or discrimination on grounds of race, origin, religion, nationality, and gender. The Counterterrorism Law, which passed in June and took effect in November, criminalizes as “terrorist acts” speech supportive of terrorism, including public praise of a terrorist organization, display of symbols, expression of slogans, and “incitement.” There were no convictions under the law as of the end of the year.

On July 18, the Knesset passed a law increasing the penalty for desecrating the Israeli flag from one year to three years in prison and increased the fine from the equivalent of eight dollars to 58,400 shekels (\$15,500).

In cases of speech that constitute incitement to violence or hate speech, the law empowers police to limit freedom of expression.

Press and Media Freedoms: The independent media were active and expressed a wide variety of views without restriction. In December, however, ACRI published a report detailing a variety of legislative and rhetorical attacks on media throughout the year by elected officials, especially Prime Minister Netanyahu, and expressed concern about the chilling effect of these attacks on press freedom. In September 2015 the Knesset amended the public broadcasting law to prohibit journalists on public broadcasting from transmitting their own views. Subsequently, the Israel Press Council urged the government to cancel the law, saying it violated free speech. The Knesset repealed the amendment in November 2015.

In April the press freedom organization Freedom House lowered Israel’s ranking from free to partly free due to “the growing impact of *Israel Hayom*, whose owner-subsidized business model endangered the stability of other media outlets, and the unchecked expansion of paid content--some of it government funded--whose nature was not clearly identified to the public.”

On June 23, the Ministry of Public Security barred Nazareth-based television channel Musawa for six months claiming that the Palestinian Authority funded it. Authorities previously banned the station for six months in July 2015 when it was known as Palestine 48.

The government shut media outlets associated with the Northern Islamic Movement, following that group's ban in November 2015.

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. Organizations may appeal the censor's decisions to the Supreme Court, and the censor may not appeal a court judgment. Whereas in the past the military censor requested prepublication review of sensitive information only from major media outlets, *Ha'aretz* reported in February that the military censor expanded the request to 30 bloggers and administrators of public Facebook pages as well.

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. The government regularly enacted restrictive orders on sensitive security information and required foreign correspondents, as well as local media, to abide by these orders. According to data provided by the military at the request of *+972 Magazine*, Mekomit, and the Movement for Freedom of Information, from 2011 through August, the military censor banned the publication of 1,936 articles and redacted information from 14,196 articles.

In January the State Attorney's Office sought a court order to compel the NGO Breaking the Silence to reveal the identity of an individual who served in Operation Protective Edge and who testified to the organization about alleged war crimes during the operation. Breaking the Silence claimed the investigation was politically motivated and that providing this information would effectively force the organization to end its operations. As of the end of the year, the case remained pending at the Petah Tikva Magistrate's Court.

National Security: In November 2015 the government used emergency law to outlaw the Northern Islamic Movement, stating that it incited violence and alleging that it closely collaborated with Hamas and the Muslim Brotherhood. MK Ahmed Tibi and other Arab Israeli politicians stated, however, that politics appeared to have motivated the decision much more than a threat to national security. The government issued cease and desist orders to 17 related organizations.

## **Internet Freedom**

There were no government restrictions on access to the internet. The government monitored e-mail, internet chat rooms, and the popular texting application

WhatsApp for security purposes. Internet access was widely available, and approximately 73 percent of the country's inhabitants used it regularly.

In October 2015 authorities arrested Dareen Tatour, an Arab citizen of Israel, on charges of incitement to violence, terrorism, and support for a terrorist organization as a result of the poems, pictures, and other media she posted online. Authorities imprisoned her for three months and then released her to home detention, pending the completion of legal proceedings, which were remained underway at the end of the year. Tatour claimed that translations of her Arabic postings by police were poor and distorted.

In December 2015 authorities arrested attorney Tareq Barghout, part of the legal team for an alleged teenage Palestinian terrorist, on charges of publishing material on Facebook praising terrorists and encouraging further attacks. The court released Barghout, noting that the material he posted was poorly translated from Arabic to Hebrew and that he has freedom of expression as reflected in Facebook postings.

During an outbreak of fires in November, police detained Arab citizen of Israel Anas Abudaabes for three days on suspicion of incitement after he posted a sarcastic Facebook message. The publication *+972 Magazine* reported that police had attempted to translate the message using Google Translate.

Following a reported agreement between government officials and Facebook in September to remove content that the government reported as incitement, the NGO Adalah expressed grave concern the targeted content would disproportionately affect Arab citizens. They cited research showing that 70 percent of 175,000 inciting posts in Israel in the 12 months ending May were actually made by right-wing Israeli Jews against Arabs and left-wing Jews, yet only 18 percent of those arrested for incitement-related offenses during the year were Jews. A study by the Berl Katznelson Foundation published in November reported more than six million racist expressions online in Israel in one year.

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

The law prohibits institutions that receive government funding from engaging in commemoration of the Nakba, or "catastrophe," referring to the displacement of 80 percent of the Palestinian Arab population during Israel's 1948 War of Independence.

In June the president of Ben-Gurion University overturned a decision to award the Berelson Prize for Jewish-Arab Understanding to the NGO Breaking the Silence on the grounds that it “isn’t in the national consensus.” Despite the university president’s decision, university lecturers awarded the NGO an alternative prize at a ceremony in November. Breaking the Silence, a group of military veterans whose goal is to end the Israeli occupation of the West Bank, was the target of intensely negative rhetoric in the national discourse during the year.

The NGO Mossawa claimed that there were no Arab employees among five cinema foundations that control the 60 million shekels (\$16 million) allocated by the government for Israeli cinema, and that the government selected almost no Arabic films for funding.

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

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

In April and May 2015, thousands of Ethiopian Israelis and their supporters gathered to protest police brutality and discrimination following the publication of a video showing police beating Ethiopian IDF soldier Demas Fekadeh in the Tel Aviv suburb of Holon. The demonstrations at some points resulted in clashes with police. The demonstration resulted in 56 officers and 12 protesters injured; authorities arrested 43 persons. Police set up a committee to investigate the events. Government officials, including the president and prime minister, met with Fekadeh and Ethiopian community representatives in the wake of the demonstrations and pledged that police would conduct a thorough and transparent investigation. The government dropped charges against one officer who apprehended Fekadeh and also against Fekadeh himself, concluding Fekadeh had not initiated the altercation. According to the NGO Tebekah, the attorney general indicated in June that he would re-examine the charges against the officer. Tebekah filed a petition with the Supreme Court to compel the attorney general to give a response to the question of re-examining the charges, and the case continued as of December 9.

The police committee created to investigate the events led to several steps toward reform in partnership with an Ethiopian Israeli NGO, including a pilot project for police body cameras, which began in August, and a new police code of conduct.

### **Freedom of Assembly**

The law provides for this right, and the government generally respected it.

Human rights NGOs alleged that in prior years, police engaged in mass arrests of Arab protesters, claiming they did not have a permit, although Israeli law does not require one in certain circumstances, or after incitement by Israeli agents provocateurs dressed as Arabs. There were no such mass arrests during the year.

There were some instances in 2015 in which police required organizers of demonstrations to accept criminal responsibility for any disturbance or prohibited behavior by participants of the demonstration before approving a permit application. Following submission of a petition to the Supreme Court by ACRI, police agreed to eliminate this condition, and ACRI withdrew its petition.

In December 2015 the government loosened police regulations to allow the use of live fire as a first resort against protesters throwing stones or incendiary devices.

### **Freedom of Association**

The law provides for this right, and the government generally respected it.

Israeli and Palestinian NGOs, particularly those focused on human rights problems and critical of the government, asserted that the government sought to intimidate and stop their foreign funding (see section 5). According to ACRI, the law prohibits registration of an association or a party if its goals include denial of the existence of the State of Israel or the democratic character of the state. A political party will not be registered if its goals include incitement to racism or support of an armed struggle, enemy state, or terror organization against the State of Israel.

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

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

### **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 generally respected these rights for citizens.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons (IDPs), refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern, except as noted below.

Abuse of Migrants, Refugees, and Stateless Persons: Communities with a large concentration of African migrants were occasionally targets of violence. The Tel Aviv municipality dedicated a special police unit to combat violence and crime in the migrant community. Additionally, the nature of government policies on the legality of work forced many refugees to work in “unofficial” positions, making them more susceptible to poor treatment and questionable work practices by their employers.

Immediately following the killing of a soldier by an Israeli Bedouin attacker in Beer Sheva in October 2015, a security guard shot Eritrean asylum seeker Haptom Zerhom, who the guard mistakenly believed was a second attacker. A group of onlookers then beat the injured Eritrean man, who later died. Pathologists later confirmed the cause of death was the gunshot wound. In January authorities indicted Eviatar Damari, David Moyal, soldier Yaakov Shamba, and prison officer Ronen Cohen for causing grievous bodily harm with serious intent. The case was scheduled to resume in February 2017.

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. Authorities do not permit any citizen to travel to any state officially at war with Israel without government permission. This restriction includes travel to Syria, Iraq, Iran, Lebanon, Yemen, and Saudi Arabia.

Adalah alleged that the prohibition on travel to many Arab countries disproportionately discriminated against Arab-Israeli citizens and noted that authorities did not detain Jewish Israelis upon return from similar trips to unauthorized countries. The government required all citizens to have a special permit to enter “Area A” in the West Bank (the area, according to the Interim Agreement, in which the Palestinian Authority exercises civil and security responsibility), although the government allowed Palestinian citizens access without permits. In March 2015 the Supreme Court rejected a petition by ACRI requesting the airport to eliminate racial profiling of Arab citizens.

In 2014 the Supreme Court upheld a policy that did not allow Palestinians from Gaza to enter Israel to access courts for tort damages filed against the security forces, stating that it wanted to “give a chance” to new procedures and guidelines for facilitating entry into the country adopted by the attorney general. The Ministry of Foreign Affairs stated in November that Gazans who prove that their entry into Israel is necessary for their court case to be effectively managed, and the results of the case affect a humanitarian need, are granted entry. The burden of proof remains on the plaintiff to justify the application to enter Israel on humanitarian grounds.

Citizenship: The 2011 amendment to the Nationality Law allows revocation of citizenship from a person on grounds of “breach of loyalty to the State of Israel.” As of November 9, no one was stripped of his citizenship or permanent residence status. On May 29, Minister of the Interior Aryeh Deri filed a motion with the Haifa District Court to revoke the citizenship of Alaa Zayoud, whom the courts convicted of four counts of attempted murder in an October 2015 car-ramming attack. In addition, on June 26, Deri requested that the attorney general revoke the citizenship of Luqman Atun and the permanent residency of East Jerusalemite Khalil Adel Khalil, following their attempts to join Da’esh in Syria. All three motions were pending as of November 9.

On October 21, after the head of NGO B’Tselem called on the UN Security Council to take action to address the growth of Israeli settlements in the occupied territories, MK David Bitan, the chairman of the governing coalition, told media the remarks were an “explicit breach of trust by an Israeli citizen against the state, and as such he should find himself another citizenship.” The government, however, did not take any steps to strip him of his citizenship.

### **Protection of Refugees**

Access to Asylum: In 2008 authorities began giving the majority of asylum seekers a “conditional release visa” that requires renewal every one to four months. The government provided these individuals with a limited form of group protection with freedom of movement, protection against refoulement, and some informal access to the labor market. Access to health care, shelter, and education was available inconsistently. The protection environment, however, significantly deteriorated following the adoption in late 2011 of policies and legislation aimed at deterring future asylum seekers by making life difficult for those already in the country. These actions further curtailed the rights of the population and encouraged the departure of those already in the country.

The Refugee Status Determination (RSD) Unit of the Population Immigration and Border Authority handles asylum requests and publicizes information on how to apply in its offices and on its website. The RSD Unit set up a computer-based appointment system in Arabic and Tigrinya (Eritrean).

RSD recognition rates were extremely low. In the 2012-16 period, the government received 28,915 asylum applications, including 4,901 from Sudanese applicants, 7,848 from Eritreans, 7,130 from Ukrainians, and 4,221 from Georgians. Of those, according to the Ministry of Foreign Affairs, the government approved 27, denied 4,764, and closed 4,750 for other reasons such as departure from Israel or noncooperation. During the year the government approved only four asylum requests and denied 2,609. As of August, 326 requests submitted in 2009 were still pending, and as of the end of the year, 19,374 cases were pending, including 11,238 from Ukrainians and Georgians. While the government extended nonremoval and “conditional release visas” to a number of Sudanese from Darfur, it granted refugee status to a Sudanese applicant for the first time on June 21.

In addition to these low rates, according to international organizations, a lack of transparency in the documentation and deliberation phases of the government’s processes further undermined confidence in the system, affecting views of the legitimacy of the government’s regime for asylum seekers. HRM, the African Refugee Development Center, UNHCR, and the Tel Aviv University Refugee Rights Clinic expressed continuing concerns regarding the accessibility, efficiency, and impartiality of the RSD Unit.

Authorities originally granted this population protected status and barred them from applying for RSD, a policy later changed without notification to much of the population. Some of these individuals, however, applied through UNHCR upon arrival (and continued to have files with UNHCR that the government had not requested or accepted for transfer). Others were discouraged from applying by the government’s policy summoning those who applied to detention in Holot and by the extremely low rate of acceptance of refugee claims.

In 2015 the government adopted a practice of requiring long-staying RSD applicants to provide an acceptable justification for not applying for RSD within their first year of residence in the country. The government then rejected the majority of justification applications from these individuals. In September an appeals tribunal ruled that asylum applications from Eritreans should not be rejected out of hand on the basis of fleeing military conscription. The Ministry of

Interior immediately appealed the ruling, and the case was pending as of the end of the year. In November another appeals tribunal overturned the government's blanket rejection of applications submitted more than one year after arrival. The government's response to the November ruling was pending as of November 10.

The government continued to give Eritreans and Sudanese outside of detention renewable "conditional release" documents, but recipients must renew these documents every one to four months. Only three Ministry of Interior offices in the country renew these visas. In 2015 authorities summoned 12,425 asylum seekers to Holot for a one-year detention period, although there were only 3,360 beds. NGOs reported that some asylum seekers failed to appear, while others reported to Holot after quitting their jobs and giving up their residence, only to learn that there was insufficient space at the facility. The Ministry of Foreign Affairs reported that authorities summoned 3,396 persons during the year.

In July the Be'er Sheva District Court ordered release of the asylum seeker held longest in prison, a man from Guinea detained in Saharonim Prison for 10 years. On August 23, authorities released him for one month on the condition that he depart the country. Data that HRM received under the Freedom of Information Law revealed that as of July 2015, there were 16 migrants detained for more than three years, 30 migrants detained between two to three years, and 31 migrants detained between one to two years.

Government officials and media outlets continued to refer to asylum seekers as "infiltrators" and characterized them as directly associated with increases in crime, disease, and vagrancy.

Refoulement: The government provided some protection against the expulsion or return of refugees to countries where their lives or freedom could be threatened and stated its commitment to the principle of nonrefoulement. During the year 465 irregular migrants and asylum seekers departed the country through a "voluntary return" program, compared with 3,381 in 2015 and 6,414 in 2014. The government provided most returnees with paid tickets to either Uganda or Rwanda, although those governments did not provide assurances of legal residency or the right to work, despite the Ministry of Foreign Affairs' claim that the receiving countries were obligated to allow the relocated individuals to stay and work. In 2015 a Be'er Sheva court upheld the legality of the secrecy of these agreements in response to a petition by NGOs. The government provided those departing a stipend paid in dollars of \$3,400, and prior to departure, the Population and Immigration Authority and the Custody Review Tribunal reviewed mandatory

recorded video interviews and written statements of those who opted to participate in the voluntary return program to verify they were departing voluntarily. The government claimed in September that there were no known cases of injury or harm to any of the relocated migrants after arrival in the receiving country and that they received all rights accorded in the agreements.

A coalition of NGO advocates for asylum seekers (including Amnesty International, HRM, and the African Refugee Development Center) questioned the government's policy of sending migrants to a foreign country. These groups were concerned that the destination countries were not prepared to care for the asylum seekers and considered that, in some cases, this transfer could amount to refoulement. Human Rights Watch (HRW) and other NGOs reported that the voluntary return policy led to many individuals returning to their country of origin via the foreign countries where they did not receive permission to stay upon arrival or where authorities did not meet their protection needs. In response to a petition by human rights groups, however, the government promised in November 2015 to expand monitoring of implementation of these agreements in the foreign countries, according to *Ha'aretz*. HRW and HRM documented the treatment of some returnees whom Sudanese and Eritrean authorities arrested upon their return to Sudan and Eritrea and whom those authorities reportedly surveilled, beat, threatened, and in some cases tortured. In November media reported that Sudan issued arrest warrants for 3,300 citizens who had returned from Israel. The Israeli government denied that anyone who left under one of these agreements had experienced refoulement, persecution, or harassment and affirmed that everyone had received the rights accorded to them under the terms of the agreements.

In March 2015 the government announced a new policy to deport migrants from Eritrea and Sudan by sending them to other countries in Africa. The government explained that this procedure would initially apply to those held in Holot (2,000 at the time) who either never applied for asylum or who had applied and been rejected. By November 2015 authorities had notified 43 persons that they must either depart from Israel to a country in Africa or go to prison indefinitely. NGOs filed a court case questioning the safety of this policy, and the Supreme Court decided that for the duration of the court case, those migrants affected could remain outside of jail. That month the Beer Sheva District Court ruled against the migrants and NGO petition, stating that the government may use its process for relocating migrants. The court recommended the government delay actual implementation until a process for monitoring those who travel is established. Following an appeal to the Supreme Court in March, the government submitted a confidential response regarding the agreements with African countries, which was

partially revealed to the plaintiffs. The Tel Aviv University Refugee Rights Clinic stated that parts of the agreements are unwritten, the written portion does not include any supervision mechanism, the rights assured under the agreement include only the right to work and remain for an unspecified period of time, and there are no assurances of proper execution or sanctions for violation. As of the end of the year, no migrants were known to have been jailed under this policy.

The government stated it reached agreements with two foreign countries with regard to the relocation of migrants from Sudan and Eritrea, and the attorney general conditioned his approval of the relocation policy on the assurance of certain protections in those countries. According to UNHCR, if returned to their countries of origin, these individuals were likely to face major human rights abuses, including the risk of death, torture, and life imprisonment. According to the government, however, from 2010 to 2015, 12,300 migrants departed to safe foreign countries or to their country of origin voluntarily, with no cases of violations of the principle of nonrefoulement.

Freedom of Movement: 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, including victims of trafficking, but not to others. UNHCR and NGOs raised specific concerns over the government's use of so-called voluntary return of detained migrants, including those seeking asylum, as well as the government's failure to provide independent individual refugee status determinations for the vast majority of migrants of sub-Saharan African origin, including Eritreans and Sudanese. UNHCR and NGOs also raised objections and called for changes to the government's continued use of "anti-infiltrator" laws, which impose long-term detention on all individuals who enter the country irregularly. The amended Prevention of Infiltration Law gives authorities the discretion to detain these individuals for three months in prison followed by 20 months in an "open facility." In August 2015 the Supreme Court issued a provisional ruling on the Law to Prevent Infiltration that reduced the maximum time that the government may detain migrants in Holot from 20 to 12 months (see section 1.d.).

The government reported the arrival of 18 irregular migrants during the year, compared with 168 in 2015, and the departure of 3,088, including 792 under the "voluntary departure" program to a third country, as well as the departure of 325 asylum seekers, including 77 to a third country. The 18 irregular migrants who arrived in the year included 14 from Sudan, three from Turkey, and one from China.

The government reported the Holot facility was near capacity throughout the year, housing 2,892 asylum seekers as of September 21, in addition to 621 detainees in Saharonim and 99 in Givon. An amendment to the Prevention of Infiltration Law, passed in 2014, excluded from summoning to Holot all women and children, men who could prove that they have a wife or children in Israel for whom they provide, recognized trafficking victims, persons over age 60, and those whose health could be negatively affected by detention in Holot. According to UNHCR, as of April 2015, authorities can now send torture survivors to Holot; according to the Ministry of Foreign Affairs, the law exempts victims of human trafficking.

In 2015 the Ministry of Interior released four identified victims of torture from the Saharonim facility, three of whom had been in prison for four years, and granted 25 persons temporary stays of orders to the Holot facility in response to HRM petitions. The government asserted that it would not send men who have family living in the country to Holot. Regulatory procedures, however, forced many families to separate because male heads of household did not have proper legal documentation to prove their status as married with dependents and authorities; therefore, they were required to report to Holot. According to NGOs, these documentation problems often resulted when circumstances forced families to flee their countries of origin without important documentation, including marriage certificates. Some migrants and asylum seekers married locally but hesitated to register their relationship status due to fear of legal repercussions and due to authorities' not recognizing other marriages.

Employment: The few recognized refugees received renewable work visas. In 2015 many asylum seekers who once had B/1 work visas had this status downgraded, and most held a 2A5 visa, which explicitly reads, "This is not a work visa." The government allowed asylum seekers to work in the informal sector but not to open their own businesses or register to pay value-added tax, although the law does not prohibit these activities. In 2015 the Ministry of Interior conducted media campaigns to warn employers against hiring illegal foreign workers. Despite the lack of a legal right to employment, the government's published policy was not to indict asylum seekers or their employers for their employment.

Authorities prohibited asylum seekers released from the Holot facility from going to Eilat and Tel Aviv, in part to keep them from working there, and municipal officials in other areas stated they would oppose asylum seekers relocating to their communities. Nevertheless, media reported in 2015 that labor-recruitment

companies sent representatives to Holot to interview those released for possible employment in hotels at the Dead Sea or elsewhere outside of Tel Aviv and Eilat.

The government reserves the right to demand unpaid value-added tax and levy substantial fines against business proprietors for operating businesses without a tax exemption. African asylum seekers in the Holot open facility may not work outside the facility, but some worked inside the facility for less than the minimum wage. Some of the facility's services depended on detainee labor. Some detainees erected stalls outside the facility to sell food or other goods, but authorities periodically demolished their kiosks based on sanitation concerns or the prohibition against employment.

The law bars migrants from sending money abroad, limits the amount they may take with them when they leave to the minimum wage for the number of months they resided in the country, and defines taking money out of the country as a money-laundering crime.

Access to Basic Services: Access to health care, shelter, and education was available on an inconsistent basis. 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. The government stated it provided infirmary services, including laboratory services, medical imaging, and general and mental hospitalization services in the Holot facility for individuals held there, including asylum seekers. UNHCR reported that when a detainee accessed health services, another detainee often provided translation, compromising confidentiality and potentially affecting the quality of treatment. The government sponsored a mobile clinic, and mother and infant health-care stations in south Tel Aviv, which were accessible to migrants and asylum seekers. The clinic provided health and dental services, sexually transmitted disease evaluation and treatment, and prenatal and infant medical care.

Two major providers of medical care for asylum seekers stopped providing nonurgent treatment in the summer. The Geshar clinic in Jaffa, which the Ministry of Health funded and was the only provider of mental health services to asylum seekers, announced in late July that it no longer would accept new patients. Ichilov Hospital in Tel Aviv, which had previously covered the cost of treatment of asylum seekers from its budget, ran out of funds in early August. The two remaining clinics in Tel Aviv, where most asylum seekers resided, offered only limited medical services.

Temporary Protection: The government provided temporary protection primarily to Eritrean and Sudanese asylum seekers. The Ministry of Interior continued to reject the applications of almost all Eritrean detainees, concluding that military desertion provided insufficient grounds for presenting a subjective fear of persecution and disregarding further evidence presented on conditions in Eritrea should individuals return. In September, however, an appeals tribunal ruled that applications from asylum seekers fleeing conscription in Eritrea cannot be rejected out of hand and must be adjudicated individually. The government immediately appealed the ruling, and the case was pending as of November 10.

### **Stateless Persons**

Despite being eligible for Israeli citizenship since 1981, an estimated 20,000 Druze living in territory captured from Syria in 1967 largely refused to accept Israeli citizenship, and their status as Syrian citizens was unclear. They held Israeli identification cards, which listed their nationality as “undefined.” Media reported that the number of Syrian Druze applying for Israeli citizenship had increased since 2011.

### **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage assuring the free expression of the will of the people.

### **Elections and Political Participation**

Recent Elections: Observers considered parliamentary elections held in March 2015 free and fair. In 2014 a change in the law raised the electoral threshold from 2 percent of votes to 3.25 percent of votes, a move some civil society organizations criticized for its limitation on freedom of representation and its potential effect on parties representing the Arab minority. The four Arab-majority parties represented in the Knesset united into one faction, the Joint List, winning 13 seats and becoming the third-largest faction in the Knesset.

Political Parties and Political Participation: The Basic Laws prohibit 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. The Northern Islamic Movement, banned in November 2015, continued its practice of

prohibiting its members from running for local or national office and boycotting elections.

On July 19, the Knesset passed a law enabling dismissal of an MK for the remainder of the term if 90 of 120 MKs voted for expulsion, following a request of 70 MKs, including at least 10 from the opposition. The party of an expelled member could replace the MK with the next individual on its party list, and the expelled member could run in the next elections. The law was introduced in February after three Arab-Israeli MKs visited the parents of Palestinian terrorists and participated in a moment of silence to honor the slain terrorists. Opponents of the law in the Knesset and civil society claimed the government intended the law to target Arab legislators and that it harmed democratic principles such as electoral representation and freedom of expression.

On December 22, police arrested Joint List MK Basel Ghattas after he agreed to the removal of his parliamentary immunity to search and arrest. Authorities suspected him of smuggling cell phones and SIM cards to two Hamas-affiliated prisoners.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and they participated in political life on the same legal basis as men or nonminority citizens. The law provides an additional 15 percent in campaign funding to municipal party lists composed of at least one-third women. Although senior political and social leaders often came from among veterans of the predominantly male officer corps, women participated widely in politics, including in leadership positions up to prime minister. Women faced significant cultural barriers in political parties representing conservative religious movements and the Arab minority, although the 2015 elections resulted in two female MKs from the Joint List winning seats. Following the 2015 elections, the 120-member Knesset had 29 female members and 15 Arab members. As of September the 21-member cabinet included four women, and one woman and one Druze were deputy ministers; there were no Arabs. For the first time, an Arab citizen of Israel, Aida Touma Suliman, chaired a permanent committee in the Knesset, the Committee on the Status of Women. Four members of the 15-member Supreme Court were women, and one was Arab.

In the lead-up to local council elections on November 29, the Be'er Sheva District Court in September overturned a decision by the Ministry of Interior to deny approximately 5,000 Bedouin residents in the al-Kasom Regional Council the right

to vote because their identity cards showed their tribal affiliation instead of their place of residence.

In December, referencing Prime Minister Netanyahu's statement on election day in March 2015 that "Arab voters are going in droves to the polls," coalition whip MK David Bitan said, "I would prefer that the Arabs not go to the polls in droves and not go to the polls at all. It would be best if they did not vote."

#### **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, although impunity was not a problem.

Corruption: The government continued to investigate and prosecute top political figures. On September 18, police arrested more than 20 Balad party officials, including senior party members. The charges included concealment of millions of shekels in contributions from Israel and abroad. Balad MKs rejected the accusations as political persecution. The investigation continued as of November 1.

In September police arrested and placed under house arrest Netanya mayor Miriam Feirberg-Ikar on grounds of failing to disclose a financial interest relating to a luxury housing project. The investigation continued as of November 10.

The State Prosecutor's Office announced in September that it would summon former tourism minister Stas Misezhnikov for hearings before indicting him and 15 other members of the Yisrael Beitenu party on charges of corruption.

A police investigation into the National Transport Infrastructure Company, formerly known as the National Roads Authority, began in late 2015 and continued as of September. *Ha'aretz* reported that police recommended charging more than 40 suspects and 11 companies with corruption, including at least one former MK.

In April 2015 authorities convicted Rabbi Yeshayahu Pinto of bribing senior police officers in connection with an investigation of alleged fraud by a charitable organization he headed. As part of a plea bargain in which Pinto gave evidence against the head of the National Crime Unit, Police Commander Menashe Arbiv, he received a reduced sentence of one year in jail, which he began serving in

February, and a fine of one million shekels (\$265,000). The investigation of Arbiv continued at year's end.

In May 2015 the government filed indictments against lawyer Ronel Fisher, retired police superintendent Eran Malka, former Tel Aviv district attorney Ruth Blum-David, and several business figures. Authorities variously charged the accused with taking and giving bribes, fraud and breach of trust, fraudulent receipt of assets in aggravated circumstances, money laundering, or obstruction of justice, each according to his or her role in the corruption affair. Authorities alleged retired police superintendent Eran Malka, a senior police officer in the Lahav 433 National Fraud Unit, was a key figure in the ring's obstruction of justice. In September 2015 authorities sentenced Malka to eight years in prison. The cases of Blum-David and Fisher continued as of November.

In December 2015 a Tel Aviv court indicted former Knesset member and minister for industry, trade, and labor, Benjamin Ben-Eliezer, on charges of bribery, fraud, breach of trust, money laundering, and tax evasion. Ben-Eliezer died on August 28, before the case concluded.

In May 2015 the Jerusalem District Court sentenced former prime minister Ehud Olmert to eight months in prison, following a conviction for fraud and breach of trust in the Talansky "cash envelopes" case. In December 2015 the Supreme Court ruled on Olmert's appeal of separate charges from 2014 in the "Holyland" affair, accepting his appeal of some charges but maintaining his sentence of 18 months in prison for bribery. Olmert began serving his sentence in February.

Financial Disclosure: Senior officials are subject to comprehensive financial disclosure laws, and the Civil Service Commission verifies their disclosures. Authorities do not make information in these disclosures public without the consent of the person who submitted the disclosure. There is no specific criminal sanction for noncompliance.

Public Access to Information: The law requires governmental agencies to make internal regulations, administrative procedures, and directives available to the public. Not all governmental agencies effectively implemented the law.

## **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. Government officials were generally cooperative and responsive to their views, and they routinely invited NGOs critical of the government to participate in Knesset hearings on proposed legislation. Human rights NGOs have standing to petition the Supreme Court directly regarding governmental policies and may appeal individual cases to the Supreme Court. A unit in the Foreign Ministry maintained relations with certain international and domestic NGOs.

Israeli and Palestinian NGOs, particularly those focused on human rights problems and critical of the government, asserted, however, that the government sought to intimidate and stigmatize them. On July 11, the Knesset passed a law requiring NGOs that received more than half their funding from foreign governments to state this fact in all their official publications, when they apply to attend a Knesset meeting, and in any communications with the public (on television, radio, billboards, or e-mails). The law was scheduled to take effect on January 1, 2017, with the first report due from NGOs to the Ministry of Justice in July 2018. The law fines NGOs that violate these rules 29,200 shekels (\$7,700). The Ministry of Justice believed that 27 NGOs received more than half their funding from foreign governments; of these, 25 were human rights organizations. NGOs criticized the law as stigmatizing left-wing organizations, which more commonly received international funding from foreign governments, while rejecting similar requirements for those funded by private international donors, which was more common among right-wing organizations. The government claimed that the law facilitates transparency and the right of the public to know which governments actively funded NGOs and emphasized that the law does not place any limits on NGO funding, discriminate on the basis of political orientation, limit the activity of NGOs, restrict their freedom of association, or impose any additional financial obligations or sanctions.

Following an October speech by B'Tselem director Hagai El-Ad at the UN Security Council, calling for an end to the Israeli occupation of the West Bank, Justice Minister Ayelet Shaked accused him of “cooperating with our enemies in the political terror waged against us in the United Nations,” and Tourism Minister Yariv Levin called for El-Ad to be imprisoned on the basis of “treason and providing aid to the enemy.”

On October 27, the Knesset’s Finance Committee approved renewal of Amnesty International Israel’s tax reduction on donations for only one year, whereas most other NGOs were approved for three years. The Knesset press release stated that

during the year, “the Tax Authority will reexamine the organization to determine whether it meets the legal criteria for receiving such a tax break and whether or not it operates in a manner that jeopardizes the country’s security.”

The Ministry of Interior continued to deny foreign nationals affiliated with certain pro-Palestinian NGOs and solidarity organizations entry into the country. Authorities required some foreign nationals to sign declarations stating their understanding that “all relevant legal actions” would be taken against them, “including deportation and denial of entry into Israel for a period of up to 10 years,” if they traveled through the country to Palestinian Authority-controlled areas without appropriate authorization. The government stated it took this action on an individual basis, not according to the activities or platform of the NGOs with which these persons were affiliated.

The staff of NGOs, including B’Tselem, Israel Religious Action Center, and Breaking the Silence, received death threats, which spiked during periods government officials spoke out against their activities.

According to the Ministry of Defense, in 2015 the government increased enforcement of fines on Israeli arms exporters who broke the law, including a ban on exports to countries where genocide is occurring. Fines in 2015 totaled 2.8 million shekels (741,000), an increase of 40 percent from 2014.

The United Nations or Other International Bodies: The government generally cooperated with the United Nations and other international bodies. The government continued its participation in the UN Human Rights Council, including the Universal Periodic Review process, although it announced it intended to suspend all coordination with UNESCO in October following adoption of a resolution that omitted mention of the Jewish connection to the Temple Mount/Haram al-Sharif. Moreover, the government prevented the UN Human Rights Council’s special rapporteur on the situation in the Palestinian territories occupied since 1967 from gaining access to the West Bank.

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

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

### Women

Rape and Domestic Violence: Rape, including spousal rape, is a felony punishable by 16 years in prison, or up to 20 years' imprisonment for rape under aggravated circumstances or if the perpetrator rapes or commits a sexual offense against a relative. The government effectively enforced rape laws. On December 18, authorities granted former president Moshe Katsav parole after completing five years of a seven-year sentence for rape.

The government received 4,246 complaints of sex-related offenses and filed 760 indictments as of September 7, compared with 5,877 complaints and 1,133 indictments for all 2015.

As of December 15, husbands or partners killed nine women, and other family members killed seven women in what the government termed "murders due to family disputes" and women's rights groups termed "femicides." For example, Anna Yasin, who was in her ninth month of pregnancy, was stabbed to death on August 23. Authorities indicted her husband for murder. Arab and Jewish women's rights groups protested against what they perceived to be police inaction and societal indifference or support for such actions. The government stated that police had developed procedures and trained special investigators to deal with domestic violence, sex offenses, and the violation of protective orders in diverse communities, including the Arab community. NGOs, including Women Against Violence, Na'am, and The Abraham Fund Initiative, worked within Arab and mixed communities to counter femicide.

In February the IDF ordered all off-duty combat soldiers to carry their weapons, following a terrorist attack in the West Bank in which an unarmed soldier died. The Ministry of Public Security continued to allow armed security guards to take their weapons home at the end of their shifts, a practice reinstated in 2014 after the ministry prohibited it in 2013 when a coalition of NGOs raised concerns about the high rate of spousal killings by security guards using service weapons. The ministry announced strict regulations governing the storage of weapons at home and in public.

According to the Association of Rape Crisis Centers in Israel, the majority of rape victims did not report the crime to authorities due to social and cultural pressure.

Women from certain Orthodox Jewish, Muslim, Bedouin, and Druze communities faced significant social pressure not to report rape or domestic abuse. Experts in the field of social work and domestic violence prevention highlighted the reluctance of many Arab women to avail themselves of social services due to societal pressure and personal identification as Palestinians. In 2015 the government cooperated with The Abraham Fund Initiative on a pilot program to provide training for professionals in the field of domestic violence within the Arab community, bringing law enforcement officers, social workers, NGOs, and religious leaders together to coordinate services for survivors of domestic violence.

The Ministry of Social Affairs and Social Services operated 14 shelters for survivors of domestic abuse and a hotline for reporting abuse. In 2015 a total of 755 women used a shelter, an increase of 20 percent from 2014. Regulations allow women to stay in a shelter for up to a year. Two of these shelters were dedicated to the assistance of women from the Arab community, and authorities dedicated two others to caring for a mixed population of Arab and Jewish women. Approximately one-third of 103 centers for the prevention and treatment of domestic violence throughout the country operated in Arab communities or mixed Arab-Jewish cities. In 2015 the 103 centers fielded more than 14,000 cases of alleged abuse. The Ministry of Social Affairs and Social Services assisted women involved in prostitution, including emergency shelters, daytime centers, and therapeutic hostels.

Authorities established a special interministerial board headed by the deputy director general of the Ministry of Public Security to address the continuing problem of domestic violence. In 2014 the board presented interim findings and recommendations to the Committee for the Advancement of Women and Gender Equality in the Knesset.

Other Harmful Traditional Practices: According to a report by *Ha'aretz* in February, between 30 to 50 percent of Bedouin families in the Negev were polygamous. In August 2015 *Ha'aretz* reported that the justice minister and the attorney general announced, "Steps will be taken to enforce the law against polygamy," working collaboratively with social service providers. Some in the Arab community expressed concern these measures would negatively affect women and children financially, and they urged focusing the effort first on education and on the sharia courts that perform marriages. Others heralded the move.

Cases of domestic homicides of women continued to occur within the Arab community, contributing to a disproportionate number of killings of Arab women (see also Rape and Domestic Violence above).

Police conducted weekly assessments of threatened women to determine the level of threat and required protection and worked with government social welfare institutes and NGOs to safeguard threatened women.

Sexual Harassment: Sexual harassment is illegal but remained widespread. The law requires that authorities inform suspected victims of harassment of their right to assistance. Penalties for sexual harassment depend on the severity of the act and whether the harassment involved blackmail. Police notified all known victims of their right to receive assistance from the Association of Rape Crisis Centers in Israel. The law provides that victims may follow the progress on their cases through a computerized system and information call center. Authorities filed 223 indictments for sexual harassment in 2015 and 170 as of September 12. In 2015, however, the Central Bureau of Statistics conducted a poll for the Ministry of Public Security that indicated 98 percent of sexual harassment victims did not go to the police. In May a survey by Israel's Channel Two television station found that 28 of 32 female MKs had been sexually assaulted, including two after they had entered the Knesset.

Harassment based on gender segregation continued in some public places, including on public buses. A 2015 Beit Shemesh court ruled in favor of and awarded damages of 60,000 shekels (\$16,000) to four local Orthodox women, who complained the municipality had not complied with a previous ruling to eliminate signs in public places requesting members of the public to dress modestly.

The Ministry of Transportation and Road Safety operated a 24-hour hotline to report complaints on public transportation, including segregation.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of having children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, or violence. Traditional practices in Orthodox Jewish communities often led women to seek approval from a rabbi to use contraception.

Arab Israeli women, particularly from the Bedouin population, had limited access to health-care services and had poor indicators for illness, death, and life expectancy. In the unrecognized Arab Bedouin villages in the Negev, there were

very few health-care facilities or medical services. According to PHR-I, there were only one-third of the doctors needed, a large lack of services, and need for proper infrastructure.

Discrimination: The law provides for the same legal status and rights for women as for men. In the criminal and civil courts, women and men enjoyed the same rights, but in some matters religious courts--responsible for adjudication of family law, including divorce--limited the rights of Jewish, Christian, Muslim, and Druze women. Women and men who do not belong to a recognized religious group faced additional discrimination. In August in response to a petition from women's rights organizations regarding the lack of female leadership in the religious establishment, the Supreme Court ordered the appointment of a female deputy director general of the Rabbinic Courts.

The law allows a Jewish woman to initiate divorce proceedings, but both the husband and wife must give consent to make the divorce final. Because some men refused to grant divorces, thousands of women could not remarry or give birth to legitimate children. In rare cases this rule happened in reverse, with women refusing to grant men divorces. Rabbinical tribunals sometimes sanctioned a husband who refused to give his wife a divorce, while also declining to grant the divorce without his consent.

A Muslim woman may petition for and receive a divorce through the sharia courts without her husband's consent under certain conditions, and a marriage contract may provide for other circumstances in which she may obtain a divorce without his consent. A Muslim man may divorce his wife without her consent and without petitioning the court. Through ecclesiastical courts, Christians may seek official separations or divorces, depending on their denomination. Druze divorces are performed by an oral declaration of the husband alone and then registered through the Druze religious courts, placing a disproportionate burden on the woman to leave the home with her children immediately. A civil family court or a religious court settles child custody, alimony, and property matters after the divorce, 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. According to data published by the Central Bureau of Statistics in March 2015, a woman's median monthly income was 26.7 percent lower than a man's. The Knesset Research Center reported that in 2015, 32

percent of Arab women between the ages of 25 and 64 years old were employed, compared with 74 percent of Arab men and 80 percent of Jewish women. The government subsidizes daycare and afterschool programs to encourage labor participation by mothers and offers professional training to single parents.

The Authority for the Advancement of the Status of Women in the Prime Minister's Office works to mainstream women's participation in the government and private sector and to combat sexual harassment and domestic violence. The authority requires every city, local council, and government ministry to have an adviser working to advance women's issues. A government resolution requires ministers to appoint women to the directorates of government-owned companies until representation reaches 50 percent; according to a February report in *Calcalist*, six of 10 of the largest government-owned companies reached 50 percent. The law requires that at least one of two governmental representatives on the Committee for Appointment of Religious Judges be a woman; in July 2015 authorities appointed seven men and four women to the committee.

Discrimination in the form of gender segregation continued in some public places, including in public health clinics and at the Western Wall. The main plaza of the Western Wall has gender-segregated prayer areas where regulation prohibits women from leading prayers, singing aloud, or holding or reading from Torah scrolls. On January 31, following three years of negotiations, the cabinet passed an agreement to double the size of the non-Orthodox section immediately south of the main plaza, which was "administered with a pluralistic approach" and used by the Conservative Movement for prayer and ceremonies. The cabinet decision also called for creating a single entrance for all worshippers to replace the separate entrance used to access the non-Orthodox section. The government, however, delayed implementation of the agreement throughout the year, leading egalitarian-prayer NGOs such as the Women of the Wall to declare that the agreement had collapsed. On June 7, police briefly detained Lesley Sachs, the executive director of the Women of the Wall, for questioning on charges of breaching public order after she smuggled a private Torah scroll into the Western Wall plaza for use in an egalitarian prayer service. On November 2, in protest against government's failure to implement the January 31 agreement, leaders of the Conservative and Reform movements of Judaism joined the Women of the Wall in performing an act of civil disobedience by bringing 14 Torah scrolls to the women's section of the Western Wall.

According to media reports, in December 2015, at a conference in Bnei Brak, leading rabbis in the Ashkenazi ultra-Orthodox community issued an order to the

principals of ultra-Orthodox institutions not to recognize the degrees of women who study in academic institutions. They also banned ultra-Orthodox women from attending colleges and universities, saying a woman's higher pay resulting from higher education was "a danger to the entire structure of the household."

In April the Reshet Bet radio station reported that hospitals in Tel Aviv and Jerusalem routinely segregated Jewish and Arab women in maternity wards, although not by official policy.

## **Children**

**Birth Registration:** Children derive citizenship at birth within or outside of the country if at least one parent is a citizen. Births are supposed to be registered within 10 days of the delivery, and, according to the law, births are registered in the country only if the parents are citizens or permanent residents. Any child born in an Israeli hospital receives an official document from the hospital that affirms the birth, the mother's details, and the father's details as based on a joint declaration made by both the father and the mother. The country registers the births of Palestinians in Jerusalem, although Palestinian residents of Jerusalem reported delays in the process.

According to the National Council for the Child, 161,462 children in the country lacked Israeli citizenship and its corresponding rights; however, most of these children were not stateless because they were eligible for another citizenship or Palestinian passport. The council noted this number did not include the children of asylum seekers or irregular migrants. 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 stated that a child's status derives from a parent's status; if one of the parents is an Israeli citizen and the other is not, the child may be registered as Israeli as long as he or she lives with the parent who is an Israeli citizen or permanent resident.

According to UNHCR, the Ministry of Interior issues a Confirmation of Birth document, which is not a birth certificate, for children without legal residency status in the country, including children of asylum seekers, migrant workers, children of international students, and others who do not hold Israeli citizenship. At times the government refused to list the father's name or to give the child the father's last name on the Confirmation of Birth document. The Ministry of Interior requires parents without legal residency to sign a form declaring they are "present illegally" in the country before issuing this document. In response to a petition to

require the government to issue an official birth document listing both parents' names, the Supreme Court ruled on June 1 that, until the government's transition to computerized hospital birth notices is complete, the Ministry of Interior should issue birth certificates showing all details listed in the Confirmation of Birth prepared by the hospital, including the father's name if declared at the time of the birth.

Education: Primary and secondary education is free and universal through age 17, and-compulsory through grade 12. The government implemented the Compulsory Education Law (integrating children ages three to five) in the 2015-16 school year.

The government did not enforce compulsory education in unrecognized Bedouin villages in the Negev, and Bedouin children, particularly girls, continued to have the highest illiteracy rate in the country. Preschool-age children in unrecognized Bedouin villages faced difficulty in transportation to the nearest preschool, which in some cases was more than six miles away. As a result more than 5,000 Bedouin preschool-age children did not attend a preschool, according to a March report from the Ministry of Education. The government does not grant construction permits in unrecognized villages, including for schools. On August 23, the Ministry of Education promised to phase in bussing for these preschoolers, as well as those in recognized towns, over the course of the 2016-17 school year with an additional allocation of 50 million shekels (\$13 million).

The government operated separate public schools for Hebrew-speaking children and Arabic-speaking children. For Jewish children there were separate public schools available for religious and secular families. Individual families may choose a public school for their children to attend regardless of ethnicity. By law these two school systems receive government funding equivalent to public schools, although they do not consistently teach a basic curriculum, including math, sciences, humanities, and languages.

The government partially funded "recognized but not official schools," which are required to teach a corresponding percentage of the national curriculum and have greater administrative autonomy than public schools. In September 2015 schools in this category belonging to the Secretariat of Christian Schools went on strike to protest a cut in funding from the Ministry of Education, particularly as compared to the two politically affiliated ultra-Orthodox Jewish school systems. The government pledged to transfer an additional 50 million shekels (\$13 million) by March 31, but as of December 9, the schools had received only one-quarter of that amount; negotiations continued. The government stated that it had dedicated

additional resources to students living in the country's periphery and in disadvantaged communities that resulted in the addition of school hours, funding for formal and informal educational programs, and teacher enrichment in these communities.

The Tel Aviv municipality opened 46 new preschools and kindergartens and 10 first grade classes in September, primarily for the children of migrant workers and refugees, raising concerns of segregation, whether unintentional or deliberate. According to a July 28 report in *Ha'aretz*, the head of the city's education department claimed this pattern of assignments was primarily due to late registration by migrant families. Segregation by place of origin is illegal.

In recent years an influx of Arab residents to the primarily Jewish town of Nazareth Illit led to a significant population of Arab students with no option for education in Arabic; as a result most attended schools in Nazareth and nearby villages, despite paying municipal taxes in Nazareth Illit. In June ACRI submitted a petition demanding establishment of a school for Arabic-speaking students. The court instructed the Nazareth Illit municipality to reconsider the establishment of an Arabic school in the city and requested a response from the municipality by January 2017.

Medical Care: The government provides preventive health services to minors younger than age six without civil status. For noncitizens under age 18, it also provides services similar to those provided for citizens, regardless of their legal status in country, if their parents register them with the "Meuhedet" health-care fund. This arrangement does not include minors whose guardian is a resident of the Palestinian Authority, and it does not cover pre-existing conditions.

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.

The law requires mandatory reporting of any suspicion of child abuse. It also requires social service employees, medical and education professionals, and other officials to report indications that minors were victims of, engaged in, or coerced into prostitution, sexual offenses, abandonment, neglect, assault, abuse, or human trafficking. The government stated that police immediately attend to each case received from the National Council for the Child or any other source. Police maintained that they assigned officers with special training in dealing with child

abuse without distinction to ethnic or racial background. NGOs, however, expressed concern regarding police negligence in child abuse and domestic violence cases reported in minority communities.

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 prevention and appropriate intervention in cases of suspected abuse of minors.

According to government data, minors were the victims in 47 percent of sex offenses in 2012-16. The most common offense against minors--77 percent of cases--was molestation. Approximately one-quarter of those complaints were for rape.

During March and April 2015, six children of migrants/asylum seekers died within five weeks. All six were in the supervision of workers in day-care centers that served the migrant/asylum seeker community and known to lack resources. Following the deaths the government announced it would allocate 56 million shekels (\$14.8 million) to establish alternative day-care centers.

Early and Forced Marriage: The law sets the minimum age of marriage at 18 years old, with some exceptions for younger children due to pregnancy and for couples older than 16 years old if the court permitted it due to unique circumstances.

Sexual Exploitation of Children: The law prohibits sexual exploitation of a minor and sets a penalty of seven to 20 years in prison for violators, depending on the circumstances. In 2014 the Knesset amended the law to extend the prohibition on possession of child pornography (by downloading) to accessing such material (by streaming). The minimum age for consensual sex is 16 years old. Consensual sexual relations with a minor between the ages of 14 and 16 constitute statutory rape punishable by five years' imprisonment.

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

Until 2008 there was only one center for the protection of abused children in the country, located in Jerusalem, and its staff had no Arabic speakers. As a result of a petition brought by the National Council for the Child, in 2008 the Supreme Court ordered eight centers to open throughout the country within five years. As of 2015 the Ministry of Social Affairs and Social Services operated only six centers specializing in care of children and youths who experienced physical, sexual, or emotional abuse, or neglect by family members.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's report *Annual Report on International Parental Child Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

### **Anti-Semitism**

Jews constituted approximately 80 percent of the population. The government often defined crimes targeting Jews as nationalistic crimes relating to the overall Palestinian-Israeli conflict rather than anti-Semitism.

### **Trafficking in Persons**

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

### **Persons with Disabilities**

The Basic Laws provide a legal framework for prohibiting discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment (including hiring, work environment, and evaluation), education, air travel and other transportation, access to health care, the judicial system, or the provision of other government services. The 1998 Equal Rights for Persons with Disabilities Law augments the Basic Laws and specifically prohibits discrimination against persons with disabilities, including with regard to public facilities and services. This legislation mandates access to buildings, information, communication, transportation, and physical accommodations and services in the workplace, as well as access to mental health services as part of government-subsidized health insurance.

In March the Knesset passed an amendment to the Legal Capacity and Guardianship Law. The reform moves toward greater legal empowerment of

persons with disabilities, including recognition of supported decision making and enduring powers of attorney, reduction of cases in which guardians will be appointed as well as the scope of their powers, and definition of the rights of persons under guardianship.

In 2014 the Minister of Economy signed an order requiring that 3 percent of the workforce of employers with more than 100 employees be persons with disabilities. In August the Knesset passed a law requiring persons with disabilities hold at least 5 percent of jobs in government-funded bodies with 100 employees or more. According to NGOs, government progress in enforcing these laws was limited. Government agencies for persons with disabilities worked to encourage leadership from within the community of persons with disabilities and offered a subsidy for employers for the first three years of employment of a person with a disability.

Societal discrimination and lack of accessibility persisted in employment, housing, and education. According to the government's Commission for Equal Rights of Persons with Disabilities, the employment rate remained lower than that for persons without disabilities, and many persons with disabilities who were working had part-time, low-wage jobs. The government established a one-stop employment center for persons with disabilities during the year as a pilot project. The Ministry of Economy decreed that all sectors should increase their hiring so that persons with disabilities would constitute 3 percent of the workforce by the end of 2017, and the government continued to provide support and education for employers and workers with disabilities to close the gap. According to the commissioner for the rights of persons with disabilities, 100 percent of municipal buses and 60 percent of intercity buses were accessible, as of November 2015.

The disability rights NGO Bizchut reported that Arab citizens with disabilities were employed at approximately half the rate of Jews with disabilities. Shortages of funding for Arab municipalities, including for education, adversely affected Arabs with disabilities.

Access to community-based independent living facilities for persons with disabilities remained limited. According to Bizchut, more than 8,000 persons with intellectual disabilities lived in institutions and large hostels while only 1,500 lived in community-based settings. The Ministry of Social Affairs and Social Services moved 106 persons with intellectual disabilities from institutions into community-based housing facilities as part of a three-year pilot program that began in 2015.

The law prioritizes access by persons with disabilities to public services, such as eliminating waiting in line as well as providing adapted seating and accessible facilities in public places other than buildings, such as public beaches, municipal parks, swimming pools, and cemeteries. For hearing-impaired persons, the law provides for short-message public-announcement services.

The Commission for Equal Rights of Persons with Disabilities within the Ministry of Justice oversees the implementation of laws protecting the rights of persons with disabilities and worked with government ministries to enact regulations. The Unit for the Integration of Persons with Disabilities in the Labor Market, located within the Ministry of Economy, examined and promoted the employment of persons with disabilities. The unit had three support centers designed to assist employers who wish to hire persons with disabilities. The Ministry of Social Affairs and Social Services provides accommodation to persons with intellectual disabilities and/or autism who are either suspects or victims in criminal investigations.

Authorities hospitalized 24,000 persons in psychiatric hospitals each year, including 8,000 under involuntary hospitalization orders. According to a report published in March by Bizchut, psychiatric patients, including minors, faced excessive use of mechanical restraints of all four limbs. Patients were unable to move, even to scratch an itch or use the bathroom. Authorities restrained some patients for hours, others for days. The use of restraints was pervasive, with approximately 4,000 experiencing it at least once during their stay in 2014, often resulting in physical or psychological harm. The report found that the reason for restraint was often punishment or to control “nuisance” behaviors such as yelling or moving incessantly rather than any degree of danger. The Be’er Sheva Mental Health Center, which instituted an independent project to reduce the use of four-limb restraints, reduced the number of cases by 60 percent during the period 2014-15. During the year the Ministry of Health appointed a committee to investigate the use of restraints, which was scheduled to issue a report in January 2017.

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

The NGO Adalah maintained a database of more than 50 laws it claimed discriminated--either explicitly or in practice--against Arab citizens.

Arab citizens, many of whom self-identify as Palestinian, faced institutional and societal discrimination, particularly in the wake of a wave of terrorist attacks by individuals of Palestinian or Arab descent, which began in September 2015 and continued during the year. There were multiple instances of security services or

other citizens racially profiling Arab citizens, as well as instances of revenge attacks directed towards or being carried out against Arabs.

In one case in October 2015, a 17-year-old Jewish Israeli stabbed four Arabs in the southern Israeli town of Dimona. When interrogated, he told police that his conviction that “all Arabs are terrorists” motivated him. Prime Minister Netanyahu condemned the attack. Authorities charged the attacker with four counts of attempted murder, and the case was pending as of the end of the year.

In January 2015 in Jerusalem, 10 Jewish assailants beat Tommy Hasson, a Druze veteran of the IDF, reportedly after they overheard him speaking Arabic. After police arrested several suspects, a judge found that assailants committed the attack with nationalistic motivations. The National Insurance Institute subsequently recognized Hasson as someone who survived “enemy hostilities.” Nonetheless, in September police closed the investigation without charges due to “lack of evidence and the inability to fully identify the attackers.”

There were no “price tag” attacks, which refers to violence by Jewish individuals and groups against non-Jewish individuals and property with the stated purpose of exacting a “price” for actions the government had taken against the group committing the violence. Attackers, however, invoked the term “price tag” in an incident that was a reaction to a terrorist attack by Palestinian individuals. In July the ISA arrested three minors on suspicion of burning cars and spray-painting in the village of Yafia one month earlier. According to police, two of the suspects admitted committing the vandalism as revenge for the June 8 terror attack at Sarona marketplace in Tel Aviv. Authorities indicted two of the minors for arson, malicious damage due to nationalistic motives, and obstruction of justice, and they indicted the third for failure to prevent a crime. The case continued as of year’s end. The government classifies price tag attacks as terrorism. Since 2013 the Ministry of Defense--which has jurisdiction only over the West Bank and not inside the Green Line--has defined any association of persons that uses the term “price tag” as an illegal association. In prior years the most common offenses, according to police, were attacks on vehicles, defacement of real estate, harm to Muslim and Christian holy sites, assault, and damage to agricultural lands.

In June 2015 arsonists burned a large section of the Church of the Multiplication in Tabgha and scrawled on the building’s stone walls sections of the Jewish prayer book that in this context denigrated Christians. In July 2015 the government announced five persons, including one minor, were responsible for the attack and filed indictments against two of them for aggravated arson, destruction of property

due to hostility towards the public, conspiracy to commit a crime, and conspiracy for other acts, taking “administrative steps” against the other three. As of the end of the year, one of the suspects facing charges was under arrest and the other was under house arrest until the end of the court proceedings. The investigation also led to the sentencing of another suspect for two years’ imprisonment on charges of sedition (possessing a publication that incites to violence or terror, according to the government). After initially declining to pay for repairs of the church, saying it did not fall under protections against acts of terror, the government agreed to pay 3.9 million shekels (\$1 million) to restore the site. As of the end of the year, the government had transferred only 1.5 million shekels (\$397,000), and negotiations continued for another 800,000 shekels (\$212,000).

The law exempts Arab citizens, except for Druze men, from mandatory military service, but a small percentage served voluntarily. Those who performed military service received some societal and economic benefits; those who did not sometimes faced discrimination in hiring. Citizens generally are ineligible to work in companies with defense contracts or in security-related fields if they have not served in the military. Some Druze and a small number of Jewish conscientious objectors opposed inclusion in mandatory military service, and authorities sometimes jailed them for refusing to serve.

The government managed a National Civil Service program for citizens not drafted for military service, giving Arabs, some ultra-Orthodox Jews, Orthodox Jewish women, and others the opportunity to provide public service and thus be eligible for the same financial benefits accorded military veterans. Many in the Arab community opposed the National Civil Service program because it operated under the auspices of government ministries associated with security. There were also multiple instances of ultra-Orthodox communities ostracizing ultra-Orthodox soldiers for serving in the military. In November 2015 the Knesset voted to extend deadlines for mandatory conscription of men in the ultra-Orthodox community until 2020.

In December 2015, following negotiations with the Arab community, the cabinet approved a five-year plan for development of the Arab sector in the fields of education, transportation, commerce and trade, employment, and policing. The resolution pledges as much as 15 billion shekels (\$3.9 billion), including mandated percentages from each ministry’s budget, to increase economic integration and reduce societal gaps among Arab citizens over five years. It excluded mixed Jewish-Arab cities, such as Lod and Ramle, and unrecognized Bedouin villages. The plan is under the supervision of the Authority for Economic Development of

the Arab Population in the Ministry of Social Equality. The Arab community welcomed the plan's adoption, albeit with skepticism that the authorities would fully implement it. On August 25, the Ministry of Construction and Housing announced agreements with 15 Arab localities for planning "hundreds of housing units and commercial zones" in the first implementation of the plan. The government earmarked more than 2.1 billion shekels (\$550 million) to be used during the year, and most of these allocations were distributed to the relevant government authorities. These included 424 million shekels (\$112 million) for transportation and infrastructure improvements, 91 million shekels (\$24 million) to expand higher education opportunities, and 215 million shekels (\$57 million) for the development of industrial areas and support of small- and medium-sized businesses. The Ministry of Foreign Affairs stated that the minister for social equality instructed the Economic Development Authority to monitor the activities of each office allocated money under this plan and provide for efficient implementation.

During the year authorities continued implementing earlier allocations including: a resolution from 2014, which budgeted 664 million shekels (\$175 million) for improving infrastructure in Arab localities, including transportation, water and sewage, tourism, industrial areas, vocational training, sports halls, and personal security; and a resolution from 2013, which allocated 54 million shekels (\$14 million) for improving education, employment, health services, and infrastructure in Druze localities in the Golan Heights.

In a 2014 study, the NGO Sikkuy found that the main cause of unequal resources for many Arab local authorities, including high schools, was their low tax base, requiring central government investment in economic and social development. The government initiated and continued several programs to support disadvantaged populations and periphery communities in general and the Arab community in particular.

The government employed affirmative action policies for persons of Arab descent, including members of Druze communities, and for non-Arab, Muslim Circassian communities, in the civil service. According to the Ministry of Foreign Affairs, as of the end of the year, there were 4,000 non-Jewish employees in the civil service. The Education Ministry continued implementing a plan to place 500 Arab teachers in positions in predominantly Jewish schools by 2020. The plan offered partial solutions for many Arabs with teaching credentials who could not find work as teachers and for Hebrew-language schools that experienced a shortage of teachers in key subject areas including math, English, and science. As of August there were

588 Arab educators teaching in Jewish schools, according to the news outlet Israel Hayom. Out of 24,000 participants at employment centers designed for unemployed Arab, Druze, and Circassian men and women, 13,600 became employed from 2012 to 2015.

Separate school systems within the public and semipublic domains produced a large variance in education quality, with Arab, Druze, and ultra-Orthodox students passing the matriculation exam at lower rates than those of their non-ultra-Orthodox Jewish counterparts. The government noted that the Ministry of Science and Technology and the Ministry of Education operated programs to provide free matriculation-exam coaching to Arab students. According to the Central Bureau of Statistics, the percentage of students in Israel in 2015-16 who were Arab was 14.3 percent in undergraduate programs, 11.7 percent in master's programs, and 6 percent in PhD programs. While these percentages were lower than the Arab percentage of the country's total population, they were higher than the percentages in 1999-2000 (9.8 percent, 3.6 percent, and 2.8 percent, respectively). The government operated several scholarship programs specifically targeting the Arab population, including 650 scholarships valued at 10,000 shekels (\$2,600) per year each for Arab students enrolled in a first-degree program. Statistics researched by *Ha'aretz--TheMarker* and the Knesset research center found that Arab students received slightly higher per-capita government support than their non-ultra-Orthodox Jewish peers. Two ultra-Orthodox school systems continued to benefit from higher funding percentages than all other school systems. Mossawa claimed that Arab schools faced a shortage of up to 3,000 classrooms as of August. According to the Ministry of Foreign Affairs, in December 2015 the Council for Higher Education invited proposals for the establishment and operation of a state-funded college in an Arab locality in northern Israel.

Representation of Arabs and the Arabic language in Israeli media was far less than their proportion in the population. Mossawa reported that two Israeli television stations, Channels Two and 10, used less than 0.5 percent of their annual budget for Arab programming, and only 2 to 3 percent of experts interviewed in Israeli media were Arabs. There was only one licensed Arabic radio station, based in Nazareth, but 16 Arabic stations broadcast without licenses. On May 8, the government passed a resolution instructing government offices to increase the diversity of the individuals shown in their advertisements and other publications.

In November the Ministry of Transportation removed automated audio announcements in Arabic from urban busses in Be'er Sheva after receiving

complaints from the mayor and residents shortly after the announcements began. Buses continued to display electronic announcements in Arabic and Hebrew.

Approximately 93 percent of land is 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. Following a 2004 lawsuit filed by human rights organizations, the attorney general ruled in 2005 that the government may not discriminate against Arab citizens in marketing and allocating lands it manages, including those of the JNF. The human rights organizations withdrew their petition on January 27 after the Israel Lands Administration (ILA) and JNF made a new arrangement in which Arab citizens will be allowed to participate in all bids for JNF land, but the ILA will grant the JNF another parcel of land whenever an Arab citizen of Israel wins a bid. The NGO Adalah, one of the petitioners in the case, noted that this arrangement solves the specific problem of discrimination in JNF bids but not the underlying ethnonational bias behind the policy.

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, according to the government. The government stated that as of August 2015, 131 of 133 Arab localities had approved outline plans for development, 84 of which the National Planning Administration furthered. It stated that outline plans advanced by the Ministry of Interior added an average of 70 percent to existing localities' lands and noted that delays in the approval of plans often related to the lack of vital infrastructure such as sewage systems. The government noted that a government decision in July 2015 includes multiple provisions on the subject of housing problems in Arab localities. On August 25, the Ministry of Construction and Housing announced agreements with 15 Arab localities for planning "hundreds of housing units and commercial zones."

NGOs serving the Arab population, however, alleged discrimination in planning and zoning rights, noting regional planning and zoning approval committees did not have Arab representation, and planning for their areas was much slower than that for Jewish municipalities, leading frustrated citizens to build or expand their homes without legal authorization and risk a government-issued demolition order. A "Target Price" housing program of the ILA, designed to reduce the cost of housing by as much as one-fifth of the national average price, did not include Arab municipalities. Additionally, some communities discriminated against Arabs. Adalah alleged in 2015 that an association that won a tender to market new

apartments in the Oranim neighborhood of Ma' a lot-Tarshiha refused to sell them to Arabs.

Arab communities in the country generally faced economic difficulties, and the Bedouin segment of the Arab population continued to be the most disadvantaged. More than half of the estimated 230,000 Bedouin population lived in seven government-planned communities. Approximately 30,000 lived in the 11 recognized villages of the Nave Midbar and al-Qasum Regional Councils, formerly the Abu Basma Regional Council, and approximately 60,000 Bedouins lived in 35 unrecognized tent or shack villages that did not have water and electricity or educational, health, and welfare services. NGOs, Bedouin leaders, and the government noted that Bedouin towns ranked lowest on the country's standardized socioeconomic scale, with most ranking a one out of 10 and only Rahat, Hura, and Segev Shalom ranking two out of 10.

While 11 of 13 recognized villages had plans that defined the areas of the village, in 10 of these villages, all residences remained unconnected to the electricity grid, there was no connection to the sewage disposal system, there were no paved roads, and only six villages had high schools, according to the Negev Coexistence Forum for Civil Equality. Additionally, in 10 of the recognized villages, residents were responsible for providing their own water infrastructure to bring water from a central line to their property.

(See section 1.e. for issues of demolition and restitution for Bedouin property.)

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 age 35 or older or Palestinian female spouses age 25 or older, but they may not receive residency based on their marriage and have no path to citizenship. In response to a 2010 Supreme Court recommendation to provide social services to an estimated 5,000 Palestinian spouses of citizens granted "staying permits" to reside legally in the country, in July the government issued regulations governing the provision of health insurance to individuals with a staying permit who were not being upgraded to temporary resident status.

In July police arrested more than 50 members of La Familia, the official fan club for the Beitar Jerusalem soccer team known for racist anti-Arab chants, on weapons and assault charges and sentenced a fan to one month in prison for shouting racist remarks. Beitar Jerusalem was the only one of the four largest soccer teams in Israel that had never employed an Arab player.

The government generally prohibited Druze citizens and residents from visiting Syria. The government suspended a program, coordinated with the UN Disengagement Observer Force, that enabled Druze residents of the Golan Heights to attend college in Syria and permitted the Druze religious leadership to attend religious meetings in Damascus. The action was the consequence of escalated military and armed group activity on the Syrian side of the border that prompted the continued closure of the Israel-Syria access point overseen by the UN Disengagement Observer Force. Authorities suspended the program that allowed noncitizen Druze residents from the Golan Heights to visit holy sites in Syria through an ICRC-managed pilgrimage program in 2014. The government has prevented family visitations to Syria for noncitizen Druze since 1982. The government facilitated the entry of several hundred Syrian nationals, including Druze, to Israel to receive medical treatment.

An estimated population of 133,200 Ethiopian Jews faced persistent societal discrimination, although officials and citizens quickly and publicly criticized discriminatory acts against them. On July 31, Prime Minister Netanyahu publicly received the recommendations of an interministerial team established to address racism against Israelis of Ethiopian origin, including the appointment of an individual in each ministry to serve as a focal point for combatting discrimination and racism and a faster mechanism to employ Ethiopian Israelis with academic degrees in public service. Netanyahu stated, “In the wake of this report we will take further steps, and I am pleased that there are people, men and women, who are determined to uproot this phenomenon from our lives.” Some Ethiopian-Israelis reached positions of leadership in the government, such as Lieutenant Colonel Avi Yitzhak, who graduated from the IDF’s course for brigade commanders in April, and Adenko Sabhat Haimovich and Esther Tapeta Gradi, selected in September by the Israeli Judicial Committee to serve as judges. There was one Ethiopian-Israeli member of Knesset.

Following the disappearance of Avera Mengistu, an Ethiopian Israeli who entered Gaza and was believed to have been apprehended by terrorist groups in September 2014, the military imposed a gag order on reporting on the case that lasted until July 2015. Family and friends of Mengistu alleged his case received inadequate attention from the government because he was Ethiopian. The prime minister subsequently visited the family. There were no updates on his case as of the end of the year.

In April 2015 Ethiopian-Israeli citizens protested against what they perceived to be discriminatory treatment in society. The galvanizing event for the protests was the publication of a video that showed a police officer and a police volunteer in Holon stopping and beating uniformed Ethiopian-Israeli soldier Demas Fekadeh (see section 2.b.). Prime Minister Netanyahu, President Reuven Rivlin, and many ministers and Knesset members condemned the attack against Fekadeh, praised his call to avoid violence, and promised to work to lessen socioeconomic gaps between sectors of society.

At a conference in Tel Aviv on August 30, Police Commissioner Roni Alsheich responded to a question about police violence against Ethiopians by stating, “Studies the world over, without exception, have shown that immigrants are more involved in crime than others,” and, therefore, “when a police officer meets a suspect, naturally enough his mind suspects him more than if he were someone else. That is natural.” Two days after an outcry against this apparent justification of excessive policing against Ethiopian-Israelis, Alsheich apologized for his comments.

In November the Israel Broadcasting Corporation published a recording of veteran mohel (practitioner of Jewish ritual circumcision) Rabbi Eliyahu Asulin of Hadera offering to facilitate training on Ethiopian-Israeli and Sudanese babies, which are marginalized and vulnerable segments of society. He explained that with these groups, “there’s no problem. Even if your cut isn’t straight, they won’t say anything, because they don’t understand anything.” Authorities suspended his license as a mohel for three years.

The Ministry of Health announced in December that it would no longer ban blood donations from Ethiopian-Israelis who immigrated from Ethiopia. The new guidelines will restrict donations only from those who had immigrated or returned to Israel from Ethiopia within the past year.

The government maintained several programs to address social, educational, and economic disparities between Ethiopian Israelis and the general population. Those gaps were notable. According to the newspaper *Ha’aretz--The Marker*, in 2015, 52 percent of Ethiopian-Israeli families, including 65 percent of Ethiopian-Israeli children, lived below the poverty line, and Ethiopian-Israelis registered for welfare at a rate double that of the general population. According to the Ministry of Foreign Affairs, four government resolutions from February 2014 to February, totaling 500 million shekels (\$130 million), aimed to improve the integration, health, education, and military service of Ethiopian-Israelis.

Isolated reports of discrimination by Ashkenazi Jews of European descent against Sephardic (Mizrachi) Jews of Middle Eastern heritage continued. Organizations representing Mizrahi Jews from various Middle Eastern countries claimed that government negligence in pursuing reparations for property losses for Jews from Arab countries and Iran had exacerbated social stratification along ethnic lines since the establishment of the state and during subsequent waves of (sometimes forced) immigration. Legislation dating to 2010 mandates any peace negotiation in which the country engages will preserve the rights to compensation of Jewish refugees from Arab countries and Iran.

Over the past several years, the Jewish Agency brought approximately 200 Jews from Yemen to Israel in quiet operations, including 19 in March. In September the Ministry of Education announced that November 30 will be commemorated annually in Israeli schools as a day to learn about the heritage of Jews from Muslim countries and, specifically, their emigration from those countries in the late 1940s. This decision followed recommendations by a special committee earlier in the year to mandate Mizrahi studies in the school system.

In April the Israel Land Authority fined construction company Bemuna 323,000 shekels (\$85,000) for a video marketing a housing project in Kiryat Gat to Ashkenazic Jews by mocking Sephardic Jews. According to ACRI, this was the first time authorities fined a construction company for discriminatory marketing.

In June Prime Minister Netanyahu appointed then minister without portfolio Tzachi Hanegbi to reopen government files regarding children who disappeared in Israel soon after immigrating to the country from Yemen in the late 1940s and early 1950s. In July, Hanegbi affirmed that perpetrators, whom he did not identify, abducted hundreds of Yemeni children from their parents, but he did not say why or where they went. Minister Hanegbi's recommendation, after reviewing documents from about 3,600 cases, was to disclose all material except that which would violate confidentiality requirements, such as the names of adopted children. The materials of the commission of inquiry were posted on a public website on December 28.

### **Acts of Violence, Discrimination, and Other Abuses 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. Most of the lesbian, gay, bisexual, transgender, intersex (LGBTI) community's gains came through the courts and not through legislation. Gay marriage remained illegal, because religious courts refused to accept these marriages, and the country lacks a civil marriage law.

Following a petition by ACRI regarding the Thai same-sex partner of an Israeli citizen, and an order from the Supreme Court in May, the Ministry of Interior announced in August that authorities would subject common-law partners to the same naturalization laws as common-law spouses. Therefore, like opposite-sex couples, a same-sex partner from a foreign country is no longer required to renounce his or her foreign citizenship to obtain Israeli citizenship. Additionally, the attorney general issued instructions in November reducing the minimum amount of time for naturalization from seven years to four and one-half years, to match that required of opposite-sex couples.

The law allows only heterosexual couples surrogacy. In response to a petition to the Supreme Court challenging this law, in July the attorney general submitted a response agreeing that single women should have access to surrogacy, but not single men. The case continued as of November 14.

In June 2015 the National Labor Court issued a decision confirming that the Equal Employment Opportunities Law should prohibit discrimination based on gender identity.

In October the *Jerusalem Post* reported that authorities appointed Rami Brachyahu chief rabbi of the Israeli police. In his previous role as chief rabbi of the Talmon settlement, he had issued a ruling prohibiting renting property to homosexuals.

According to a report published in August by the Nir Katz Center of the Israeli Gay, Lesbian, Bisexual, and Transgender Association, there were 424 incidents of homophobia in the first seven months of the year, an increase of 66 percent from the prior year. An estimated one-quarter of the incidents related to violence in public areas.

Transgender individuals who wanted sex-reassignment surgery encountered difficulty securing it. In May 2015 *Ha'aretz* reported that a health maintenance organization refused to pay for two transgender individuals' sex-change surgeries. In 2014 the Ministry of Health's Director General issued a directive stating that the list of government-subsidized health services provided to all citizens included sex-

reassignment surgery. Despite this judgment the patients in question received conflicting information from health-care providers, resulting in significant personal expenses. Minors are not allowed to start the process of transitioning, whether by sex reassignment surgery or otherwise.

Although large gay pride parades were held in Tel Aviv and Jerusalem, in July the organizers cancelled the first attempt to hold a gay pride parade in Be'er Sheva after police refused their planned route through the city's main road, claiming that intelligence reports indicated potential violence. The parade's organizers rejected a compromise route offered by the Supreme Court and instead held a protest outside the Be'er Sheva city council building. In July 2015 an ultra-Orthodox Haredi man, Yishai Schlissel, stabbed six persons at the Jerusalem March for Pride and Tolerance. One 16-year-old victim subsequently died from her injuries. Authorities had released Schlissel from prison weeks earlier after he completed a 10-year prison sentence for attacking a previous gay pride march. On June 26, authorities sentenced him to life imprisonment plus 30 years.

UNHCR expressed continuing concerns for West Bank residents who claimed to be in a life-threatening situation due to their sexual orientation and who requested legal residency status in Israel. There is no mechanism for granting such persons legal status, leaving those who cannot return to the West Bank due to fear of persecution vulnerable to human traffickers, violence, and exploitation.

There were reports of discrimination in the workplace against LGBTI persons, despite laws prohibiting such discrimination.

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

Individuals and militant or terrorist groups attacked civilians, including 11 stabbing, shooting, or stone-throwing attacks characterized by authorities as terror attacks by Palestinians, Arab citizens of Israel, and Jewish Israelis (see section 1.a.). (For issues relating to violence or discrimination against asylum seekers, see section 2.d.).

## **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. Members of

police and armed forces are not permitted to form or join unions. After a union declares a labor dispute, there is a 15-day “cooling period” in which the Histadrut, Israel’s organization of trade unions, negotiates with the employer to resolve the dispute. On the 16th day, employees are permitted to strike. Workers essential to state security are not permitted to strike, such as members of the military, police, prison service, Mossad, and ISA. While the law allows the government to declare a state of emergency to block a strike that it deemed could threaten the economy or trade with foreign states, according to the Histadrut, this law has never been applied. For example, strikes during the year by both customs workers at the border crossing with Jordan and El Al airline pilots had negative effects on the economy, but the government did not declare states of emergency in those cases.

The law specifically prohibits antiunion discrimination. A labor court has discretionary authority to order the reinstatement of a worker fired for union activity. The government respected these rights, and there are penalties if an employer is found guilty of firing a worker for union activity. The Histadrut raised concerns, however, that the deterrence was not always effective, primarily because the appeal process is lengthy and the fines imposed on employers are insufficiently low.

Court rulings and union regulations forbid simultaneous membership in more than one trade union. A minimum of one third of the employees in a given workplace is needed to form a union. Members of the Histadrut who pay affiliation fees may be elected to the union’s leadership bodies regardless of ethnicity, religion, or gender.

Authorities generally respected workers’ rights to free association and collective bargaining for citizens, although foreign workers often faced difficulties exercising these rights. Worker organizations were independent of the government and political parties. For the most part, the Basic Laws do not differentiate between public-sector and private-sector workers.

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

While the law prohibits forced or compulsory labor and criminalizes labor exploitation, the government did not effectively enforce laws concerning minimum employment conditions for foreign workers. Labor laws enacted in 2012 increased penalties for forced labor to 35,000 shekels (\$9,300) and helped investigation procedures.

According to government statistics, as of September 30, there were approximately 81,000 legal foreign workers and 16,736 illegal foreign workers in the country. Some workers, particularly foreign workers, experienced conditions of forced labor, including the unlawful withholding of passports, restrictions on freedom of movement, limited ability to change or otherwise choose employers, nonpayment of wages, exceedingly long working hours, threats, sexual assault, and physical intimidation. Foreign agricultural workers, construction workers, and nursing care workers--particularly women--were among the most vulnerable to conditions of forced labor, including in particular nonpayment or withholding of wages.

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

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

The law provides for the protection of children from exploitation in the workplace and prohibits forced or compulsory labor. Children age 14 and older may be employed during official school holidays in light work that does not harm their health. Children 15 years old and older who have completed education through grade nine may be employed as apprentices. Regulations restrict working hours for youths between the ages of 16 and 18 in all sectors.

The government generally enforced these laws and conducted year-round inspections to identify cases of underage employment, with special emphasis on summer and school vacation periods. During 2015 authorities imposed a number of sanctions against employers for child labor infractions: authorities issued 430 administrative warnings and levied 14 administrative fines, amounting to 377,870 shekels (\$100,000). Additionally, authorities filed four criminal indictments and imposed 28 criminal fines amounting to 542,500 shekels (\$144,000) on some of these employers. Employers employed youth mainly in the food-catering sector and the entertainment and hospitality sectors.

### **d. Discrimination with Respect to Employment and Occupation**

The Equal Employment Opportunities Law prohibits an employer from discriminating against employees, contractors, or persons seeking employment on grounds of gender, sexual orientation, personal status, age, race, religion, nationality, country of origin, opinion, political affiliation, or medical suitability for military service. The Equal Pay Law provides for equal pay for equal work of male and female employees. The Equal Rights for Persons with Disabilities Law

prohibits discrimination against persons with disabilities (see section 6). The law does not explicitly prohibit discrimination on the basis of language, citizenship, HIV/AIDS status, or other communicable diseases. Regulations also prohibit discrimination with regard to working conditions, promotion, professional training, dismissal or severance payments, and retirement benefits or payments.

The law charges the Commission for Equal Employment Opportunities with the implementation and civil enforcement of the Equal Employment Opportunities Law. The 26-member commission includes one member each from organizations that promote employment rights for Arab Muslims, Arab Christians, Druze, Circassians, Haredim, immigrants, elderly persons, women, and army veterans. Additionally, the commission must have adequate representation of citizens of Ethiopian descent and persons with disabilities. The law enables penalties of up to 120,000 shekels (\$31,700) without the need to prove damages. The government provided no details regarding violations of the law or enforcement activities (see sections 7.b. and 7.e. for treatment of migrant workers).

On April 4, the Tel Aviv Regional Labor Court, relying on a “friend of the court” legal brief submitted by the Israeli Equal Employment Opportunities Commission, found that an employer fired Arab citizen of Israel Ehab Nofel from his job at Albar Car Fleet because he was Arab. The court awarded Nofel 80,000 shekels (\$21,000) compensation.

#### **e. Acceptable Conditions of Work**

The minimum wage is set annually on April 1 to equal 47.5 percent of the average income. The national minimum wage increased to 25.94 shekels (\$6.86) per hour and was slightly less for youths under age 18, who earned between 70 and 83 percent of the minimum wage. In 2015 authorities issued 25 administrative warnings and imposed 309 financial penalties for violations related to minimum wage, totaling 12,498,810 shekels (\$3.3 million). The law allows a maximum 43-hour workweek at regular pay and provides for paid annual holidays. Premium pay for overtime is set at 125 percent for the first two hours and 150 percent for any hour thereafter up to a limit of 15 hours of overtime per week. In 2013 the Supreme Court ruled that labor law provisions for overtime pay do not apply to migrant workers who work as live-in caregivers for ill or elderly Israelis. The Central Bureau of Statistics reported that the average salary of an Arab man in 2015 was 46 percent lower than that of a Jewish man (up from 40 percent in 2014), and the salary of an Arab woman was 43 percent less than that of a Jewish woman (up from 31 percent in 2014). The poverty income level for 2014 was a monthly

income of less than 3,077 shekels (\$815) for individuals, 4,923 shekels (\$1,300) for couples, and 9,230 shekels (\$2,440) for a family of five, respectively.

The Labor Inspection Service, along with union representatives, enforced labor, health, and safety standards in the workplace, although resource constraints limited enforcement capacity. These standards were generally current and appropriate. By law workers may remove themselves from situations that endanger their health or safety without jeopardy to their employment, and the government protected this right. There was little information about protection and enforcement standards in the informal economy.

According to some NGOs, the country failed to enforce its labor laws fully with respect to minimum working conditions for foreign workers, including asylum seekers, and existing penalties were not sufficient to deter violations. Many foreign workers earned significantly less than the minimum wage. There were numerous documented cases of foreign laborers living in harsh conditions and subjected to debt bondage, but authorities prosecuted few employers.

A 2007 Supreme Court ruling extended the protections of Israeli labor law to most Palestinians employed by Israeli businesses in the West Bank. In August, however, the Ministry of Justice instituted a regulation under which noncitizen workers employed by Israeli companies, whether in the West Bank or Israel, must make a monetary deposit to file a labor rights claim against their employer in an Israeli court. Civil society groups like the Jewish Labor Committee and the labor rights NGO Kav LaOved expressed opposition to this obstacle to fair labor practices.

The country had bilateral work agreements with Bulgaria, Moldova, and Romania to regulate recruitment fees of migrant workers in the construction sector, and it had an agreement with Thailand to regulate recruitment fees for migrant workers in the agricultural sector. The entire recruitment process of foreign workers in these industries was coordinated solely through government offices, which resulted in a steep decline in recruitment fees paid by migrant workers in the construction and agricultural sectors. Recruitment fees persisted, however. Kav LaOved reported that, upon arrival at the airport, authorities required Thai workers to pay \$450 to the International Organization of Migration and \$850 to Israeli manpower agencies. Besides a small pilot program with Nepal in 2015, no bilateral work agreements had been signed in the largest sector of foreign labor, home care, which employs tens of thousands of migrant workers, mostly from the Philippines and Indian subcontinent.

The agreements provide for migrant workers to have information on their labor rights as well as a translated copy of their labor contract before they arrive in the country. As a result of greater awareness of their legal rights and their reduced recruitment debt, more workers were willing to report labor violations to NGOs or to quit their jobs and return home than prior to the agreements. The government created and helped fund a hotline for migrant workers to report violations. In 2014 the hotline received 1,372 complaints from agricultural and construction workers. Government enforcement bodies investigated all of these complaints.

Research by NGOs into the living and working conditions of foreign construction and agriculture workers continued to reveal violations of their rights. In 2014 the government issued 36 administrative warnings and one financial penalty totaling 35,070 shekels (\$9,280) against construction-sector employers following complaints by foreign workers of labor violations. *Ha'aretz* reported in September that from 2011 to 2015, 29,000 construction workers received compensation payments from the National Insurance Institute after being injured on building sites, with the number increasing from year to year, not including injuries unreported or not recognized by the institute. Of the 42 workers who died at construction sites, the government identified 12 as resulting from flaws not ordinarily related to occupational safety and health, such as engineering failures.

Labor violations by employers in the agricultural sector also remained widespread. A 2014 investigation by HRW of 1,010 separate groups of Thai workers in different farming communities found that in all but one, employers housed Thai workers in makeshift and inadequate accommodations, and in all communities employers subjected the workers to illegally low wages and longer work hours than lawfully prescribed. The breadth of violations by employers and the lack of penalties imposed by the government suggested enforcement of labor laws in these industries was far from adequate despite the bilateral agreements. HRW attributed the government's failure to enforce its own labor laws for Thai migrant workers to a combination of factors: an unnecessary division of regulatory responsibilities; insufficiently resourced enforcement units; failure to complement a reactive complaints mechanism with a proactive regime of random inspections; and failure to impose material sanctions, which the law provides on employers and manpower agents. The number of labor inspectors was not sufficient to enforce the law effectively.

Some employers in the agricultural sector circumvented the bilateral agreement with Thailand by recruiting students from poor countries to take part in agricultural

study programs on student visas and then forcing them to work in the agriculture industry once they arrived in the country. According to Kav LaOved, the number of these student workers doubled from 2012 to approximately 4,500 during the year. Employers required participants to pay high fees to one of six private companies to participate in what they believed were study programs, but authorities did not supervise their working or living conditions since they lacked work permits and were ostensibly in the country for study. A class-action lawsuit filed in July 2015 by Kav LaOved against Agrostudies, a division of agricultural cooperative Granot, which was also active in recruiting Thai workers, alleged that it sidestepped a number of Israeli labor and student laws through this method. Agrostudies denied the accusations, and the case continued as of December 14.

Abuse in the recruitment of home-care workers remained widespread and included excessive recruitment fees and false descriptions of the terms of employment contracts. Live-in arrangements and lack of legal protections and inspections led to many cases of exploitative working conditions for female migrant workers. Local NGOs filed hundreds of complaints on behalf of foreign caregivers, including allegations of underpayment of wages, physical violence, sexual harassment, and unsuitable employment conditions.

**THE OCCUPIED TERRITORIES 2016 HUMAN RIGHTS REPORT**

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

**EXECUTIVE SUMMARY**

The Palestinian Authority (PA), according to PA basic law, has an elected president and legislative council. The PA exercised varying degrees of authority in restricted areas of the West Bank due to the Israel Defense Forces' (IDF) continuing presence, and none over Palestinian residents of East Jerusalem due to Israel's extension of Israeli law and authority to East Jerusalem in 1967 and an Israeli prohibition on any PA activity anywhere in Jerusalem. The PA only maintains civil and security control in Area A of the West Bank. The PA has only civil control of Area B and joint security control with Israel. The PA has no authority over Israeli residents of the West Bank or Palestinian residents in Area C of the West Bank (over which Israel has security and civil control). Although PA laws apply in the Gaza Strip, the PA had little authority in the Gaza Strip, where Hamas exercises de facto control. The PA head of government is Prime Minister Rami Hamdallah. President Mahmoud Abbas, in office since he was elected to a four-year term in 2005, is also chairman of the Palestine Liberation Organization (PLO) and general commander of Fatah. In the 2006 Palestinian Legislative Council (PLC) elections, candidates backed by Hamas won 74 of 132 seats in elections that generally met democratic standards; however, the PLC has not functioned since 2007. In 2007 Hamas staged a violent takeover of PA government installations in the Gaza Strip and has since maintained a de facto government in the territory.

Both PA and Israeli civilian authorities maintained effective control over their security forces. Hamas maintained control of security forces in the Gaza Strip.

The most significant human rights abuses were Palestinian terror attacks against Israeli civilians and security forces, which killed eight Israelis in East Jerusalem and the West Bank. Significant human rights abuses also included excessive use of force or deadly force by Israeli Security Forces (ISF) in a number of their interactions with Palestinian civilians; arbitrary arrest and associated alleged torture and abuse, often with impunity by multiple actors in the region; restrictions on civil liberties, particularly by Hamas in Gaza; and Israeli demolition of Palestinian homes and related displacement. Palestinian residents of the occupied territories had limited ability to hold governing authorities accountable for abuses.

Human rights problems in the parts of the West Bank under PA control included abuse and mistreatment of detainees, overcrowded detention facilities, prolonged detention, and infringements on privacy rights. Restrictions on freedom of speech, press, and assembly continued. There were limits on freedom of association and movement. Corruption--especially nepotism--violence against women, and societal discrimination were serious problems. At times the PA or PA-affiliated media and social media failed to condemn terror and embraced as “martyrs” individuals who died while carrying out attacks on Israeli civilians. 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 there was forced labor. Child labor, including forced labor, remained a serious problem.

Human rights abuses under Hamas included security forces killing, torturing, arbitrarily detaining, and harassing opponents, including Fatah members and other Palestinians with impunity. Terrorist organizations and militant factions in the Gaza Strip launched rocket and mortar attacks against civilian targets in Israel, and they did so at or near civilian locations in Gaza. Human rights organizations reported authorities held prisoners in poor conditions in detention facilities in the Gaza Strip, and Hamas publicly unlawfully executed persons without trial or after proceedings that did not meet “fair trial” standards. 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 serious 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.

Israeli forces killed 91 Palestinians, some of whom were attempting or allegedly attempting to attack Israelis. In a number of these incidents, there were reports of human rights abuses including allegations of unlawful killings related to actions by Israeli authorities. Additionally, there were reports of abuse of Palestinian detainees, including children, particularly during arrest and interrogation; austere and overcrowded detention facilities; improper 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. Violence by Israeli settlers against Palestinians continued to be a problem, although at reduced levels compared with

2015. Israeli authorities' investigations of settler violence rarely led to indictments. Harassment and attacks against Palestinians in Jerusalem by Jewish extremist groups reportedly were common, and these incidents rarely led to investigations or indictments. The IDF and the Egyptian government maintained severe restrictions on movement into and out of the Gaza Strip, and Israeli authorities increased limits on the travel of Palestinians out of Gaza, including for humanitarian cases, business travelers, medical patients, foreign government-sponsored public diplomacy and exchange programs, and local staff of foreign governments.

The PA and Israeli authorities took steps to address impunity or reduce abuses, but there were criticisms they did not adequately pursue investigations and disciplinary actions related to violations. Impunity was a major problem under Hamas.

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

#### **a. Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings**

There was one report that PA security services committed an unlawful killing. On August 23, PA Security Forces (PASF) officers beat to death Ahmad Halaweh when in custody in the PA's Juneid prison. Halaweh was the primary suspect in the August 18 shooting deaths of a Palestinian Civil Police officer and a National Security Forces officer in Nablus. The PA's Security Forces Justice Commission conducted an investigation into Halaweh's death. As of December the investigation continued.

Palestinian terrorist groups and unaffiliated individuals committed unlawful killings of eight Israeli civilians and security forces in terrorist attacks in the West Bank and East Jerusalem, continuing violence dating from October 2015. On June 30, a Palestinian teenager stabbed and killed 13-year-old Israeli-American dual citizen Hallel Ariel in her home in the West Bank settlement of Kiryat Arba. The attacker, 16-year-old Muhammad Naser Mahmoud Tarayrah, also stabbed and wounded a private settlement security guard before the guard shot and killed him.

On July 1, a Palestinian shot and killed 48-year-old Israeli Michael Mark and injured his wife and two children near the West Bank settlement of Otniel. Subsequently, on July 27, the IDF shot and killed the suspected attacker, 29-year-old Muhammad Jbarah Ahmad al-Faqih during an exchange of gunfire in the West Bank town of Surif.

There were also attacks on Israeli civilians and security force members in Jerusalem throughout the year. On February 3, three Palestinians shot and killed a Border Guard officer, 19-year-old Hadar Cohen, and wounded two others outside the Old City's Damascus Gate. Police shot and killed the three perpetrators, 20-year-old Ahmad Najeh 'Abd a-Latif Abu a-Rob, 19-year-old Muhammad Ahmad Muhammad Kmeil, and 19-year-old Ahmad Najeh Isma'il Nassar to stop the attack.

During the year Gaza-based militants fired 15 rockets into Israel, according to the United Nations and the International nongovernmental organization (NGO) Safety Organization, the fewest since 2005. According to local media, Hamas unlawfully executed three persons in the Gaza Strip for alleged murder and one person--a Hamas military wing member--for alleged "behavioral and moral misconduct." Hamas-controlled military courts issued death sentences against several persons for alleged collaboration with Israel. By law the PA president must ratify each death penalty sentence, but Hamas proceeded with these executions and issued death sentences without the PA president's approval due to Hamas' de facto control over the Gaza Strip.

During the year Israeli forces killed 91 Palestinians in the West Bank and Jerusalem, some of whom were attempting or allegedly attempting to attack Israelis. In some instances there were reports of possible ISF use of excessive force against Palestinian civilians, mostly during attempted or alleged attacks against ISF personnel, or in the context of ISF use of live fire and rubber-coated steel bullets to confront violent demonstrators or at checkpoints and during security operations. In some cases the Palestinians killed did not pose a threat to life, and NGOs published multiple reports alleging ISF personnel committed unlawful killings. Some of those killed in the West Bank and Jerusalem were minors.

On March 24, IDF soldier Elor Azaria shot and killed 20-year-old Abed al-Fatah al-Sharif after he stabbed a soldier in Hebron's Tel Rumeida neighborhood, near the Israeli settlement of the same name. Video footage obtained by NGO B'Tselem and eyewitness testimony indicated that the soldier shot al-Sharif in the head after he lay injured and motionless on the ground. Amnesty International (AI) also released a statement that the shooting of a wounded and incapacitated person was unjustified. The IDF reportedly considered charging Azaria with murder, then downgraded the charge to manslaughter. As of December the trial continued.

On June 20, ISF personnel fired at a car of Palestinian teenagers, killing 15-year-old Mahmoud Badran and wounding four others, during a search for Palestinian suspects who had reportedly thrown rocks and Molotov cocktails at Israeli vehicles driving on highway Route 443. Human rights NGOs criticized ISF actions and rules of engagement and claimed that authorities could have stopped and searched the car. As of December Israel's Military Advocate General was still investigating the incident.

On August 16, IDF members shot and killed 19-year-old Muhammad Yusef Saber Abu Hashhash and wounded 32 other Palestinians during a raid in the al Fawwar Refugee Camp. An Israeli military spokesperson said Palestinians threw stones, Molotov cocktails, and improvised explosive devices at the soldiers, and they responded with crowd control measures, including firing 0.22 caliber bullets. According to B'Tselem, Abu Hashhash and other youths climbed to a rooftop to throw stones at soldiers who were on nearby rooftops. A B'Tselem investigation, however, noted that the ISF fatally shot Abu Hashhash when he stepped out of his home and did not pose a danger to soldiers at that time.

There were reports that the ISF use of small-caliber live ammunition intended as a less-than-lethal tactic seriously wounded or killed Palestinians in the West Bank. Palestinians reported that the ISF deliberately targeted the lower extremities of demonstrators with 0.22-caliber live ammunition to disperse violent protests and respond to stone throwing or alleged stone throwing. In August the ISF shot and wounded at least 15 Palestinians in the knees or legs during security operations in the Duheisha refugee camp in Bethlehem. In another raid in December, the ISF shot and wounded four Palestinians in the legs after youth threw rocks and empty bottles at soldiers. Since 2015 ISF members have shot and killed at least four Palestinians, including one minor, with small-caliber fire to the head or torso.

The Military Advocate General (MAG) and Fact-Finding Mechanism, now headed by Major General Yitzhak Eitan, continued to investigate incidents that occurred during hostilities between Israel and Hamas and other armed groups in Gaza in 2014. On August 24, the MAG issued the fifth update of its investigation into the 2014 Gaza war, Operation Protective Edge, in which 1,462 Palestinian civilians died. Of more than 360 incidents reported to Israeli authorities, the MAG opened investigations into 31 "exceptional incidents" and issued indictments in three cases, for looting. It closed 80 cases without investigation and closed another 13 without charges after completing an investigation. Nearly three-quarters of the incidents remained under investigation two years after the end of the war. Human

rights organizations expressed strong reservations about the scope, methods, and independence of the MAG's inquiry.

NGOs continued to accuse Israel of using disproportionate force and indiscriminate fire to counter the threat posed by rockets or mortars launched from the Gaza Strip, which they claimed resulted in unnecessary and excessive civilian casualties during Operation Protective Edge. In May B'Tselem published a report analyzing 2,202 Palestinian fatalities that occurred during the hostilities in July and August 2014, in which it concluded that 63 percent (1,394) of those killed, including 526 children, were noncombatants.

NGOs and other observers also described the IDF response to a rocket that Palestinian militants fired August 21 and landed in Sderot as "disproportionate." In response to the rocket attack, Israeli forces conducted 11 airstrikes firing 23 missiles. The IDF also fired 37 rounds from tanks. As a result of these strikes, one Palestinian was injured.

The Israeli government periodically launched strikes into the Gaza Strip against specific targets and in response to rockets and small arms fired into Israel by militant groups. IDF ground forces, tanks, ships, aircraft, and remote-controlled weapons fired on Palestinians inside the Gaza Strip. According to B'Tselem, these attacks killed Palestinians participating in hostilities, Palestinians not participating in hostilities, and some Palestinians who were the objects of targeted killing. On March 12, a 10-year-old boy and a six-year-old girl died when their home collapsed following an Israeli airstrike targeting a Hamas military position next to their home; the airstrike was in retaliation for rocket fire from Gaza into southern Israel.

There were also multiple reports of Israeli forces killing Palestinians in restricted areas in the Gaza Strip. Israel repeatedly warned Palestinians that they risked being shot if they entered a "buffer zone," which extends 328 yards (300 meters) into Gaza territory from the border fence. On January 15, IDF soldiers shot and killed two Palestinians throwing stones near the border fence east of al-Bureij refugee camp. On May 5, the IDF fired tank shells targeting a Hamas observation post, killing a 54-year-old woman, in response to Palestinian militants firing mortar shells toward IDF troops. Israeli forces reportedly regularly enforced the "buffer zone" by firing toward Palestinians approaching at distances further from the fence.

## **b. Disappearance**

In the West Bank, there were no reports of politically motivated disappearances, but some detainees registered complaints with the PA's Independent Commission for Human Rights (ICHR) that their arrests were arbitrary. In the Gaza Strip, Hamas security operatives carried out extrajudicial detentions based on political affiliation. Information concerning the whereabouts and welfare of those detained was not consistently or reliably available, and Hamas denied many of those detained due process or access to family and legal counsel. There was no new information on the disappearances in 2014 and 2015 of two Israeli citizens who crossed into Gaza and whom Hamas reportedly apprehended and held incommunicado.

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

The PA basic law prohibits torture or use of force against detainees; however, international and local human rights groups reported that torture and abuse remained a problem. Despite President Abbas's commitment to investigate reports of torture in the 2012 ICHR report, the PA Ministry of Interior took no such investigating action during the year. PASF officers attended ICHR training sessions on human rights and the use of force throughout the year.

Palestinian detainees held by PA security forces registered complaints of abuse and torture with the ICHR. Reported abuses by PA authorities in the West Bank included forcing prisoners, including persons accused of affiliation with Hamas, to sit in a painful position for long periods; beating; punching; flogging; intimidation; and psychological pressure. Independent observers noted that abuse was not systematic or routinely practiced in PA prisons, although some prisoners experienced abuse during arrest or interrogation. The PA Corrections and Rehabilitation Centers Department, under the authority of the Ministry of Interior, continued to maintain a mechanism for reviewing complaints of prisoner abuse in civil prisons but reported no cases of inmate abuse by its staff.

Detainees held by Hamas filed claims of torture and abuse with the ICHR. Other human rights organizations reported that Hamas internal security, the drug unit of the "civil police force," and "police" detectives tortured detainees. Antidrug units reportedly used torture and abuse to extract confessions. Human Rights Watch (HRW) reported that in the Gaza Strip, de facto security officials beat or kicked detainees, deprived them of sleep or proper food, hosed them with cold and hot water, and made them maintain uncomfortable positions for long hours. HRW also

reported allegations of torture by Hamas' military wing, including suspension from the ceiling and severe beatings. Hamas reportedly took little or no action to investigate reports of torture, and reports and documentation of abuses were limited, due to victims' fear of retribution and lack of access to Gaza Strip prisoners' rights NGOs or PA officials.

Human rights organizations such as the Public Committee Against Torture in Israel (PCATI) and Defense of Children International (DCI)-Palestine reported that "physical interrogation methods" permitted by Israeli law and used by Israeli security personnel against Palestinian security detainees in the West Bank and East Jerusalem could amount to torture. The methods 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 officials stated they did not use techniques that could amount to torture. Israeli and Palestinian NGOs continued to criticize these and other Israeli detention practices they termed abusive, including isolation and prolonged solitary confinement, sleep deprivation, lack of food, exposure to the elements, and psychological abuse, such as threats to interrogate spouses, siblings, or elderly parents or to demolish family homes.

Israeli authorities reportedly used similar tactics on Palestinian minors. DCI-Palestine and other human rights NGOs claimed Israeli security services continued to employ abuse, and in some cases torture, to coerce confessions from minors whom they frequently arrested on suspicion of stone throwing or others acts of violence. Tactics included beatings, long-term handcuffing, threats, intimidation, and solitary confinement. In December Military Court Watch (MCW) released a briefing note, which reported that 90 percent of Palestinian children arrested by the IDF during the year were hand-tied, 84 percent blindfolded, 58 percent subjected to physical abuse, and 91 percent denied access to a lawyer prior to questioning. According to Israeli Prison Service data, the ISF as of August held in detention 319 Palestinian children between the ages 12 and 17--an 82 percent increase compared with the monthly average for 2015. The MCW reported that official statistics most likely understated the number of minors detained and generally did not include minors held by the military and released within a few hours or a day--a number that was likely to be substantial and included children below the minimum age of criminal responsibility.

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

Overall physical conditions in prisons and detention centers in the West Bank were reportedly poor. The PA Corrections and Rehabilitation Centers Department,

under the authority of the Ministry of Interior, continued to maintain a mechanism for reviewing complaints of prisoner abuse in civil prisons but reported no cases of inmate abuse by its staff.

The basic conditions of prisons in the Gaza Strip generally met minimum needs; for example, there were showers and places to sleep. Conditions, however, were reportedly poor; for example, prison cells were overcrowded.

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

NGOs reported PA, Israeli, and Gaza prison centers lacked adequate facilities and specialized medical care for disabled detainees and prisoners.

Physical Conditions: Some PA prisons continued to be crowded and lacked ventilation, heating, cooling, and lighting systems conforming to international standards. Some prisons lacked sufficient space for programming and recreation. Authorities reported no deaths in PA prisons from adverse conditions. Authorities at times held male juveniles 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 more limited outdoor recreation space.

Some Israeli government facilities, such as the Ofer Detention Center, provided living space as small as 15 square feet per detainee. NGOs stated that authorities appeared to use poor conditions or exposure to weather as an interrogation or intimidation method. Prisoners also continued to claim inadequate medical care. PCATI, DCI-Palestine, and the MCW noted that most reports of abuse or poor conditions occurred during arrest and interrogation, generally within the first 48 hours following arrest.

Authorities detained most Palestinian prisoners arrested by Israeli security forces in the occupied territories extraterritorially in Israel. According to NGO sources, Israeli government authorities transferred and held at least 7,000 Palestinians detainees, or an average of 84 percent of all prisoners from the West Bank, in Israeli prisons inside Green Line Israel.

Administration: Recordkeeping by PA authorities in the West Bank was adequate, with the Corrections and Rehabilitation Centers Department storing information on computers, but records were not publicly available. By law any person sentenced

to imprisonment for a term of not more than three months may petition the PA public prosecutor to put him to work outside the prison instead of carrying out the sentence of imprisonment, unless the judgment deprives him of that option. Although the law allows for this option, the legal system did not have the capacity to implement such a process. Although ombudsmen cannot serve on behalf of prisoners, the ICHR played an ombudsman role. The PA investigated allegations of mistreatment.

Little information was available about prison administration in the Gaza Strip.

Recordkeeping by Israeli authorities in the West Bank was often only in Hebrew and, therefore, inaccessible to the Palestinian public. There were no reports of improvements in recordkeeping. There was an ombudsman. Detainees under Israeli control could have visitors. Human rights groups reported families of imprisoned Palestinians, particularly Gazans, had only limited ability to visit prisoners due to prison locations inside Israel and the lack of entry permits for most Palestinians. Overall, authorities held 84 percent of adult detainees and approximately 60 percent of minors from the West Bank in prisons in Israel rather than the West Bank.

NGOs claimed there was a systematic failure to investigate abuse claims made by Palestinians held in various Israeli interrogation and detention facilities. PCATI reported that, despite more than 1,000 complaints it had filed since 2001 regarding the use of torture in ISA interrogations--including allegations of beatings, sleep deprivation, holding in stress positions, and sexual abuse--no torture complaint resulted in a criminal investigation, prosecution, or conviction. PCATI claimed that the government regularly dismissed complaints of abuse following a primary examination by an ISA employee. Authorities exempted ISA facilities from regular independent inspections. NGOs reported that investigations of abuse at IDF and Israeli police facilities were slow and ineffective; they rarely led to prosecutions. Of 154 complaints filed by PCATI between 2007 and 2015 regarding IDF violence against detainees in the West Bank, two such complaints resulted in an indictment against a soldier on assault charges.

Independent 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. 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 and other human rights organizations 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--including those on hunger strikes--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. NGOs such as Physicians for Human Rights Israel criticized Israeli authorities, however, for refusing to allow independent physicians to visit hunger-striking prisoners if ICRC visits also monitored those detainees and for refusing to release these detainees' medical records. Detainees' families and human rights groups reported delays and difficulties from Israeli authorities in gaining access to specific detainees. They also reported transfers of detainees without notice and claimed authorities used these practices at times punitively against prisoners engaging in hunger strikes.

In August the ICRC reported an "unprecedented" series of sometimes-violent demonstrations outside its East Jerusalem offices by Palestinian groups protesting the ICRC's perceived failure to advocate on behalf of Palestinian hunger strikers and its reduction of family visits for male prisoners from twice to once per month. The ICRC reported an arson attack against two official ICRC vehicles and briefly closed its East Jerusalem office due to threats to staff.

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

Palestinian law prohibits arbitrary arrest and detention, and PA prosecutors generally charged suspects promptly as a requirement to detain them. The PA criminal justice system, however, often did not lead to a prompt and speedy trial. There were also instances of detention without charge or trial for selected security detainees in PASF custody. On September 6, a PA magistrate court ordered the PA to release six detainees held without trial since March, some of whom authorities charged with plotting to carry out a terror attack against Israelis. Some NGOs said the detainees alleged authorities tortured them to confess to the charges.

Hamas also alleged that the PA repeatedly detained individuals during the year based solely on their Hamas affiliation, especially during high-profile security sweeps and in the period prior to municipal elections scheduled for October (which the PA then indefinitely postponed). Hamas reportedly practiced widespread arbitrary detention in the Gaza Strip, particularly of Fatah members, civil society activists, journalists, and others accused of publicly criticizing Hamas. Fatah officials claimed to media that Hamas abducted, threatened, and arrested several Fatah members working on municipal elections in the Gaza Strip prior to the election's indefinite postponement.

Israeli civil law provides safeguards against arbitrary arrest and detention, but key safeguards do not apply to Palestinian security detainees. Israeli military law subjects Palestinian security detainees to its jurisdiction, which permits eight days' detention prior to 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 a detention order covering the interrogation period, according to military law, is 90 days; however, if deemed necessary by Israeli security forces, authorities can renew detention indefinitely. NGOs reported authorities often held persons undergoing interrogations incommunicado for several weeks. The Israeli government denied such allegations. Authorities can hold security detainees after interrogation without trial for six-month renewable sentences on the "administrative detention" order of a military commander. Denial of visits by family, outside medical professionals, or others outside the ISA, the IDF, or the prison service occurred.

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

In West Bank Palestinian population centers, mostly Area A as defined by the Oslo-era agreements, containing 55 percent of the Palestinian population on approximately 18 percent of West Bank land area, the PA has formal responsibility for security and civil control. Since 2002, however, following the outbreak of the Second Intifada, Israeli security forces have regularly conducted security operations in Area A cities, often without coordinating with PA security forces. These incursions increased at the outbreak of violence beginning in October 2015 and continued at a lower level throughout the year. In Area B territory in the West Bank, which contained 41 percent of the population on approximately 21 percent of the territory, mostly small Palestinian villages and farmland, the PA has civil control, but Israel and the PA maintain joint security control. In Area C, which contains Israeli settlements, military installations, and 4 percent of the Palestinian

population in small villages, farmland, and open countryside on approximately 61 percent of the land area, 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 operational control and follow the prime minister's guidance. The Palestinian Civil Police have primary responsibility for civil and community policing. The National Security Force conducts gendarmerie-style security operations in circumstances that exceed the capabilities of the civil police. The Military Intelligence Agency handles intelligence and criminal matters involving PA security force personnel, including accusations of abuse. The Military Intelligence Agency is responsible for investigations into allegations of abuse and corruption involving PA security forces and can refer cases to court. The General Intelligence Service is responsible for external intelligence gathering and operations; the Preventive Security Organization is responsible for both internal intelligence gathering and investigations related to internal security cases (for example, antiterrorism, weapons violations, and money laundering). The Presidential Guard protects facilities and provides dignitary protection. Generally, Palestinian security forces continued to demonstrate professional performance levels, especially while maintaining order during demonstrations on days of national significance to Palestinians, such as the "Nakba" and "Naksa" days, and throughout the period of heightened tensions and demonstrations beginning in the last quarter of 2015. The ICHR continued to report accusations of abuse and torture at the hands of the security forces to the PA.

The PA took significant steps to bring women into police forces in the West Bank to allow police work to cross-societal gender barriers. Of 7,798 police officers in the PA Civil Police, 335 were women. Women on the PA police force can search under women's clothing for contraband. In 2014 the PA Presidential Guard established the Female Special Security Detachment, the first operational element for women in the PA security forces.

The PA continued efforts to prevent security-sector courts from trying civilians.

The PA maintained effective control over the security forces and has mechanisms to investigate and punish abuse and corruption. In September 2015 Palestinian Civil Police and National Security Forces personnel beat a Palestinian protester while preventing a group of demonstrators from reaching an Israeli checkpoint in the Bethlehem area. Authorities convicted six PASF officers of the beating and sentenced them to 1.5-month prison terms. On August 2, PASF officers beat at least five protesters while dispersing a group of demonstrators, in the Tulkarem

district. According to local media, some of the demonstrators threw rocks at the officers. The PA established a committee to investigate the incident. On August 23, PASF officers beat to death a Palestinian, Ahmed Halaweh, in custody in Juneid Prison. Authorities wanted Halaweh for the August 18 fatal shooting of two PASF officers. By September the PA established a committee to investigate Halaweh's death, and as of December the investigation continued.

In the Gaza Strip, Hamas forces exercised de facto control. Press and NGO reports suggested Hamas enforced strict control across all sectors of society. Impunity, however, remained a problem in the Gaza Strip. There were numerous instances when Hamas forces failed to deter violence, such as rocket attacks into Israel.

Israeli authorities maintained their West Bank security presence through the IDF, ISA, Israeli National Police (INP), and Border Guard. 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 (see section 1.a.). The IDF continued to open investigations automatically of claims of abuse in military police custody. NGOs stated that automatic investigations applied only to some military activity in the West Bank but not to individuals reporting abuse in custody. NGOs reported that impunity among Israeli security forces remained a problem, in part because mechanisms for investigating allegations were not effective. Reports of abuse go to the Attorney General's Office; PCATI reported that authorities systematically disregarded abuse allegations. In May B'Tselem announced it would no longer refer Palestinian complaints of abuse or injury by the IDF to Israeli military investigators and the MAG, citing a desire to avoid contributing to what it called the pretense of a military law enforcement system in the West Bank. In its report, *The Occupation's Fig Leaf: Israel's Military Law Enforcement System as a Whitewash Mechanism*, B'Tselem criticized chronic flaws in Israeli military authorities' investigative and oversight processes and a 3 percent rate of soldiers charged in response to more than 700 abuse complaints filed since 2000.

NGOs also criticized Israeli accountability processes and efforts to investigate reports of killing of civilians. According to B'Tselem, in 2011 Israel began investigating every case in which the IDF killed civilians in the West Bank not taking part in hostilities. As of August the IDF reported it had opened investigations into more than 20 incidents and closed multiple cases. B'Tselem reported that investigation of these incidents since October 2015 resulted in only one indictment. Israeli law restricts the ability of Palestinians harmed by the acts of Israeli security forces to seek compensation in Israeli courts. For example, nearly three years after Israeli security forces shot and killed 16-year-old Samir

Awad in the village of Budrus, the court had not indicted either of the two soldiers involved in the killing. The ISF shot and injured Awad while he was reportedly between fences and was trying to flee. The military said he intended to throw stones at the soldiers. In late December 2015, the State Attorney's Office filed an indictment on charges of reckless and negligent use of a firearm. In September an Israel magistrate court judge delayed a hearing of the charges at the request of the soldiers' attorneys. The case remained pending.

On September 20, B'Tselem published a report entitled *The Whitewashing Procedure: The Ostensible Investigation of the Events of Operation Protective Edge*, that concluded the bodies responsible for investigating the events of the 2014 war created a false impression of a functioning system that ostensibly sought to discover the truth, while not questioning those senior military officers responsible for violations during the war.

According to Israeli and Palestinian NGO and press reports, the IDF and INP did not respond sufficiently to violence perpetrated against Palestinians by Israeli settlers in the West Bank. The number of settler attacks perpetrated against Palestinians during the year decreased compared with 2015, according to the UN Office for the Coordination of Humanitarian Affairs (OCHA). As of November OCHA identified 101 incidents of settler violence (compared with 221 incidents in 2015) that resulted in Palestinian injuries or property damage. The Israeli NGO Yesh Din, citing Israeli security forces and MAG figures, reported that authorities closed 85 percent of investigative files into alleged settler violence due to the police investigators' failure to locate suspects or find sufficient evidence to enable an indictment. Yesh Din claimed that law enforcement procedural and management failures led to meager results in terms of the indictment and conviction of offenders. Of the 7 percent of investigations of settler violence that led to an indictment, approximately one-third (or 1.9 percent of total investigations) resulted in a conviction.

In January the Israel Central District Attorney's Office indicted two Jewish suspects in the July 2015 "price tag" arson attack on a Palestinian home in the West Bank village of Douma, which killed a toddler and his parents and severely injured his four-year-old brother. The perpetrators also spray-painted "Revenge!" and a Star of David on the wall of the home. The trial continued throughout the year without reaching a verdict.

The Association for Civil Rights in Israel (ACRI) and other NGOs stated Israeli security and justice officials operating in predominantly Palestinian East Jerusalem

used excessive force and displayed bias against Palestinian residents in investigating incidents involving Palestinian and Israeli actors. Internal Israeli police reports, released as part of a freedom of information request, suggested that police operating in some areas of East Jerusalem conducted operations designed to “create friction” with Palestinian residents. These operations resulted in use of tear gas and rubber-tipped bullets, injuring Palestinians.

According to ACRI, during various security raids in East Jerusalem, the ISF fired rubber-tipped bullets at the head and upper torso of Palestinians, including minors, in violation of police rules of engagement. There were multiple reports of blinding and serious injury from synthetic rubber-tipped bullets, which Israeli police introduced to replace softer sponge-tipped bullets beginning in summer 2014. According to ACRI, rubber-tipped bullets since summer 2014 inflicted approximately 40 serious injuries, including 14 persons who lost an eye or eyesight; half of these victims were minors. On January 6, during clashes between Palestinians and Israeli Border Guard personnel who entered the East Jerusalem neighborhood of Issawiya, Border Guard officers shot 12-year-old Ahmed Abu Humus in the head with a sponged-tipped bullet. Abu Humus suffered extensive brain damage and as of September remained on an artificial respirator. Israeli police said they were investigating these incidents. Palestinians claimed authorities closed most investigations of injury from sponge- and rubber-tipped bullets in East Jerusalem for lack of evidence. Relaxed rules of engagement adopted in June also enabled INP and Border Guard forces, which constitute the primary security forces operating in East Jerusalem, to use live fire as a first resort against suspects engaged in throwing Molotov cocktails, shooting fireworks, or using slingshots.

### **Arrest Procedures and Treatment of Detainees**

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; however, there are exceptions that allow for arrest without a warrant. PA law allows police to hold detainees for 24 hours if there is sufficient evidence to charge a suspect, and for up to 45 days with court approval. Authorities held some prisoners, detained under orders from Palestinian governors, in lengthy pretrial detention, according to complaints received by the ICHR. As of August, for example, authorities had not brought before a judge two detainees arrested by the PA Preventive Security Organization in July. PA law requires that a trial start within six months or authorities must release the detainee. While some PA security forces reportedly detained persons outside of appropriate legal

procedures, including without warrants and without bringing them before judicial authorities within the required time, there were no known detentions extending beyond the time limit without trial. Authorities generally informed detainees of the charges against them, albeit sometimes not until interrogation. Bail and conditional release were available at the discretion of judicial authorities. Authorities granted detainees access to a lawyer. Palestinian courts consistently afforded the right to counsel to indigents charged with felony offenses. Indigent defendants charged with misdemeanors, however, often did not receive counsel, although NGO efforts to represent indigent juveniles and adults in misdemeanor cases were at times successful. AI reported that PA security forces failed to provide prompt access to legal counsel to some detainees, effectively holding them incommunicado during interrogation.

The PA Military Intelligence Organization (PMI) operates without a service-specific mandate, but operates in a de facto manner to investigate and arrest security force personnel and civilians suspected of “security offenses,” such as terrorism. The PMI, however, conducted these activities in a manner consistent with the other PA security services. Hamas continued to charge that the PA detained individuals during the year solely due to their Hamas affiliation, but the PA presented evidence that it charged many of these individuals with criminal offenses under civil or military codes.

In the Gaza Strip, Hamas reportedly detained a large number of persons during the year, primarily without recourse to legal counsel, judicial review, or bail. There also were instances in which authorities retroactively issued arrest warrants and used military warrants to arrest civilians.

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 civil law applied to Israeli settlers. Under Israeli military law, authorities can hold detainees for up to 90 days without access to a lawyer, with multiple 90-day extensions possible. Authorities frequently transferred detainees from the West Bank to Israel for detention or interrogation. The Israeli military courts had a conviction rate of more than 99 percent for Palestinians. Authorities informed detainees of the charges against them during detention, but the MCW reported authorities did not always inform minors and their families at the time of 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. In accordance with law,

Israeli authorities generally provided Palestinians held in Israeli military custody inside Israel access to a lawyer of their choice (and provided lawyers for the indigent), but detainees often obtained lawyers only after initial interrogations, and impediments to movement on West Bank roads or at crossings often made consultation difficult and delayed trials and hearings. According to the MCW, most detainees saw their lawyer for the first time when they appeared before a military court. Military courts denied bail in most cases, including for minors.

NGOs claimed that Israeli authorities frequently failed to inform parents why authorities detained their children or where they took Palestinian minors when arrested. Under the law, minors who are 16 and 17 years old have the same pretrial detention periods as adults. In 2013 a military order reduced the time that authorities can detain Palestinian children between the ages of 12 and 15 before appearing before a military court judge, although there was no change for minors ages 16 and 17. The MCW subsequently reported these detention times were still at least twice as long as those applied to Israeli minors living in the West Bank. There is no legal requirement to audio and/or visually record interrogations involving minors. The IDF also entered Palestinian homes at night either to arrest or to take pictures of minors. DCI-Palestine claimed 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 the past Israeli officials denied such allegations. Military authorities began providing translations into Arabic of some of the recent changes to the military laws affecting minors.

NGOs reported a significant increase in detentions of minors including in the Jerusalem area, particularly temporary detentions authorities never registered in the Israeli prison system. The minimum age for criminal responsibility and custodial sentences in the West Bank was 12 years old. In February the ISF arrested a 12-year-old Palestinian girl for allegedly planning a stabbing attack at the Carmei Tzur settlement near Hebron. Authorities questioned her without her parents or counsel present and held her for nine days before she accepted a plea bargain to serve four months in a youth detention facility near Bethlehem.

Israeli legislation approved in August effectively lowered the minimum in East Jerusalem age for criminal responsibility for serious crimes such as attempted murder to 12. The minimum age for custodial sentences in East Jerusalem was 14. NGOs reported that increased sentences and mandatory minimum sentences under Israeli civil law for adults convicted of rock throwing, introduced in late 2015, led to increased use of pretrial detention and longer sentences for Palestinian minors in East Jerusalem arrested for the same charges. For example, in March a Jerusalem

court sentenced seven Palestinian minors to between 12 and 39 months in prison for stone throwing. ACRI criticized the changes in security policies for East Jerusalem youth for undermining key protections in Israel's Youth Law and for focusing on deterrence rather than minors' rehabilitation.

In 2013 the UN Children's Fund (UNICEF) released its report *Children in Israeli Military Detention: Observations and Recommendations*, which stated that "mistreatment of Palestinian children in the Israeli military detention system appears to be widespread, systematic, and institutionalized." Subsequently, the military prosecutor for Judea and Samaria (West Bank) established a dialogue with UNICEF on children's rights while in military detention and on specific actions authorities could take to improve the protection of these children. Later in 2013 the IDF Central Command for the West Bank implemented a pilot test in the West Bank that replaced the practice of night arrests of children suspected of security offenses with a summons procedure. In 2014 authorities indefinitely suspended this pilot program. The MCW reported that authorities delivered summonses prior to nighttime arrest raids of minors in only 1 percent of cases during the year. Nighttime arrest raids, including of Palestinian minors, were routine in East Jerusalem. Israeli authorities cited significant reforms related to criminal law and practice regarding minors in the West Bank. The MCW reported there had been little substantive improvement since the publication of the UNICEF report and that data from more than 400 MCW detainee testimonials collected by the MCW between 2013 and 2016 tended to confirm UNICEF's conclusion that the mistreatment of child detainees was widespread.

The ISA continued its practice of incommunicado detention, including isolation from monitors, legal counsel, and family throughout the duration of interrogation. NGOs reported authorities used isolation to punish detainees or silence politically prominent Palestinian detainees; however, according to the Israeli government, the Israeli Prison Service 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 authorities have exhausted other options--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, Israeli Prison Service personnel, and medical personnel, if necessary.

Arbitrary Arrest: The ICHR reported that arbitrary arrest by the PA in the West Bank was common, particularly arrests based on political affiliation with Hamas. There were numerous reports PA security forces improperly detained Palestinian

journalists. Security officials also arrested and abused Palestinians who posted criticism of the PA online, including on their Facebook pages.

The ICHR received 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.

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

Pretrial Detention: It was unclear how long detainees in Hamas custody stayed in pretrial detention or what legal means, if any, Hamas used to detain individuals. PA law allows police to hold detainees for 24 hours if there is sufficient evidence to charge a suspect, and for up to 45 days with court approval. It requires that a trial start within six months or authorities must release the detainee. Israeli authorities continued to detain administratively (hold suspected criminals indefinitely without presenting charges or going to trial) some persons on security grounds, for renewable six-month sentences. Security offenses included alleged incitement to violence on social media. Israeli authorities held approximately 720 Palestinians in administrative detention as of October. As of April Israeli authorities held 14 minors in administrative detention. Many NGOs called for the immediate end to administrative detention. A military court must approve the detention order, and detainees may appeal this ruling to the Military Appeals Court and to the Israeli High Court of Justice (HCJ). The HCJ, however, had yet to free a Palestinian under administrative detention. On September 11, the HCJ upheld a July 2015 law permitting the forced feeding of Palestinian hunger strikers, most of whom were protesting their administrative detention sentences. There were no cases where Israeli authorities attempted to force feed a Palestinian detainee engaged in a hunger strike, including administrative detainees 19-year-old Anas Shadid and 29-year-old Ahmad Abu Farah, who entered the fourth month of their hunger strike in December. Physicians for Human Rights-Israel opposed the HCJ ruling, and local press reported that most doctors in Israel refuse to participate in force-feeding of prisoners. According to B'Tselem, as of 2014 Israeli authorities held at least 69 Palestinians in administrative detention for a year or longer.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Palestinian detainees faced barriers from various authorities to their ability to challenge in court the legal basis or arbitrary nature of their detention and obtain

prompt release and compensation if found to have been unlawfully detained. Palestinians held by Israeli authorities in administrative detention have no right to trial and can only challenge their detention before a military court judge in a closed setting; in cases where the evidence substantiating the charges against a detainee is classified, they have no means of examining the evidence and, in some cases, the charges to challenge their detention. Israeli authorities delayed or deprived some Palestinian detainees of visits by their families or lawyers. The ICHR reported that arbitrary detention by the PA continued to take place without formal charges against detainees or proper procedures for detention. Detainees held in PA custody faced delays in the enforcement of court rulings regarding their detention, especially obligations to release suspects who have met bail.

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

The PA basic law provides for an independent judiciary. The PA generally respected judicial independence and the autonomy of the High Judicial Council and maintained authority over most court operations in the West Bank. PA-affiliated prosecutors and judges stated that IDF prohibitions on movement in the West Bank, including restrictions on the ability to transport detainees and collect witnesses, hampered their ability to dispense justice. Women served as judges in both the criminal and military court systems.

Until 2011 the PA's military court system had jurisdiction over 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. PA security services pressured the PA military justice court personnel to detain civilians charged with state security violations.

The PA civil, magistrate, and religious courts handled civil suits and provided an independent and impartial judiciary in most matters, but there were unconfirmed reports of various political factions attempting to influence judicial decisions. Citizens have the right to file suits against the government but rarely did so. Seldom-used administrative remedies are available in addition to judicial remedies. Authorities did not always execute court orders.

Hamas-appointed prosecutors and judges operated courts in the Gaza Strip, although the PA considered them illegal. No women served as criminal prosecutors in the Gaza Strip.

Gaza Strip residents may file civil suits. Unofficial anecdotal reports claimed Gaza Strip courts operated independently of the Hamas government and were at times impartial. HRW reported Hamas internal security regularly tried civil cases in military courts.

Israeli law provides for an independent judiciary, and the government generally respected civil court independence. The IDF tried Palestinians accused of security offenses (ranging from rock throwing to membership in a terrorist organization to incitement) in military courts, which some NGOs claimed were inadequate and unfair. Israeli law defines security offenses to include any offense committed under circumstances that might raise a suspicion of harm to Israel's security and which the IDF believes may link to terrorist activity.

### **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 and the right to prompt and detailed information regarding the charges with free interpretation as necessary from the moment charged through all appeals. AI reported that PA political and judicial authorities sometimes failed to ensure adherence to basic due process rights, including promptly charging suspects. Trials are public, except when the court determines PA security, foreign relations, a party's or witness' right to privacy, protection of a victim of a sexual offense, or a so-called honor crime requires privacy. The law provides for legal representation, at public expense if necessary, in felony cases, but only during the trial phase. Defendants have the right to be present and to consult with an attorney in a timely manner during the trial, although during the investigation phase, the defendant only has the right to observe. Defendants have the right to adequate time and facilities to prepare a defense. Defendants may review government-held evidence, confront or question witnesses against them, or present witnesses and evidence during the trial--but not during the investigation phase. Suspects and defendants in the PA justice system have a right to remain silent when interrogated by the prosecutor according to the Palestinian penal procedure law. Defendants also have a legal right to counsel during interrogation and trial. They have the right to appeal. Authorities generally observed these rights.

Hamas authorities in the Gaza Strip followed the same criminal procedure law as the PA in the West Bank but implemented the procedures inconsistently.

Israeli authorities tried Israelis living in settlements in the West Bank and in East Jerusalem under Israeli civil law in the nearest Israeli district court. Israeli civil law applied to Palestinian residents of Jerusalem. Israel subjected West Bank Palestinians held by Israeli authorities to trial in Israeli military courts. Military trials of Palestinians and others in the occupied territories provided some, but not all, of the procedural rights granted in criminal courts. The same evidentiary rules used in Israeli criminal cases apply; for example, authorities cannot base convictions solely on confessions. Indigent detainees do not automatically receive free legal counsel for military trials, but almost all detainees had counsel, in part because NGOs represented them. The military courts use Hebrew, but the defendant has the right to simultaneous interpretation at every hearing. Various human rights organizations claimed the availability and quality of Arabic interpretation was insufficient, especially since most interpreters were not professionals. Instead, they were 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.

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 many defendants elected 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.

NGOs reported that Israeli authorities continued to use confessions signed by Palestinian minors, written in Hebrew, a language most could not read, as evidence against them in Israeli military courts. The MCW reported that authorities showed 72 percent of Palestinian minors, or made them sign, documentation written in Hebrew at the conclusion of their interrogation. Some NGOs reported that authorities often coerced these confessions during interrogations. Israeli authorities disputed these findings and reported that interrogations took place only in Arabic and that authorities submitted no indictments based solely on a confession written in Hebrew.

### **Political Prisoners and Detainees**

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

Hamas detained an estimated several hundred persons, allegedly because of their political affiliation, public criticism of Hamas, or suspected collaboration with Israel, and held them for varying periods. Observers associated numerous allegations of denial of due process with these detentions. The ICRC and NGOs had limited access to these prisoners. The Palestinian NGO Addameer reported that Israel continued to detain PLC members, most of whom had some affiliation with Hamas.

Israeli authorities did not accord administrative detainees an opportunity to refute allegations or access the evidentiary material presented against them in court. Israeli authorities permitted the ICRC access to administrative detainees.

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

A citizen can file a suit against the PA, including on matters related to alleged abuses of human rights, but this was uncommon.

Gaza Strip residents may file civil suits, including those related to human rights violations, but this was uncommon.

Israeli law grants Palestinians the possibility of obtaining compensation in some cases of human rights violations, even when the acts were legal.

### **Property Restitution**

In rare cases the IDF offered opportunities for compensation for demolished or seized Palestinian homes (see section 1.f.), subject to an appraisal, verification, and appeals process; Palestinians generally refused such offers, citing a desire not to legitimize the confiscation. The Israeli government sometimes charged demolition fees to demolish a home; this policy at times prompted Palestinians to destroy their homes to avoid the higher costs associated with Israeli demolitions. Palestinians had difficulty verifying land ownership in Israeli courts according to Israeli definitions of land ownership.

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

The PA penal procedure code generally requires the attorney general to issue warrants for entry and searches of private property; however, Palestinian judicial officers may enter houses without a warrant when there are emergency circumstances.

There were no specific reports the PA harassed family members for alleged offenses by an individual, although NGOs reported this 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. Hamas authorities reportedly searched homes and seized property without warrants. They targeted journalists, Fatah loyalists, civil society members, youth activists, and those whom Hamas security forces accused of criminal activity. Hamas forces monitored private communications systems, including telephones, e-mail, and social media sites. They demanded passwords and access to personal information and seized personal electronic equipment of detainees. While Hamas membership did not appear to be a prerequisite for obtaining housing, education, or government services, authorities commonly reserved employment in some government positions in Gaza, such as those in the security services, for Hamas members only. In several instances Hamas detained individuals for interrogation and harassment, particularly prodemocracy youth activists, based on the purported actions of their family members.

The IDF frequently raided Palestinian homes, including in Area A, most often at night, which it stated was due to operational necessity. These incursions increased beginning in October 2015 and continued at reduced, although still higher-than-historic, levels during the year. Under occupation orders only IDF officers of lieutenant colonel rank and above can 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 violating this requirement.

In the West Bank and East Jerusalem, the Israeli Civil Administration (or ICA, part of Israel's Ministry of Defense), the Jerusalem municipality, and the Ministry of Interior 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. Authorities demolished 1,085 Palestinian structures in the West Bank and East Jerusalem, more than twice the number demolished in 2015 (536) and higher than any year on record since 2009,

when OCHA first began comprehensive recordkeeping on demolitions. Authorities did not offer compensation in these cases. Properties close to the separation barrier, IDF military installations, or firing ranges also remained subject to a heightened threat of demolition or confiscation. On July 26, the Jerusalem Municipality and Ministry of Interior demolished 19 Palestinian structures, including 13 homes in the East Jerusalem neighborhoods of Qalandiya, Issawiya, and Ras al-Amud for lacking building permits. According to the United Nations, these demolitions were the largest one-day total in East Jerusalem since at least 2009. Residents and NGOs reported authorities demolished the 11 homes in Qalandiya because they were too close to the separation barrier.

NGOs expressed great concern over the increase in demolitions in Area C of the West Bank. The ICA destroyed 896 structures in Area C in 220 incidents, displacing 1,326 persons and affecting many more. Of the 896 structures destroyed, 301 were donor-funded. By comparison the ICA destroyed 453 structures in the West Bank in 2015. The ICA targeted not only residential structures (including natural caves), but also commercial structures and infrastructure such as roads, water cisterns and pipes, and solar panels. In one Area C village, Khirbet Tana near Nablus, the ICA carried out four demolition operations, destroying between 23 and 53 structures and displacing between 12 and 87 persons in each incident; villagers built many of the affected structures from the debris of previous demolitions.

In February the ICA demolished 43 structures and displaced 59 persons in a one-day operation in Ein ar-Rashash village near Ramallah. In a majority of demolitions in Area C, the ICA claimed that structures lacked Israeli building permits and/or were illegally located in a closed military zone. Israeli authorities declared large parts of Area C as closed military zones after 1967.

The IDF continued its policy of “punitive demolitions.” Israeli authorities partially or fully demolished 29 family homes of Palestinians who carried out attacks on Israelis in Jerusalem, the West Bank, and Israel since 2014. These actions often also rendered dwellings near the demolished homes uninhabitable and displaced 142 Palestinians, including 58 children, according to the United Nations. NGOs widely criticized the punitive demolitions as collective punishment. Some NGOs and Palestinians criticized Israel for failing to apply the punitive demolition policy equally by also demolishing the homes of the families of three Israelis convicted in the 2014 abduction and murder of 16-year-old Muhammad Abu Khdeir from East Jerusalem. Israeli Ministry of Defense officials in a letter to Abu Khdeir’s family

claimed that the deterrent effect of home demolitions would not be relevant in the Jewish community.

For example, on April 4, Israeli authorities demolished three homes in Qabatiya, near Jenin, that belonged to the families of Palestinian attackers, whom authorities shot and killed when they attempted an attack near the Old City's Damascus Gate in East Jerusalem on February 3. The demolitions displaced 19 persons, including seven children, and damaged an adjacent commercial store. On August 15, Israeli authorities demolished the Bani Na'im (near Hebron) home of the family of the 17-year-old Palestinian attacker who stabbed to death 13-year-old Israeli Hallel Ariel in the Kiryat Arba settlement on June 30. Authorities partially demolished the first floor of the house, rendering the rest of the building uninhabitable and causing minor damage to surrounding homes.

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

## **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. PA laws do not specifically provide for freedom of press. 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 over the last year--most notably through harassment, intimidation, and arrest.

Israeli law provides for certain protections to Palestinian residents of Jerusalem, the West Bank, and Gaza. Different legal standards and protections existed for Israeli citizens residing in the West Bank compared with Palestinian West Bank residents. Israeli authorities continued to restrict press coverage and place limits on certain forms of expression in the Palestinian Occupied Territories--particularly by restricting Palestinian journalists' rights of movement and through violence, arrests, and intimidation.

Freedom of Speech and Expression: Although no PA law prohibits criticism of the government, media reports indicated PA authorities arrested journalists and social

media activists who criticized, or covered events that criticized, the PA and PA officials. Additionally, there were several complaints during the year that the PA prevented journalists from covering events in the West Bank that it claimed were biased in favor of Hamas.

In the Gaza Strip, individuals publicly criticizing Hamas authorities risked reprisal by Hamas, including arrest, interrogation, seizure of property, and harassment. Media practitioners accused of publicly criticizing Hamas, including civil society and youth activists, social media advocates, and journalists, faced punitive measures, including raids on their facilities and residences, arbitrary detention, and denial of permission to travel outside Gaza.

De facto Hamas authorities imposed restrictions on the work of foreign journalists in the Gaza Strip, including lengthy interrogations of journalists at entry points to the Gaza Strip and refusal or long delays in providing permits to enter the Gaza strip. Some of this harassment appeared to be punitive reaction to what Hamas perceived as critical reporting.

In Jerusalem Israeli authorities prohibited displays of Palestinian political symbols--such as the Palestinian flag--and public expressions of anti-Israeli sentiment, punishable by fines or imprisonment. Israeli authorities, however, did not always enforce these restrictions. Israeli security officials prohibited PLO- or PA-affiliated groups from meeting in Jerusalem. They also restricted coverage of incidents that might reflect badly on Israeli policies.

For instance, on January 17, Israeli authorities cancelled a scheduled event at Al-Hakawati Palestinian National Theater in East Jerusalem entitled “CPR for Palestinian Cultural Institutions in East Jerusalem” because of the planned attendance of the PA minister of culture.

On February 2, the Israeli intelligence service detained Nader Bibars, director of *Good Morning Jerusalem*, a show produced in Jerusalem by Palestinian television. Authorities reportedly interrogated him on the political discussions on the show, many of which were critical of Israeli policies.

Press and Media Freedoms: Across East Jerusalem, the West Bank, and Gaza, independent media operated under restrictions. The PA Ministry of Information requested that Israeli reporters covering events in the West Bank register with the ministry. According to the PA deputy minister of information, the ministry provides permits to Israeli journalists only if they do not live in a settlement.

While officially the PA was open to Israeli reporters covering events in the West Bank, Palestinian journalists reportedly pressured Israeli journalists at times not to attend PA events.

While the PA took steps to permit Hamas publications in the West Bank, it also imposed restrictions on a Hamas television outlet. In 2014 the PA lifted a West Bank distribution ban on the pro-Hamas *Filistin* and *al-Risala* newspapers. Israeli authorities, however, forced the Ramallah-based printing house to stop printing and distributing these pro-Hamas newspapers in the West Bank. PA security services circulated instructions to Palestinian communications companies to stop providing all services to Hamas-affiliated Al-Aqsa television.

In many instances throughout the year, Israeli authorities and PA security services arrested West Bank-based journalists working for Hamas or Islamic Jihad media outlets, including Al-Aqsa satellite television station, *Filistin* newspaper, and Palestine Today Television.

Earlier Hamas had modestly loosened some restrictions on PA-affiliated or pro-PA publications in the Gaza Strip, although significant restrictions remained. In 2014 Hamas lifted its ban on three West Bank-based newspapers--*al-Quds*, *al-Ayyam*, and *al-Hayat al-Jadida*. Hamas authorities permitted broadcast within Gaza of reporting and interviews featuring PA officials. Hamas allowed, with some restrictions, the operation of non-Hamas-affiliated broadcast media in the Gaza Strip. For instance, the PA-supported Palestine TV reportedly operated in the Gaza Strip.

Hamas sought to restrict the movement of journalists in Gaza--both at crossing points and within the area. On August 22, the Foreign Press Association issued a statement expressing concern over restrictions imposed by Hamas on the work of foreign journalists in the Gaza Strip. It claimed a number of international journalists complained of intrusive questioning as they entered the Gaza Strip and when applying for residence permits. In a few cases, authorities refused those reporters permits, provided permits of untenably brief duration, or told them their permits were conditional on not working with specific Palestinian journalists.

Within areas of the West Bank where Israel controls access, Palestinian journalists complained the Israeli authorities restricted their freedom of movement and ability to cover stories. The IDF does not recognize Palestinian press credentials or credentials from the International Federation of Journalists (IFJ). Few Palestinians held Israeli press credentials following the Israeli revocation of the vast majority of

their credentials during the Second Intifada, which began in 2000. In October the Palestinian Center for Human Rights issued an annual report covering press freedoms in 2015-16 documenting what it claimed was a significant escalation of violations by Israeli authorities against media personnel.

Israel does not issue Palestinian journalists special permits to travel into Jerusalem or west of the separation barrier. Palestinian journalists who were able to obtain permits on other grounds, as well as Palestinian Jerusalemite journalists, reported incidents of harassment, racism, and occasional violence when seeking to cover news in Jerusalem, especially in the Old City and its vicinity.

For example, media reported that Israeli police attacked freelance photojournalist Said Rukon on April 30 as he covered the funeral procession of a former Palestinian prisoner in the Old City of Jerusalem. Rukon stated that an Israeli police officer approached him from behind while he was taking photographs of the event and pepper sprayed him directly in the face, causing Rukon to lose consciousness briefly.

While Israel does not exercise control within Gaza, it detained or interrogated journalists departing or returning from the area. On April 23, authorities arrested Palestinian journalist and deputy head of the Palestinian Journalists Syndicate Omar Nazzal at an Israeli-Jordanian border crossing during his travel to Sarajevo to attend a meeting of the European Federation of Journalists. As of September he remained in administrative detention without charge. According to the IFJ, authorities had administratively detained three Palestinian journalists since the start of the year.

Violence and Harassment: There were numerous reports that PA security forces harassed, detained (occasionally with violence), prosecuted, and fined journalists during the year. Moreover, PA security forces also at times reportedly demanded deletion of footage showing security personnel.

Some Palestinian journalists claimed the PA obstructed the activities of media organizations with Hamas sympathies and limited media coverage critical of the PA.

In November 2015 the PA ordered (but did not enforce) the closure of the Ramallah office of Qatar-funded *al-Araby al-Jadid* newspaper, accusing the newspaper of lacking proper licensing requirements and for publishing malicious news about the PA security services. On June 8, the PA called for the interrogation

of Mohammed Abed Rabbo, a correspondent for the newspaper, in response to an investigative article he wrote. PA security forces interrogated Rabbo, but authorities released him without charge.

The PA also had an inconsistent record of protecting Israeli and international journalists from harassment by Palestinian civilians or their own personnel.

In the Gaza Strip, Hamas at times arrested, harassed, and pressured journalists, sometimes using violence. Reportedly, Hamas summoned and detained Palestinian and foreign journalists for questioning to intimidate them. Hamas also constrained journalists' freedom of movement during the year, attempting to ban access to some official buildings as well as to several prodemocracy protests.

On January 3, Hamas police arrested Palestinian reporter Ayman Alul, who worked for an Iraqi television station, and held him for eight days for "disturbing public order and manipulating public opinion." HRW reported that authorities tortured Alul during his detention. Hamas authorities released Alul several days later, after he signed an agreement and announced he would no longer cover political developments in Gaza.

Furthermore, on September 1, Hamas authorities arrested Palestinian journalist Mohamed Othman, who worked in Gaza for the pan-Arab television channel Al Araby Al Jadeed and a foreign news website. Although authorities gave no specific reasons for his arrest, Othman wrote investigative reports that often criticized Hamas. Authorities released him the following day pending further investigation, and authorities again released him without charge following a subsequent arrest for questioning on September 5.

Throughout the year there were dozens of reports of Israeli actions that prevented Palestinian or Arab-Israeli journalists from covering news stories in the West Bank, Gaza, and Jerusalem. These actions included harassment by Israeli soldiers and acts of violence against journalists. Palestinian journalists also claimed that Israeli security forces detained Palestinian journalists and forced them to delete images and videos under threat of violence or arrest/administrative detention.

On February 3, the Israeli police reportedly physically attacked Ali Yasin, a cameraman for Palestinian TV, as he covered events near the Old City of Jerusalem.

On May 23, the Foreign Press Association in Jerusalem criticized what it described as a “humiliating security check” imposed on Atef Safadi, an Arab photographer who worked for the European Press Photo Agency and held Israeli government-issued credentials. Safadi was the pool photographer for foreign media agencies assigned to cover a meeting between the Israeli and French prime ministers. Israeli security officers asked him to remove his clothing as part of security checks.

There were many reports of Palestinian journalists injured by rubber-coated steel bullets and live fire or tear gas while covering demonstrations and clashes between Palestinian protesters and Israeli security forces. On May 6, IDF soldiers shot Palestinian TV reporter Ahmad Othman with two rubber bullets as he covered a demonstration in Qalqilia against settlement activities in Kufur Qaddoum in the West Bank. IDF soldiers also shot freelance cameraman Samir Deik in his shoulder and leg with four rubber bullets at the same demonstration. Palestinian journalists asserted that the IDF targeted them to deter them from covering anti-Israeli demonstrations. On October 9, an Israeli soldier shot photographer Majdi Ishtayeh of the Associated Press with a rubber bullet while he covered clashes north of Jerusalem.

Censorship or Content Restrictions: The PA prohibits calls for violence, displays of arms, and racist slogans in PA-funded and controlled official media. There were no confirmed reports of any legal action against, or prosecution of, any person publishing items counter to these PA rules. Media throughout the occupied territories reported practicing self-censorship. There were reports of PA authorities seeking to erase images or footage from journalists’ cameras or cell phones.

On June 15, the Palestinian police physically attacked journalist Jihad Qasem and cameraman Amir Hamayel of Wattan TV and prevented them from covering police activity in Al Am’ari refugee camp near Ramallah. Police asked Qasem to unlock his personal mobile phone, but when he refused, police arrested him and Hamayel and took them to a nearby police station, where authorities eventually released them.

On September 16, Palestinian Authority security personnel attacked a group of journalists as they were covering a political march in the city of Jenin. The security agents forced some of the journalists to erase the recording in their cameras.

In Gaza civil society organizations reported Hamas censored television programs and written content, such as newspapers and books. For example, on May 24,

Hamas security services interrogated Jamil Moamar of official Palestinian Radio regarding an article he wrote about financial corruption within the Hamas leadership.

While 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 concern (as they also do with Israeli media), 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, they learned what the censors considered acceptable and self-censored publications accordingly.

The government of Israel continued to raid and close Palestinian radio stations primarily under allegations they incited violence against Israeli civilians or security services. Israeli military laws govern incitement in the West Bank. NGOs and other observers said these regulations were vaguely worded and open to interpretation. The IDF generally cited two laws in its military orders when closing Palestinian radio stations--the 1945 Defense Emergency Regulations and the 2009 Order Concerning Security provisions. These laws generally define incitement as an attempt to influence public opinion in a manner that could harm public safety or public order. Israeli civil law applies to Israeli citizens and Palestinian residents of Jerusalem and provides a higher threshold for determining incitement. The penal code, for example, specifies that incitement relates only to incidents in which a person published something intended to incite to violence or terrorism and under the condition that there is a concrete possibility that this publication will lead to the committing of the act of violence or terrorism.

On August 31, the IDF raided and confiscated equipment from the Hebron-area Al-Sanabel radio station and issued a three-month closure notice (expiring November 30) on accusations of “repeatedly broadcasting inciting content.” This instance marked the fourth time in the last year Israeli forces unilaterally entered Area A to close a Palestinian radio station. In this instance, as in others, the government declined to cite specific content of concern. As of December the station was operating.

In November 2015 the Israeli government shut three radio stations in Hebron and confiscated broadcasting equipment. In November 2015 the IDF closed Fatah-affiliated Hurriyah Radio, al-Khalil Radio, and raided and closed Dream Radio. All three stations closed in November 2015 resumed operating by year’s end. The IDF threatened two other Palestinian radio stations with closure for alleged

incitement to violence. In November 2015 al-Nas Radio, one of the two leading stations in Jenin, in the northern West Bank, received an IDF warning letter to cease and desist incitement to violence. The previous day Hebron-based independent Radio One FM received the same IDF letter, but the Israeli authorities took no further action against the two stations.

In the past two years, Palestinian local broadcaster Wattan TV faced additional setbacks in its legal efforts to retrieve its foreign-funded equipment confiscated in 2012 by the IDF from its Ramallah Studio (in Area A of the West Bank). In 2014 the Israeli High Court of Justice rejected Wattan's petition challenging the confiscation of its equipment, following several hearings during which authorities did not allow Wattan's lawyers, allegedly for security reasons, to view the evidence the IDF presented against Wattan. Attorneys for Wattan TV contended they proved the broadcasts posed no threat to communications in Israel (such as airport communications) and complained about an opaque legal process that allowed the government to withhold testimony from the parties to the case based on security concerns. Israeli authorities took no further action on the petition during the year.

Libel/Slander Laws: There were some accusations of slander or libel against journalists in the West Bank as well as suppression of journalists on national security grounds. For example, on July 25, the PA Preventive Security Organization arrested Palestinian journalist Mohammad Khabisa and accused him of defamation of an official agency and publishing false and slandering news. Khabisa, who worked for the Turkish Anadolu News Agency, published an article on his Facebook page criticizing what he described as the disproportionate size of the budget for the PA's official WAFA News Agency. Khabisa's report cited figures published by the PA Ministry of Finance. Authorities released him on the following day.

In Gaza there were reports during the 2014 conflict that Hamas used security justifications or slander or libel laws to censor public criticism.

Israeli authorities used security justifications or slander or libel laws to censor public criticism, particularly for West Bank-based Palestinian radio stations.

### **Internet Freedom**

Internet was generally accessible throughout the West Bank and Gaza. Frequent power outages in Gaza, however, interrupted accessibility. Israel also did not

permit the import of 3G and newer telecommunications technologies into the West Bank and Gaza, significantly limiting internet access by mobile devices.

While there were no PA restrictions on access to the internet, there were reports that the PA actively monitored social media, pressuring and harassing activists and journalists. There were multiple instances when the PA arrested or detained Palestinians because of their posts on social media. For example, on January 24, PA General Intelligence service arrested freelance activist Abdallah Bani Odeh for his writings on Facebook. Authorities detained Odeh for three days, during which he alleged authorities beat him and accused him of incitement on social media and leading suspicious activities in Palestinian universities.

Gaza-based Palestinian civil society organizations and social media practitioners stated Hamas authorities monitored the internet activities of Gaza Strip residents and took action to intimidate or harass them.

For instance, on January 1, authorities in the Hamas public prosecutor's office summoned Ramzi Hirzallah, an employee of a currency exchange business and former Hamas member, and told him the de facto Interior Ministry filed a complaint, alleging he had slandered ministry officials on Facebook. On January 3, Hamas security officials arrested him and confiscated his cell phone and computers. According to HRW, Hamas authorities interrogated and harassed Hirzallah in detention and initially prevented human rights authorities from meeting with him. Hamas authorities released him a few days later but told him he could express criticism but not insult the Hamas de facto government.

Israeli authorities did not restrict access to the internet. They monitored Palestinians' online activities, however, and arrested a number of Palestinians for incitement stemming from their posts on social media. For example, on March 9, Israeli authorities arrested Sami Al Sai, editor and correspondent of Al Fajer Al Jadeed Television, at his home in Tulkarem, in the West Bank. An Israeli military court sentenced Al Sai to nine months in prison for inciting violence.

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

In the West Bank, the PA did not restrict academic freedom, and there were no known reports of PA censorship of school curricula, plays, films, or exhibits in the West Bank. Palestinian law provides for academic freedom, but individuals or officials from academic institutions reportedly self-censored curricula. Faculty

members reported there were PA security elements present on university campuses among the student body and faculty, which may have led to self-censorship.

Public and UNRWA (United Nations Relief and Works Agency for Palestine Refugees in the Near East) schools in Gaza followed the same curriculum as West Bank schools. Palestinians in Gaza reported that generally there was limited interference by Hamas at the primary, secondary, or university levels. In Gaza public schools, Hamas reportedly interfered in teaching methodologies or curriculum deemed to violate Islamic identity, the religion, or “traditions,” as defined by the de facto Hamas authority. Hamas interfered if there were reports of classes or activities that mixed genders. UNRWA reported no such Hamas interference in its Gaza schools.

Hamas authorities sought to disrupt some educational, cultural, and international exchange programs. They routinely required Palestinians to obtain exit permits prior to departing Gaza. Students participating in certain cultural and education programs (including programs sponsored by foreign governments and international organizations) faced questioning from de facto Hamas authorities, for example, on the purpose and duration of travel and the process for coordinating the visas. Hamas authorities denied exit permits for some travelers through the Rafah and Erez crossings.

Hamas authorities also interfered in local cultural programs. There were continued reports the de facto government suppressed cultural expression that might offend Hamas’ interpretation of religious and cultural values and identity.

Israeli restrictions on movement adversely affected academic institutions and access to education in the West Bank. The Israeli government does not allow students from Gaza to obtain permits to study in universities in the West Bank. Israeli checkpoints created difficulties for students and faculty commuting to schools and university campuses within the West Bank. In numerous instances students and educators reported being late or missing days of classes due to significant delays at checkpoints (see section 2.d.). Additionally, Palestinian students and educators reported harassment and physical assault by Israeli settlers when going to school in areas such as Hebron, Nablus, Salfeet, Qalqilya, and Abu Dis. Local press reported Israeli authorities detained Palestinian students for taking part in demonstrations and for allegedly throwing stones at IDF personnel.

Palestinian government officials and Palestinian university officials accused the ISF of attacking university campuses, especially in areas close to Israeli

settlements during the year. Officials from the Al-Quds University Abu Dis campus continued to accuse Israeli soldiers of harassing Palestinian university students on campus and attempting to provoke students in confrontations.

Throughout the year Al-Quds University Administration accused the ISF of routinely firing tear gas onto the main campus, impacting students and faculty. In January contacts claimed that several hundred ISF officers entered the Abu Dis campus of Al Quds University, detained six night guards, and raided a student office in the Department of Islamic Studies, as well as the offices of four student political groups. The ISF officers removed computer hard drives and boxes of papers from these student offices and broke copy machines, doors, locks, chairs, and shelves. Observers said the ISF broke into four different areas of the university during the year and ransacked each location. In November a similar incident occurred where the ISF broke into the campus and raided an exhibit organized by the Islamic students association.

Additionally, the Palestine Technical University Khadoori (PTUK), colocated in Tulkarem with an active Israeli military facility, continued to be the site of clashes between students and IDF personnel. On March 15, observers at the university stated that the ISF entered the campus twice conducting “military maneuvers.” ISF personnel entered the engineering building and the department of agriculture and confiscated pamphlets and other documents. On November 17, PTUK staff members issued a press release noting that Israeli soldiers forcefully entered their computer center and confiscated campus video surveillance tape footage. The Arab American University in Jenin also accused the ISF of forcibly entering the campus on March 22 and confiscating materials.

The Israeli High Court ordered the Jerusalem Municipality in 2011 to correct the deficit of classrooms in East Jerusalem schools by the 2016-17 school year; however, according to local media, the deadline passed, and there was still a need for more than 2,000 classrooms. According to UN estimates, the city needed to build approximately 100 new classrooms annually in East Jerusalem to keep pace with population growth. Academic contacts noted that the Israeli government prevented copies of the Palestinian Authority curriculum from entering Jerusalem for use at East Jerusalem schools and that the Jerusalem Municipality instead sent an edited/censored version of the Palestinian Authority curriculum that deleted information on Palestinian history and culture. Local officials complained to Western diplomats about reported recent efforts by the Israeli Ministry of Education to tie funding of Palestinian schools to the use of Israeli curriculum and to “Israelize” the curriculum.

Israeli forces conducted raids of some East Jerusalem schools during the year, including an incident on October 17, when Israeli forces raided the Dar al-Aytam school located in Jerusalem's Old City and first detained Samir Jibril, the director of the Palestinian Ministry of Education department, which oversees all Palestinian schools in East Jerusalem. Then they detained 10 Palestinian students for throwing rocks but released them the same day.

During the year the Israeli Supreme Court continued to uphold with few exceptions the 2000 Israeli ban on students from the Gaza Strip attending West Bank universities. Students in the Gaza Strip generally did not apply to West Bank universities because they understood Israeli authorities would deny permit requests. During the year Israeli authorities several times prevented students at schools adjacent to or located within the Haram Al-Sharif / Temple Mount from reaching their classrooms.

Israeli travel restrictions also prevented an increased number of students in the West Bank and Gaza from participating in cultural programming within the Palestinian Territories and study programs abroad. In other cases delays in permit approvals by Israeli officials caused Palestinians to miss the travel dates for their exchange programs abroad or to miss cultural programming in Jerusalem or the West Bank. In some instances authorities asked students to submit to security interviews prior to receiving permits. In the past two years, Israeli authorities detained some students indefinitely without charge following their security interview, which caused some students to refuse to attend security interviews due to fear of detention and made them unable to obtain a travel permit.

The travel challenges were particularly acute for Palestinians from Gaza, since Israeli authorities often denied travel permits through the Erez crossing. NGOs and international organizations reported a more than 50 percent increase in Israeli denials of Palestinian travel permits from Gaza, which prevented Palestinians from transiting to Jerusalem for visa interviews, the Allenby Bridge to Jordan for onward travel, and the West Bank for work or education. Denials increased for staff of international organizations and for some categories of medical care inside Israel, according to Israeli NGOs. According to Israel's Coordinator of Government Activities in the Territories, only 46 percent of exit permit requests were approved during the year, compared with 80 percent of exit permit requests that were approved in 2013. Many NGOs believed most of the security holds that Israeli authorities placed on Palestinians seeking to exit Gaza for work, education, or family events were arbitrary. Israeli border officials increased the detention and

interrogation of Palestinians from Gaza seeking business permits. Because Egyptian authorities also maintained the closure of the Rafah crossing, except for special categories of travelers for 45 days during the year (eight days exclusively for Hajj pilgrims), Palestinians from Gaza remained virtually confined to Gaza.

## **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, which the PA rarely denied. Both the PA and Hamas security forces selectively restricted or dispersed protests and demonstrations during the year. For example, in March PA security forces erected roadblocks and checkpoints to try to prevent supporters of a teachers' strike from reaching protests in Hebron and Ramallah and arrested several dozen demonstrators at the pro-teacher rallies.

According to a Hamas decree, any public assembly or celebration in the Gaza Strip requires prior permission, in contradiction to the PA basic law. Hamas generally 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.

ACRI continued to report arbitrary restrictions on the freedom of assembly for Palestinians in Jerusalem, including the use of unlawful arrests to intimidate demonstrators. On March 18, police and Border Guard officers arrested three Palestinians in East Jerusalem's Issawiya neighborhood for alleged disorderly conduct. Israeli authorities later admitted in court that they detained the suspects to prevent them from staging a peaceful protest during the day of the Jerusalem marathon, as part of its route ran adjacent to Issawiya in East Jerusalem. On August 24, Israeli police and Border Guard officers forcibly dispersed a group of demonstrators outside the Old City's Damascus Gate. They were protesting peacefully in solidarity with Palestinian prisoners on hunger strike.

The IDF continued to use 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--which the commander rarely granted. The penalty for a breach of the order is up to 10 years' imprisonment or a heavy fine. In February an Israeli military court indicted Palestinian human rights activist Issa Amro on 18 charges dating back to 2010. Human rights organizations stated Amro's actions during these incidents were consistent with nonviolent civil disobedience, although military law prohibits them in the West Bank, including obstructing or insulting a soldier, participating in an unpermitted rally, and "incitement" (encouraging others to engage in civil disobedience). The trial, which began November 23, continued through the end of the year.

Various NGOs noted that the IDF did not respect freedom of assembly and often responded to demonstrators aggressively. Israeli security forces sometimes used force, including live fire, against Palestinians and others involved in demonstrations in the West Bank and East Jerusalem, resulting in the deaths of Palestinian civilians (see section 1.a.). The IDF used force particularly against weekly protests in or near Israeli settlements located in Area C. The IDF responded to protests with military crowd-control techniques or force, using tear gas and stun grenades to push back protesters, which NGOs alleged often amounted to using nonlethal force in a lethal manner. On July 1, OCHA reported that a 63-year-old Palestinian man died from tear gas inhalation, and the IDF injured another 21 at Qalandiya checkpoint. A group of Palestinians without permits had gathered at the checkpoint because they wanted to enter Jerusalem to pray during Ramadan, and when they refused to leave, the ISF used tear gas canisters and sound grenades to disperse them. Some Palestinians threw stones at the ISF; one soldier was reportedly injured.

The IDF Central Command declared areas of the West Bank to be "closed military zones," where it prohibited public assembly. It maintained the same designation for areas adjacent to the separation barrier in the villages of Bil'in and Ni'lin every Friday during the hours in which Palestinian, Israeli, and international activists regularly demonstrated. There were frequent skirmishes between the protesters and IDF personnel. IDF and Israeli police stationed on the West Bank side of the barrier during weekly protests in those villages responded to rock throwing with tear gas, stun grenades, skunk water, sound bombs, and rubber-coated bullets.

### **Freedom of Association**

In the West Bank, PA law allows freedom of association, but authorities sometimes limited it, including for labor organizations (see section 7.a.). The PA froze the assets of Future for Palestine, an NGO established by former PA prime

minister Salaam Fayyad, in June 2015 for alleged money laundering. In December 2015 the High Court of Justice dismissed the charges against Fayyad and the NGO and restored the assets.

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. The Hamas “Ministry of Interior” has supervisory authority over all NGOs, allowing the ministry to request documents. There were instances when the de facto authorities temporarily closed NGOs that did not comply. Activists reported women’s rights groups faced significant pressure from Hamas.

Israel maintained prohibitions on some prominent Jerusalem-based Palestinian institutions, such as the Jerusalem Chamber of Commerce and the Orient House, which was the de facto PLO office in Jerusalem. Israeli authorities renewed a military closure order, initiated in 2001, for these and other institutions on the grounds they 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/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **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 and required exit permits for Palestinians departing through the Gaza-Israel Erez crossing. Hamas also prevented some Palestinians from exiting Gaza because of the purpose of their travel or to coerce a behavior change, such as the payment of taxes and fines. There were some reports unmarried women faced restrictions on their travel.

The ISF regularly imposed the most significant restrictions on Palestinians’ movement within the occupied territories and foreign travel and, citing security, increased these restrictions even further at times.

Barriers to movement included checkpoints; a separation barrier that divides the majority of the West Bank from Israel, East Jerusalem, and other parts of the West Bank (as the barrier cuts up to 11 miles east of the Green Line in some places, isolating an estimated 25,000 Palestinians); internal road closures; and restrictions on the movement of persons and goods into and out of the West Bank and 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.

In April Israeli authorities temporarily eased the naval blockade off the Gaza Strip coast, extending fishing limits from six to nine nautical miles. In June, however, the temporary extension expired, and authorities did not renew it. Authorities frequently fired at fishing boats that moved within the six-mile mark or towed them to Israeli ports and detained fishermen.

The PA, Hamas, and the Israeli government generally cooperated with humanitarian organizations in providing protection and assistance to internally displaced persons and refugees; however, Israeli government officials imposed controls on the entry and exit of goods and persons to and from Gaza and constrained UNRWA's ability to operate freely in Gaza. AI and HRW also reported that the Israeli government denied their employees permits to enter Gaza. Humanitarian organizations also raised concerns about the "shrinking operational space" for international NGOs in Gaza following the Israeli government's publication of allegations against staff of international NGOs for allegedly diverting goods and funds to Hamas. In one such case, Israeli authorities arrested an employee of an international NGO at the Erez Crossing returning to Gaza from Israel and held him for 21 days before he had access to a lawyer of his choosing. He claimed that during those 21 days, he was physically and psychologically tortured and gave a false confession under duress, according to representatives of the NGO. Israeli authorities held the employee in detention for 50 days before filing charges against him. Authorities continued to postpone the trial date and, as of year's end, the defense had not received the evidence file from the prosecution.

Abuse of Migrants, Refugees, and Stateless Persons: The Israeli government obstructed refugee access to UNRWA-provided humanitarian assistance in the West Bank. Essential infrastructure in the Gaza Strip, including water and sanitation services, continued in a state of severe disrepair, due in part to Israeli restrictions on importing spare parts and components. UNRWA reported that food

security continued to deteriorate due to the effect of Operation Protective Edge on livelihoods, tunnel closures, and increases in food prices.

Israeli government restrictions on import of certain commodities considered dual use continued to impede UNRWA operations. In August UNRWA reported that an updated dual-use goods list issued by the Coordinator of Government Activities in the Territories restricted wood more than three-eighths' inch thick, which Israeli authorities claimed Hamas was using to build smuggling and infiltration tunnels. UNRWA expected this new restriction would limit production of doors for infrastructure projects and furniture for its schools in the Gaza Strip.

During the year Israeli authorities imposed movement restrictions on Palestinian Refugee UNRWA staff, resulting in the loss of 157 UNRWA workdays in the West Bank and East Jerusalem.

Israeli security operations in the West Bank and East Jerusalem led to both injuries and fatalities among seven Palestinian refugees, including one refugee minor, according to UNRWA. ISF personnel killed 30 refugees, according to UNRWA, during security operations. Most injuries occurred as the result of Israeli authorities' use of live ammunition. There were 364 reported injuries from Israeli authorities in West Bank refugee camps, according to UNRWA, of which 156 were by live ammunition.

On March 1, the ISF fatally shot 21-year-old Nahed Fawzi Fayez Mteir and 21-year-old Iyad 'Omar Mahmoud Sajdeyyah during clashes in Qalandia refugee camp after an IDF vehicle accidentally entered the camp, sparking clashes with camp residents that reportedly included the use of Molotov cocktails and gunfire. Mteir and Sajdeyyah were throwing stones at the ISF during the clashes, although reports varied as to whether they were actually throwing stones when they were shot. Other Palestinians also threw Molotov cocktails and improvised explosive devices at Israeli forces.

On February 10, the IDF shot and killed 15-year-old Omar Yusef Isma'il Madi at the entrance of al-Arrub refugee camp in the Hebron district, during a clash in which Palestinians were throwing rocks at IDF soldiers.

On August 16, IDF soldiers shot and killed 19-year-old Muhammad Yusef Saber Abu Hachach (Hashhash) during a large-scale IDF operation in Fawwar Refugee Camp in the West Bank governorate of Hebron.

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

Hamas authorities in general did not enforce routine restrictions on internal movement within the Gaza Strip, although there were some areas to which Hamas prohibited access. Increased pressure to conform to Hamas's interpretation of Islamic norms generally restricted movement by women.

IDF soldiers routinely detained Palestinians residing in Gaza who had permits to enter Israel and conduct business for hours and subjected them to interrogations and strip searches at Israeli-controlled checkpoints.

The Israeli government imposed significant restrictions on movement in the West Bank and between the West Bank and Jerusalem. Israeli authorities frequently prohibited travel between some or all West Bank towns and deployed "flying" (temporary) checkpoints. Palestinians who lived in affected villages stated that such "internal closures" continued to have negative economic effects. During periods of potential unrest including on some major Israeli, Jewish, and Muslim holidays, Israeli authorities enacted "comprehensive external closures," which precluded Palestinians from leaving the West Bank. Israeli authorities also imposed movement restrictions on entire Palestinian towns and villages.

For example, from February 4 to 6, Israeli authorities blocked the main and bypass road entrances to Qabatiya, near Jenin, while conducting arrest and punitive home demolition operations in the village. The Israeli government stated that such collective restrictions took place only if a military commander was convinced that there was a military necessity for the action and that the imposition on the everyday lives of Palestinian civilians was not disproportionate. While the exact number and placement of closures in the West Bank fluctuated, at the end of 2015, OCHA reported 543 total closures, including permanently staffed checkpoints, partial checkpoints, earth mounds, road closures, road blocks/barriers, earth walls, and trenches.

Israeli authorities restricted or entirely prohibited Palestinian travel on 41 roads and sections of roads throughout the West Bank, including many of the main traffic arteries, covering a total of more than 400 miles of roadway, upon which Israelis may travel freely. The IDF also imposed temporary curfews confining Palestinians to their homes during arrest operations. During the Muslim holy month of Ramadan, Israeli authorities eased restrictions on Palestinians entering Jerusalem and Israel, allowing Muslim men over the age of 35 who applied for and

obtained special prayer permits, in addition to Muslim men over 45 without permits, to visit the Haram al-Sharif/Temple Mount.

The Israeli government continued construction of the separation barrier, which ran largely inside the West Bank and along parts of the Green Line (the 1949 Armistice line). Israeli authorities extended the barrier in the Cremisan Valley near Bethlehem and began land clearing to extend the barrier through Walajah village also near Bethlehem. By use of special permits, Israel continued to restrict movement and development near the barrier, including access by some international organizations. NGOs reported that Israeli authorities allowed many Palestinians, separated by the barrier from their land, access to their property only a few days each year.

Private security companies employed by the Israeli government controlled many points of access through the barrier, and international organizations and local human rights groups claimed these companies did not respond to requests to allow movement of goods and officials through the barrier. Many Palestinians and NGOs reported there were higher levels of mistreatment at checkpoints run by security contractors than at those staffed by IDF soldiers.

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. The NGO Machsom Watch reported that numerous Palestinian villages had lands inaccessible in the seam zone, and a complicated Israeli permit regime (requiring more than 10 different permits) prevented Palestinians from fully using their lands.

Israel eased restrictions on access to farmland in the Gaza Strip to 328 feet from the boundary with Israel and to fishing areas along the coast. Despite this easing, reports indicated Israel continued to enforce "buffer zone" restrictions on non-farmers within 328 feet of the land boundary between Gaza and Israel and sprayed pesticides across the border fence over lands cleared by the ICRC for farmers returning to their lands. The exact extent where authorities permitted access along the border remained unclear. OCHA reported that Palestinians in Gaza considered areas up to 984 feet from the perimeter fence to be a "no-go" area, and up to 3,280 feet to be "high risk," which discouraged farmers from cultivating their fields. OCHA estimated nearly 35 percent of the Gaza Strip's cultivable land was located in the restricted area. Palestinian human rights NGO Al Mezan reported that

Israeli authorities arrested 119 farmers and shot and injured another 13 for cultivating land in or near the buffer zone.

Gaza's fishing waters were largely inaccessible to Palestinians due to Israeli restrictions that only allowed fishing within six nautical miles of land. While Israeli authorities eased the naval blockade in April, extending fishing limits from six to nine nautical miles, the extension was temporary and returned to six nautical miles in June. The United Nations reported that the nautical restriction was "of particular concern." Israeli naval patrol boats strictly enforced the new limit, a reduction from the 20 nautical miles established in the 1994 Agreement on the Gaza Strip and Jericho Area. 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 armed forces 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.

During the year Israeli security forces restricted movement around parts of East Jerusalem, including Jerusalem's Old City. Israeli security forces periodically blocked some entrances to the Palestinian East Jerusalem neighborhoods of Issawiya, Silwan, and Jabal Mukabber. Israeli military authorities continued to restrict Palestinian vehicular and foot traffic in the commercial center of Hebron, citing a need to protect several hundred Israeli settler residents in the area. They prohibited Palestinians from driving on most roads in downtown Hebron and from walking on Shuhada Street and other roads in and around Hebron's Old City; Israeli settlers had free access to these roads. The IDF closed most shops on Shuhada Street and sealed entrances to Palestinian houses. Following July terrorist attacks in the Kiryat Arba and Otniel settlements, the IDF completely sealed some Hebron-area villages such as Sa'ir, Dura, and Bani Na'im for periods between two and five days, severely disrupting residents' daily routines and livelihoods. Authorities closed Fawwar refugee camp for 25 consecutive days, adversely affecting the lives of 9,500 refugees. The IDF also continued to occupy rooftops of civilian homes as security positions, forcing families to leave their front door open for soldiers' to enter their homes.

The INP restricted access for broad categories of Muslim worshippers at the Haram Al-Sharif/Temple Mount based on age or gender on two days during the year, corresponding to periods of increased Jewish visits to the site during or on days surrounding Jewish holidays. Additionally, in September 2015 the INP began maintaining a "black list" of female and male Muslim worshippers banned from

the Haram al-Sharif/Temple Mount for alleged harassment of Jewish visitors. The banned individuals had no recourse to appeal their prohibition with the INP or through the Israeli court system. The INP also detained, or temporarily banned from the compound, guards and other employees from the Jordanian-appointed Islamic Waqf that administers the Haram Al-Sharif/Temple Mount. Police alleged the employees harassed Jewish “Temple Mount Activist” visitors or obstructed police and Israel Antiquities Authority inspections of the Waqf’s repair or renovation work on the Haram Al-Sharif/Temple Mount.

Foreign Travel: PA authorities did not limit residents’ foreign travel. The PA does not control border crossings into or out of the West Bank.

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. Individuals permitted to enter or exit the Gaza Strip at the Erez Crossing were largely limited to humanitarian cases; the Israeli government authorities limited the number of businesspersons to cross during the year and revoked approximately 1,600 of 3,500 permits for businesspersons during the year.

Egyptian authorities enforced movement restrictions on Palestinians attempting to exit Gaza via the Rafah Crossing. The Egyptian government periodically allowed border crossing for a few days at a time--and mostly only in one direction for passenger travel and humanitarian aid. Authorities have closed the Rafah Crossing since October 2014, with exceptional partial openings on 45 days (eight days exclusively for Hajj pilgrims) during the year.

Palestinians from Gaza faced additional challenges for several months when travelers who obtained permits from the Israeli government to depart Gaza through the Erez Crossing reportedly could not obtain “no objection” certificates from Jordanian authorities to enter Jordan to use its international airport. Contacts reported, however, that issuance of no objection certificates appeared to return to normal in the last four months of the year. Palestinians from Gaza reported long, onerous, and costly procedures to obtain the certificates, which Jordanian authorities did not require West Bank residents to obtain.

Restrictions on access to Jerusalem had a negative effect on patients and medical staff trying to reach the six Palestinian hospitals that offered specialized care unavailable in the West Bank. IDF soldiers at checkpoints harassed and delayed Palestine Red Crescent Society (PRCS) ambulances from the West Bank or refused them 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 such actions taken 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 at checkpoints for up to two hours.

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 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 passports to them.

According to NGOs, residency restrictions prevented family reunification, particularly between East Jerusalem Palestinian residents and West Bank-based spouses or children. For a child in the Gaza Strip, Israeli authorities permitted access to a parent in the West Bank only if no other close 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. Authorities required Palestinian spouses of Jerusalem residents to obtain a residency permit with reported delays of several years to obtain them.

Although Israel allows some Gazans to enter the country for medical treatment on humanitarian grounds, according to the NGO Physicians for Human Rights (PHR), there was a significant reduction in the number of exit permits granted by the government for medical treatment during the year. Additionally, Israeli authorities increased the minimum age requirement from 35 years last year to 55 years for persons to apply for permits to escort patients out of Gaza. The PHR documented seven cases in which Israeli security forces interrogated ill patients, sometimes inside an ambulance, traveling from Erez crossing to a hospital in Israel or the West Bank, and in 2015 the NGO documented 20 cases in which the government conditioned an exit permit on providing information about their community in Gaza. The ISA claimed that it must scrutinize every patient crossing for medical treatment because Hamas attempts to smuggle funds, information, or persons into the West Bank or Israel via this route. According to media reports and the PHR, however, the targets of the interrogation were usually information about Gaza rather than security concerns about the patient. More broadly, the NGO Gisha

reported that authorities blocked the entry of thousands of persons from Gaza during the year based on unspecified “security preclusions,” which was a sharp increase from prior years, and there was an increase in the number of interrogations at the crossing.

Exile: Continued Israeli revocation 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 during the year again renewed “temporary” orders authorizing the revocation of Jerusalem residency rights from legal residents. Between 1967 and 2014, Israel revoked the status of 14,416 Palestinians from East Jerusalem. The rate of revocations had decreased in recent years, averaging approximately 100 per year; in 2015 Israel revoked the status of 84 Palestinians from East Jerusalem. 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 who were born in Jerusalem but who studied abroad reported losing their Jerusalem residency status.

### **Internally Displaced Persons**

OCHA estimated that 53,000 persons in Gaza remained displaced from the destruction caused by the 2014 war. Reconstruction progressed slowly. Only 64 percent of all construction materials required to address the caseload from the 2014 conflict had entered Gaza. Of 11,000 completely destroyed homes, only 1,764 had been rebuilt.

As of September 8, Israel demolished 837 Palestinian-owned structures in Area C and East Jerusalem, a significant increase from 499 in 2015. According to OCHA, a number of policies drove displacement in the West Bank and East Jerusalem; these included displacements linked to settlement activity. In Area C and East Jerusalem, authorities demolished hundreds of Palestinian homes and other structures due to residents’ inability to obtain Israeli-issued building permits. According to OCHA and ACRI, residence restrictions made it almost impossible for Palestinians to obtain permits in Area C and East Jerusalem, while providing preferential treatment for Israeli settlements in these areas. OCHA noted that in many cases displacement resulted from a combination of factors, including settler violence, movement restrictions, and restricted access to services and resources. Authorities also displaced Palestinians in East Jerusalem due to forced evictions, facilitating takeover of their property by settler organizations via court action

asserting a Jewish claim to Palestinian properties owned by Jews before 1948, and by revoking East Jerusalem Palestinians' residency status.

UNRWA and other humanitarian organizations provided services to internally displaced persons in the Gaza Strip and West Bank, with some limitations due to Israeli restrictions on movement and border access.

### **Protection of Refugees**

Access to Asylum: According to an UNRWA estimate, there were 805,209 registered Palestinian refugees in the West Bank and more than 1.3 million in the Gaza Strip. Almost one-quarter (24 percent) of refugees in the West Bank lived in refugee camps, as did approximately 40 percent of refugees in Gaza. Refugees included those displaced due to the 1948 conflict in Israel and their descendants. UNHCR was considering resettling vulnerable Syrian families and Syrian/Palestinian families stranded in Gaza due to the conflict in Syria.

Access to Basic Services: All UNRWA projects in the West Bank and Gaza Strip technically required Israeli government permits, but UNRWA does not apply for permits in refugee camps.

Beginning in 2014 Israeli authorities demanded that UNRWA trucks use only commercial crossings into Jerusalem, where they faced significant delays, long detours, and increased search demands, compared with the checkpoints used previously. UNRWA trucks continued to use standard checkpoint crossings instead of the commercial crossings, with mixed results. UNRWA reported that delivery of services was problematic in the area between the West Bank barrier and the 1949 armistice line, particularly in the Bartaa area and in three refugee communities near Qalqilya, and in four communities northwest of Jerusalem. Essential infrastructure in the Gaza Strip, including water and sanitation services, continued in a state of severe disrepair, due in part to inability to import spare parts and components because of Israeli import restrictions. During Operation Protective Edge, Israeli armed forces destroyed electrical, water, and other public infrastructure.

The deterioration of socioeconomic conditions during the year severely affected refugees in the Gaza Strip. UNRWA reported that food security continued to deteriorate.

A shortage of school buildings during the year meant that quality of education was a major problem, resulting in a double-shift system, shorter hours, and student overcrowding.

### **Stateless Persons**

According to NGOs, 40,000 to 50,000 individuals in the Gaza Strip lacked identification cards recognized by Israel. Some of these persons were born in the Gaza Strip, but Israel never recognized them as residents; some fled from the Gaza Strip during the 1967 war; and some left Gaza for various reasons after 1967 and later returned. A small number were born in the Gaza Strip and never left, and they had only Hamas-issued identification cards. The Israeli government controlled the Palestinian Population Registry that would allow stateless persons to obtain status.

### **Section 3. Freedom to Participate in the Political Process**

The PA basic law provides Palestinians with the ability to elect their government through democratic means, but the PA had not held elections in the West Bank or Gaza since 2006; Israeli authorities banned the PA from conducting political activities in East Jerusalem. Residents of the Gaza Strip, under Hamas control since 2007, were unable to choose their own government or hold it accountable. Civil society organizations in the Gaza Strip stated that Hamas and other conservative Islamist groups did not tolerate public dissent, opposition, civic activism, or the promotion of values contrary to their political and religious ideology.

### **Elections and Political Participation**

Recent Elections: Authorities had scheduled municipal elections in both the West Bank and Gaza for October 8; however, the PA postponed the elections for at least four months. The action followed a PA High Court of Justice ruling that the elections could proceed in the West Bank but not in Gaza due to the administrative involvement of the Hamas terror organization in Gaza. In 2006 voters elected the 132-member PLC in a process under the PA basic law that international observers concluded generally met democratic standards in providing citizens the ability to choose their government peacefully. Hamas-backed candidates participated in the 2006 PLC elections as the “Change and Reform 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, Israeli authorities did not allow all Palestinians in Jerusalem to vote, and authorities required those who could vote to do so via post offices (of which there were few), thereby impeding their ability to vote. No date was set for new national or municipal elections by year's end.

Political Parties and Political Participation: The PA allowed a diversity of political parties to exist but limited the ability of Hamas members to campaign and organize rallies. In Gaza Hamas allowed other political parties to exist but severely restricted their activities. Fatah officials alleged to media that Hamas abducted, threatened, and arrested several Fatah members working on municipal elections in Gaza.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and women and minorities did so. Legally women and minorities can vote and participate in political life on the same basis as men and nonminority citizens, although women faced significant social and cultural barriers in the West Bank and Gaza. There were 17 women in the 132-member PLC, which represented West Bank, Gaza, and East Jerusalem districts, and there were three women in the 23-member cabinet. There were seven Christians in the PLC and three in the cabinet. Hamas generally excluded women from leadership positions in the de facto ministries in Gaza.

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

Palestinian law provides criminal penalties for official corruption, and the government respected the law, making progress in investigations and prosecutions during the year.

Corruption: Allegations of corrupt practices among Fatah officials continued, particularly related to favoritism and nepotism in public sector appointments.

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 tax and fee collections from Gazan importers, but authorities severely inhibited reporting and access to information.

Local business representatives in Gaza also alleged the PA Ministry of Civil Affairs, which submits applications for the entry of restricted materials into Gaza

to Israeli authorities, engaged in nepotism and gave preferential treatment to Gaza-based importers close to the ministry.

Financial Disclosure: PA ministers are subject to financial disclosure laws, but there was little accountability for nondisclosure. In 2015 a Palestinian anticorruption NGO reported that the PA began publicizing financial disclosure documents from public-sector employees, including ministers, via the PA Anti-Corruption Commission. There was no information on legal requirements for financial disclosure for Hamas authorities in Gaza.

Public Access to Information: 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. Authorities made inadequate efforts to train officials on the implementation of the law. There was no information on the rights or legal procedures for Palestinians’ access to information from the de facto authorities in Gaza.

### **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 services, including General Intelligence and the Palestinian Civil Police, appointed official liaisons who worked with human rights groups.

Israeli and Palestinian human rights NGOs operating in East Jerusalem, the West Bank, and Gaza reported an increase in harassment, threats, and cyberattacks from Israeli settlers, right-wing Israeli NGOs, or anonymous sources. These NGOs reported increased telephonic harassment following widespread publication of a video naming and vilifying activists or supporters of four NGOs that reported on Palestinian human rights issues. B’Tselem, Rabbis for Human Rights, Breaking the Silence, and Al-Haq reported that some of their employees were subjected to intimidation, death threats, or physical assault.

In January two Israeli human rights activists from the NGO Ta’ayush were briefly detained, and a Palestinian fieldworker from B’Tselem was jailed for six days, after the Israeli NGO Ad Kan released video footage purporting to show the three activists conspiring to turn over to Palestinian security services a Palestinian who

allegedly sold land to Israeli settlers. Selling land to settlers is a capital offense under the Jordanian-era penal code adopted by the PA; the PA did not enforce this law. Authorities released all three activists without charge for lack of evidence and jurisdiction. Subsequent media reports claimed that Ad Kan had infiltrated undercover activists into the organizations' networks and fabricated the alleged land sale in what NGOs claimed was a case of entrapment.

Both Palestinian and Israeli human rights NGOs operating in the occupied territories reported that they faced sophisticated cyberattacks on their websites, servers, and internal databases. For example, Palestinian NGO Al-Haq reported that from September 2015 to June anonymous individuals hacked into e-mail accounts to impersonate Al-Haq employees and repeatedly threatened Al-Haq staff in the Netherlands working with the International Criminal Court's (ICC) Office of the Prosecutor.

In the Gaza Strip, Hamas routinely harassed civil society groups, including by dissolving and closing peaceful organizations. Gaza-based NGOs reported that Hamas representatives appeared at their offices to seek tax payments, demand beneficiary lists and salary information, and summon NGO representatives to police stations for questioning. In one instance in May, Hamas closed an international NGO, confiscated the keys to the office and cars, and seized laptops. Hamas allowed the NGO to reopen several weeks later.

Palestinian, Israeli, and international NGOs monitored the Israeli government's practices in the occupied territories and published their findings, although movement and access restrictions in the West Bank and Gaza Strip made it difficult to work. The Israeli government permitted some human rights groups to hold and publish press conferences, and it provided the ICRC with access to most detainees. Palestinian and Israeli human rights NGOs, however, reported a sharp increase during the year of private or anonymous harassment and threats.

The United Nations or Other International Bodies: PA and Israeli officials generally cooperated with and permitted visits by UN representatives or other organizations, such as the ICRC, although there were numerous reports the Israeli government blocked the delivery of humanitarian aid especially to Gaza. There were numerous reports Hamas harassed members of international organizations.

In 2014 the Human Rights Council established an international commission of inquiry "to investigate all alleged violations of international humanitarian law and international human rights law in the 'Occupied Palestinian Territory,' including

East Jerusalem, particularly in the occupied Gaza Strip, in the context of the military operations conducted since June 13.” The government of Israel announced it would not cooperate with the commission of inquiry, stating that it unfairly focused on Israel and not on terrorist attacks by Hamas. In 2014 the commission of inquiry presented findings that there were credible allegations of war crimes committed in 2014 by both Israel and Palestinian armed groups. The report expressed concern about the inherently indiscriminate nature of rockets and mortars fired at Israeli civilians by Palestinian armed groups, condemned the killing of persons suspected of being collaborators, and said Palestinian authorities consistently failed to bring violators of international law to justice. The commission also expressed concern regarding Israel’s extensive use of weapons with a wide kill and injury radius. Although these weapons were not illegal, their use in densely populated areas was highly likely to kill combatants and civilians alike. It also stated that impunity generally prevailed regarding violations allegedly committed by Israeli forces, in both Gaza and the West Bank.

In November 2014 the UN secretary-general announced a board of inquiry to investigate attacks on UN facilities in Gaza during Operation Protective Edge and incidents in which the IDF found weapons at those facilities. In April 2015 the board of inquiry released findings that Israel was responsible for damage to seven UN facilities in the Gaza Strip during Operation Protective Edge. The board also concluded that Palestinian militant groups used three UN facilities for storing weapons and for firing rockets and mortar shells.

In March the Human Rights Council called upon the relevant authorities to pursue the implementation of the recommendations contained in the reports of the independent commission of inquiry regarding Operation Protective Edge.

Palestinian officials submitted an instrument of ratification to the UN secretary-general as the depositary for the Rome Statute and presented a declaration accepting the ICC’s jurisdiction over alleged crimes committed “in the occupied Palestinian territory, including East Jerusalem, since June 13, 2014.” Following this announcement, the ICC Office of the Prosecutor (OTP) stated that it was opening a preliminary examination to determine whether there were crimes committed within the court’s jurisdiction on the territory of the “State of Palestine.” Palestinian officials indicated that they continued to submit information regarding alleged crimes to the OTP. Israeli officials strongly opposed the preliminary examination but maintained communication with the OTP. Palestinian human rights groups also submitted information regarding alleged crimes to the OTP.

Government Human Rights Bodies: The ICHR continued serving as the PA's ombudsperson 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. The ICHR was generally independent but faced resource shortages that limited its ability to work effectively. Local and international human rights NGOs cooperated with ICHR.

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

### **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 of any criminal responsibility rapists who marry their victim. Authorities generally did not enforce the law 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. In previous years 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. Authorities did not enforce the law effectively in domestic violence cases. NGOs reported women were frequently unwilling to report cases of violence or abuse to police due to fear of retribution. HRW in previous years reported that authorities prosecuted few domestic violence cases successfully. Many women and girls stated they believed the legal system discriminated against women. According to the PA's Central Bureau of Statistics, violence against wives, especially psychological violence, was common in the West Bank and the Gaza Strip. NGOs reported increased incidents of domestic violence and violence against women in Gaza due to displacement and heightened socioeconomic stress in the wake of the 2014 conflict.

The mandate of the PA Ministry of Women's Affairs is to promote women's rights, and it worked strategically to highlight multiple challenges Palestinian women face that required the attention, cooperation, and coordination of public institutions, NGOs, and the private sector, as well as international and regional organizations supporting women in addressing these challenges. It served as a reference for developing appropriate and gender-responsive policies to influence positively the socioeconomic and political conditions of women and men and

enable women to enjoy fully their rights in equity within Palestinian society. In June 2015 the ministry developed a national strategy focused on preventing and protecting women from domestic, workplace, and community-based violence. Based on the strategy, the ministry was working with the Ministries of Social Affairs and Health to establish a National Observatory on Violence Against Women that would track, collect, and document cases of violence against women to help tailor prevention policies. Ministry of Justice prosecutors completed UN-provided training on investigating violence against women.

Female Genital Mutilation/Cutting (FGM/C): There were reports FGM/C occurred in the past, but none during the year. The law prohibits FGM/C.

Other 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 did not apply to the most relevant articles of the law and thus did not have a noticeable effect. On December 19, a PA Appeals Court increased a lower court’s sentence of a Palestinian man, who admitted to killing his two sisters in 2006 in what he claimed was defense of “family honor,” from eight years to life in prison with hard labor, after the PA Attorney General appealed the original sentence as too lenient. NGOs reported 28 documented reports of honor killings in 2015 but noted a concern of underreporting because there was often a discrepancy between how police document honor killings versus the method used by women’s organizations and due to lack of information on the situation in Gaza.

Sexual Harassment: No law specifically relates to sexual harassment, and it was a significant and widespread problem. NGOs reported that for some women, cultural taboos and fear of stigma compelled them to remain silent about sexual harassment. Some women claimed that when they reported harassment, authorities held them 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.

Reproductive Rights: Couples and individuals in the Gaza Strip, the West Bank, and Jerusalem have the right to decide the number, spacing, and timing of their children; and to manage their reproductive health. Women reported barriers to information or services related family planning due to societal pressures--especially in Gaza--or the opposition of their spouse, and in some cases they lacked physical access to contraceptives. According to 2015 estimates by the UN Population Fund, 43 percent of Palestinian women between 15 and 49 used a

modern method of contraception. While the contraceptive prevalence rate slightly increased in recent years, unmet need for family planning remained at 15 percent, due to a lack of availability and quality of family planning services. According to the Population Reference Bureau, total fertility rates averaged 4.2 children per woman, with one in three women reporting that their last pregnancy was unintended. Observers estimated the adolescent birth rate at 67 per 1,000 women between the ages of 15 and 49 in 2015, according to the UN Population Fund.

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 can. Men may take more than one wife; although they rarely did so 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 they 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 religious group. Local officials sometimes advised such women to leave their communities to prevent harassment.

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

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. The 2004 Ministry of Labor decree prohibits women from working in mining and quarrying, fireworks production, asphalt production, alcohol production, pesticides production, welding activities, and in forests and natural reserves, including lumber-related work.

Female education rates were high, particularly in the West Bank, and women's attendance at universities exceeded that of men. Female university students,

however, reported discrimination by university administrators, professors, and their male peers, according to the Geneva Center for the Democratic Control of Armed Forces. In 201, Hamas implemented a “modest” dress code at al-Aqsa University in Gaza, drawing criticism from the PA minister of higher education.

According to press and NGO reports, in some instances teachers in Gaza sent girls home for 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 ICA. Since 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 Israeli Ministry of Defense’s 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 Palestinian residents of Jerusalem sometimes reported years-long delays in the process.

Education: Education in PA-controlled areas is compulsory from age six through the ninth grade (approximately 16 years old). Education is available to all Palestinians without cost through high school.

In the Gaza Strip, primary education is not universal. UNRWA and authorities in Gaza provided instruction. In addition to the PA-provided curriculum, UNRWA provided specialized classes on human rights, conflict resolution, and tolerance. There were reports Hamas offered courses on military training in its schools during youth summer camps, to which parents of school-age children could apply.

In Jerusalem Palestinian children did not have access to the same educational resources as Israeli children, and NGOs reported that East Jerusalem needed additional classrooms in official municipal schools to provide adequate space for Palestinian children to attend official schools (see section 6, National/Racial/Ethnic Minorities). NGOs reported the municipality fell substantially short of a high court decision ordering the city to construct more than 1,000 classrooms in East Jerusalem by February to correct the chronic shortage. The Jerusalem municipality

built 237 new classrooms and rented approximately 700 others in East Jerusalem in 2011-16.

Child Abuse: Child abuse was reportedly a widespread problem. The law prohibits violence against children; however, PA authorities and de facto authorities in Gaza rarely punished perpetrators of family violence.

Israeli security forces also were responsible for violence against children in custody and during arrest (see section 1.c.) in the West Bank and near the Gaza Strip buffer zone, according to NGO and UN reports.

Doctors Without Borders reported the number of children with posttraumatic 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 to settler violence.

Early and Forced Marriage: Palestinian law defines the minimum age for marriage as 18; however, religious law allows persons as young as 15 years old to marry. Child marriage did not appear to be widespread, according to NGOs, including the Women's Center for Legal Aid and Counseling. According to UNICEF data for 2015, 2 percent of girls were married by the age of 15. UN assessments found that economic conditions in Gaza following the 2014 conflict motivated some families to arrange for their daughters to marry at an early age to improve the economic situation of the family.

Sexual Exploitation of Children: The PA considers statutory rape a felony based on the Jordanian penal code, which also outlaws all forms of pornography. Punishment for rape of a victim less than age 15 includes a minimum sentence of seven years. In Gaza suspects convicted of rape of a victim less than age 14 are eligible for the death penalty. There were reports that societal norms led to underreporting to the de facto authorities and police of sexual exploitation of children.

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. UN data indicated that as of September 8, home demolitions displaced more children (697) in the West Bank and East Jerusalem during the year than totals for the same period of any previous year since 2009.

## **Anti-Semitism**

Approximately 386,000 Jewish settlers lived in the West Bank. The Jewish population in Gaza, aside from foreign nationals, was nonexistent. There were an estimated 201,000 Jewish Israelis living in settlements in East Jerusalem.

Rhetoric by some Palestinians and Muslim religious leaders included expressions of anti-Semitism and Holocaust denial. 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 recent and historic terror attacks on Israelis. Following a string of attacks by Palestinians on Israelis in Jerusalem, the West Bank, and Israel beginning in October 2015, but decreasing beginning in April, Palestinian press and social media continued to circulate cartoons encouraging such attacks.

At times the PA failed to condemn incidents of anti-Semitic expression in official PA traditional and social media outlets.

In the Gaza Strip and West Bank, there were instances in which media outlets, particularly outlets controlled by Hamas, published and broadcast material that included anti-Semitic content, sometimes amounting to incitement to violence.

## **Trafficking in Persons**

No PA law specifically prohibits trafficking in persons, and small numbers of children and adults reportedly experienced forced labor in both the West Bank and Gaza Strip, as well as in East Jerusalem, where Israeli law applies. In September the Jerusalem District Court upheld on appeal a 2012 court decision convicting an East Jerusalem Palestinian couple of subjecting a domestic worker from the Philippines to forced labor, including withholding her minimum wages, confiscating her passport, and denying her days off.

There were reports some children worked in forced labor in the West Bank, including in settlements. NGOs reported employers subjected Palestinian men 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 it did not control its borders and the Israeli government limited its authority to work in Areas B and C.

## **Persons with Disabilities**

The PA ratified Palestinian Disability Law in 1999, but NGOs complained of very slow implementation. The law does not mandate access to buildings, information, or communications, although UNRWA's policy is to provide accessibility in all new structures. The disability rights NGO Bizchut reported a lack of accessible transportation services in East Jerusalem, while the ICHR reported a lack of accessible transportation in Palestinian areas across the West Bank. The Disability Law prohibits discrimination due to a permanent or partial disability in physical, psychological, or mental capabilities.

Palestinians with disabilities continued to receive inconsistent and poor-quality services and care. The PA and de facto authorities in Gaza partially depended on UN agencies and NGOs to care for persons with physical disabilities and offered substandard care for persons with mental disabilities. Palestinians in Gaza reported little to no infrastructure accommodations for persons with mobility disabilities, and difficulty in importing wheelchairs and other mobility aids because of Israeli authorities' control of goods transiting border crossings into Gaza. Fighting in the 2014 conflict destroyed a Gaza City Hamas-run center for the disabled.

There were reports Israeli authorities placed in isolation without a full medical evaluation detainees deemed mentally disabled or a threat to themselves or others. 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 the Gaza Strip.

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

According to OCHA an estimated 27,500 Bedouin lived in Area C in the West Bank. Many of them were UNRWA-registered refugees, and Bedouins frequently inhabited areas designated by Israel as closed military zones or as areas planned for settlement expansion. Demolition and forced displacement by the Israeli government of Bedouin and herding communities continued in Area C, and many of these communities suffered from limited access to water, health care, education, and other basic services.

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

Palestinian law, based on the 1960 Jordanian penal code, prohibits consensual same-sex sexual activity, although the PA did not prosecute individuals suspected of such activity. Societal discrimination based on cultural and religious traditions was commonplace, making the West Bank, East Jerusalem, and Gaza challenging environments for lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons. Some Palestinians claimed PA security officers and neighbors harassed, abused, and sometimes arrested LGBTI individuals because of their sexual orientation or gender identity. NGOs reported Hamas also harassed and detained persons due to their sexual orientation or gender identity.

### **HIV and AIDS Social Stigma**

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 suggested societal discrimination against HIV/AIDS patients was also very common in Gaza.

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

OCHA, Yesh Din, and other NGOs reported attacks by Israeli settlers on Palestinians and their property in the West Bank, undermining livelihoods and the physical security of Palestinians. The attacks included direct violence against Palestinian residents. Some Israeli settlers reportedly used violence against Palestinians to harass them and to keep them away from land settlers sought to acquire. On November 5, for example, a group of settlers threw rocks at Palestinians harvesting olives near Ramallah, injuring three Palestinians including one critically. Overall, OCHA reported incidents of settler violence against Palestinians decreased from 221 in 2015 to 101 as of November.

Palestinians claimed settlers perpetrated hit-and-run attacks against Palestinian pedestrians, although in most cases the circumstances were unclear. On September 8, an Israeli settler vehicle injured a Palestinian farmer on Israel highway Route 60 near Bethlehem and then fled; the Palestinian suffered broken bones. On September 10, an Israeli settler vehicle driving near Al-Khader village in Area C south of Bethlehem hit and killed a four-year-old Palestinian girl before fleeing. The drivers in the September 8 and 10 incidents later surrendered to Israeli police,

who classified the events as traffic accidents and released the drivers without charge.

Many incidents of violence involved settlers trespassing onto Palestinian-owned land and damaging land and crops. In April settlers from the settlement of Beitar Illit pumped sewage onto Palestinian agricultural land in Husan, Bethlehem, damaging approximately 17 acres. In March settlers released their cattle to graze on Palestinian land in the village of Aqraba in Nablus, damaging more than 70 trees. During the annual olive harvest in the West Bank in October-November, NGO Rabbis for Human Rights documented 11 cases of settler intimidation and violence.

Attacks on olive trees, on which many rural Palestinians rely for their livelihoods, remained common. In July settlers from the settlement of Shilo and other neighboring outposts set fire to approximately 280 Palestinian-owned trees and several acres of cultivated land in As-Sawiya, Nablus, Kafr Malike, and Al-Mughayyir near Ramallah. OCHA reported that in August, Israeli authorities, accompanied by the right-wing Israeli NGO Regavim, uprooted 300 Palestinian-owned olive trees near Qalqiliya, arguing that authorities had designated these areas as “state land.”

In addition to damage to land and crops, OCHA also reported settler attacks on property such as livestock and vehicles. There were minor incidents of stone throwing and theft every month. In early August a group of armed Israeli settlers killed 11 sheep belonging to the East Tayba Bedouin community near Ramallah. In October a group of Israeli settlers forced a Palestinian family off agricultural land in Qaryout village, south of Nablus, during the annual olive harvest and vandalized their car with hatchets and other weapons.

Various human rights groups continued to claim authorities insufficiently investigated and rarely prosecuted settler violence. Some groups attributed this circumstance in part to the ICA’s neglect of Palestinian complaints, as well as to Palestinian residents’ reluctance to report incidents due to fears of settler retaliation or because the lack of accountability in most cases discouraged them. The Israeli NGO Yesh Din stated that authorities closed more than 85 percent of Israeli investigations of offenses against Palestinians in the West Bank without indictments. According to Yesh Din’s data, a police complaint filed by a Palestinian in the West Bank had a 1.9 percent chance of effective investigation resulting in the identification, arrest, and conviction of suspects.

In 2014 settlers from the settlement of Yitzhar assaulted two Palestinian men on Palestinian farmland. The settlers beat one of the men with a metal rod, breaking his arm and leg. The settlers hit the other Palestinian man on the neck, decapitating him. The incident occurred in the presence of an Israeli soldier, who ordered the assailants to leave the farmland and return to the settlement. The Palestinians filed a police report, but police closed the case citing insufficient information on the perpetrators' identity. Police never asked the Israeli soldier for his testimony or attempted to locate witnesses. Yesh Din appealed the closure, but police again closed the case in November 2015 without launching an investigation. Yesh Din submitted a second appeal, but Israeli police in April closed the case citing a lack of evidence.

In 2012 four settlers from the outpost of Har Bracha Bet stole sacks of olives from Palestinian groves near Burin. The IDF and District Coordination Office personnel, who were at the site inspecting the cutting of 51 olive trees the previous day, caught the settlers in the act. The IDF failed to arrest the suspects. The IDF transferred the investigation of the damage to the olive trees, along with trespassing and theft of property, to the Samaria and Judea district police. Although there were witnesses to the incident who could identify the offenders, and the address of one of the suspects was known to police, the district police closed the case due to lack of evidence. Following the first appeal of the closure, records showed an attempt to contact one of the security personnel present at the site of the incident, but there was no evidence of subsequent investigations. Yesh Din further appealed, but the police again closed the case during the year due to lack of evidence.

“Price tag” attacks (property crimes and violent acts by extremist Jewish individuals and groups against Palestinians or in retaliation for activity they deemed antisettlement) continued.

On March 10, settlers set fire to a Palestinian home in a village south of Bethlehem and spray-painted “Death to Arabs” and “Leave” on the walls. Suspected Israeli settlers conducted two arson attacks, respectively in March and July, against Palestinian homes in the West Bank village of Douma, causing no injuries but damaging homes of the relatives of the Dawabsheh family (the victims of the 2015 price tag attack that left a toddler and his parents dead and four-year-old brother severely injured).

Harassment and attacks against Palestinians in Jerusalem by Jewish groups reportedly increased. The Jewish Israeli organization Lehava continued to protest

social relationships between Jews and Palestinians, made anti-Christian and anti-Muslim statements, and reportedly assaulted Palestinians in West Jerusalem. Israeli media reported that Palestinians or their Israeli employers filed at least 20 complaints of harassment and assault--including with rocks and pepper spray--by Lehava activists in central Jerusalem during the year. Israeli police claimed they increased patrols in central Jerusalem following the reported attacks and harassment, but Israeli authorities rarely prosecuted these attacks successfully, failing to open investigations or closing cases for lack of evidence, according to local human rights groups and media.

Access to social and commercial services in Israeli settlements in the West Bank, including housing, education, and health care, 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 often placed insurmountable obstacles against Palestinian applicants for construction permits, including the requirement that they document land ownership in the absence of a uniform post-1967 land registration process, high application fees, and requirements that new housing be connected to often unavailable municipal works.

According to B'Tselem, in 2000 Israel began curtailing the Palestinian population registry by 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 and purchased approximately half of their domestic water supply from Israel. Oslo-era agreements limited the amount of water Palestinians can draw from West Bank aquifers. According to AI Palestinians received an average of eight gallons less than the World Health Organization's prescribed minimum daily water supply to maintain basic hygiene standards and food security. Political and fiscal constraints limited the PA's ability to improve water network management and efficiency, 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 the PA's own management problems.

The Israeli military continued to destroy water cisterns, some of which donor countries had funded for humanitarian purposes. The Israeli military also

destroyed unlicensed Palestinian agricultural wells, particularly in the Jordan Valley area of the West Bank, claiming they depleted aquifer resources.

Palestinians living within the borders of the Jerusalem Municipality, but cut off from it by the separation barrier, reported that the municipality failed to provide basic services, including water, police, and infrastructure.

NGOs alleged that Jerusalem municipal and Israeli national policies were aimed at decreasing the number of Palestinian residents of Jerusalem. Government-sponsored construction of new Israeli housing units--including in East Jerusalem settlements--continued, while building permits were difficult to obtain for Palestinian residents of Jerusalem. Authorities demolished homes built by Palestinian residents without legal permits. The Israeli NGOs Bimkom and Ir Amim stated that Palestinians in East Jerusalem continued to face barriers to purchasing property or obtaining building permits. Authorities generally zoned land owned or populated by Palestinians (including Israeli-Palestinians) for low residential growth. Authorities designated approximately 30 percent of East Jerusalem for Israeli settlements. Palestinians were able in some cases to rent Israeli-owned property, but they were generally unable to purchase property in an Israeli neighborhood. Israeli NGOs stated that after accounting for Israeli settlements, Israeli government property, and declared national parks, only 13 percent of all land in East Jerusalem was available for Palestinian construction.

The Israeli government and Jewish organizations in Jerusalem made efforts to increase Israeli property ownership or emphasize Jewish history in predominantly Palestinian neighborhoods of Jerusalem. Jewish landowners and their descendants, or land trusts representing the families, were entitled to reclaim property they had abandoned in East Jerusalem during fighting prior to 1949, but Palestinians who abandoned property in West Jerusalem during fighting in the same period had no legal claim to the property. Private Jewish organizations in Jerusalem acquired legal ownership of reclaimed Jewish property in East Jerusalem, including in the Old City, and sought to evict Palestinian families living there through protracted juridical action.

Although Israeli law entitles Palestinian residents of Jerusalem to full and equal services provided by the municipality and other Israeli authorities, the Jerusalem Municipality failed to provide sufficient social services, education, infrastructure, and emergency planning for Palestinian neighborhoods in Jerusalem. According to the Jerusalem Institute for Israel Studies, 82 percent of Jerusalem Palestinians lived in poverty, and 87 percent of East Jerusalem children lived below the Israeli

poverty line--an increase from 2015. There was a chronic shortage of classrooms in East Jerusalem's official school system, despite commitments made by Israeli authorities and a high court ruling that the municipality must close the gap of missing classrooms in East Jerusalem by year's end. Authorities largely segregated bus services in Jerusalem between Israelis and Palestinians. Light-rail service completed in 2010 served both Palestinian and Israeli populations and crossed into East Jerusalem; NGOs reported, however, that of the 24 stops on the light rail, only five were in or near Palestinian neighborhoods. The Jerusalem municipality continued not to operate the light rail stop in the East Jerusalem neighborhood of Shu'fat. Palestinian youth periodically threw rocks at the train in Shu'fat and caused minor damage.

## **Section 7. Worker Rights**

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

PA law provides for the rights of workers to form and join independent unions and conduct legal strikes. The law requires conducting collective bargaining without any pressure or influence but does not explicitly provide for the right to collective bargaining. Antiunion discrimination and employer interference in union functions are illegal, but the law does not specifically prohibit termination or provide for reinstatement due to union activity.

The PA labor code does not apply to civil servants or domestic workers, 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 faced disciplinary action if they rejected the result. If the ministry cannot resolve a dispute, it can refer the dispute 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, although authorities had not established the court as required by labor legislation.

The government did not effectively enforce labor laws and subjected procedures to lengthy delays and appeals. Penalties and enforcement were insufficient to deter violations. Authorities had not fully implemented the PA's labor law at year's end, and labor unions claimed the current system favored employers. During the year the Ministry of Labor continued conducting periodic medical examinations of

workers as mandated by the labor law. Judges received training in labor regulations. 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, with the exception of those representing PA employees. Hamas continued to maintain de facto control of the government and worker rights in Gaza, where the PA was unable to enforce labor law.

The PA respected freedom of association and the right to collective bargaining with some significant exceptions. Public-sector teachers, who comprised the most significant portion of the public-sector work force, engaged in protests and strikes in February and March over pay levels and other contract terms. In January the PA attempted to prevent some protesters from assembling and also attempted to arrest Bassam Zakarneh, head of the PA Public Employees Union, which the PA president dissolved by decree in 2014. Zakarneh fled arrest, and PA security forces briefly detained but released him again in February.

Labor unions were not independent of authorities and political parties.

Two main labor unions in the West Bank (the Palestinian General Federation of Trade Unions and the Federation of Independent and Democratic Trade Unions and Workers) competed for membership and political recognition.

Israeli law applies to Israeli settlements in the West Bank and Jerusalem, but authorities did not enforce it uniformly. Despite a 2008 high court ruling requiring Israeli law to be applied to workers in settlements, most settlements applied Jordanian labor law to Palestinian workers, which was the applicable law prior to 1967 and 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 could not vote in Histadrut elections.

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

Forced labor occurred in the occupied territories. PA law does not expressly forbid forced or compulsory labor or human trafficking. Women working as domestic workers were vulnerable to forced labor conditions in both the West Bank and the Gaza Strip, since the PA does not regulate domestic labor within households or in the large informal sector. Forced child labor also occurred (see section 7.c.).

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

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

The Palestinian Authority has no unified or comprehensive set of child labor laws. The 2000 Unified Labor Law and the 2004 Palestinian Child Law prohibit the employment of any person under age 15. The law classifies children as persons under age 18 and restricts employment for those between 15 and 18. The law permits hiring children between ages 15 and 18 for certain types of employment under set conditions. The law allows children younger than age 15 to work for immediate family members under close supervision.

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. A 2012 presidential decree amended the law to include provisions on child labor accompanied by explicit penalties for violations. Authorities can penalize repeat offenders by having fines doubled and/or full or partial closure of their facility. Fines and enforcement were not sufficient to deter violations.

The Ministry of Social Affairs is responsible for coordinating efforts to protect children's rights, while the Ministry of Labor's Inspection and Protection Administration is responsible for enforcing the law. The Ministry of Labor reported that nearly 30 percent of its labor inspectors (similar to recent years) had intensive training and experience in dealing with child labor, and all newly hired inspectors were also to be trained in this area. During site visits Ministry of Labor inspectors raised awareness among business owners that labor by children under the age of 15 was illegal under Palestinian law.

Due to inadequate resources and logistical difficulties, PA authorities did not effectively enforce the law. Many cases of child labor violations reportedly occurred in home environments, for example, on family farms, which were not open to labor ministry inspection. Child protection officers with the Ministries of Social Affairs and Labor reported that they referred only employers who hired children under age 15 to work in dangerous conditions or hazardous jobs to the attorney general for prosecution; the Ministry of Labor referred only a few cases during the year. As of October the government had detected 16 cases involving child labor (below the age of 15), compared with 10 in 2015. In almost all cases,

authorities removed children after the inspections. In many cases the employer called the parents to come and take the child while the inspectors from the Labor Ministry were present. The Ministry of Labor requires that employers keep lists of employees, including children, although some employers reportedly did not keep accurate records of children they employed, hiding them from inspection. In recent years PA officials reported fining “numerous” persons after successful investigations conducted by the PA Ministry of Labor. The ministry inspected only businesses operating in the formal economy and was unable to conduct investigations in the Gaza Strip. It did not 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.

In the second quarter of the year, the PA estimated that 3.7 percent of children between the ages of 10 and 17 worked in the West Bank and Gaza--5 percent in the West Bank and 1.8 percent in Gaza. Palestinian child laborers deemed by the PA to be most vulnerable to forced labor and extreme weather conditions generally worked on family farms, in shops, as roadside and checkpoint street vendors, in car washes, in factories, or in small manufacturing enterprises.

Hamas reportedly did not enforce child labor laws in Gaza. Hamas reportedly encouraged children to work gathering gravel and scrap metal from bombsites to sell to recycling merchants and increased recruitment of youth for tunnel digging activities. There were also reports Hamas trained children as combatants.

The Israeli government stated it did not issue permits for Palestinian West Bank residents under the age of 18 to work in Israeli settlements in the West Bank, except in the Jordan Valley where the law allows issuing permits to persons age 16 and younger. There were reports during the year that some Palestinian children entered the settlements or crossed into Israel illegally, often smuggled, to seek work. The PA reported that Palestinian children engaged in child labor in Israeli settlements in the West Bank faced security risks, exploitation, and harassment, since they did not have access to legal protection or labor inspection.

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings](http://www.dol.gov/ilab/reports/child-labor/findings).

#### **d. Discrimination with Respect to Employment and Occupation**

The law and regulations do not prohibit discrimination regarding race, language, sexual orientation and/or gender identity, HIV-positive status or other

communicable diseases, or social status. Laws prohibit discrimination based on gender and disabilities; however, the government did not effectively enforce those laws and regulations.

There was discrimination based on the above categories with respect to employment and occupation. Women endured prejudice and, in some cases, repressive conditions at work. Women's participation in the workforce was extremely low, particularly in Gaza, although gradually growing, according to PA statistics (see section 6, Women).

### **e. Acceptable Conditions of Work**

The PA cabinet approved a minimum wage of 1,450 New Israeli Shekel (NIS) (\$38 per month, which went into effect at the beginning of 2013, but 38.9 percent of wage employees received less than the minimum wage in the second quarter of the year. In the West Bank, approximately 19.6 percent of wage employees in the private sector received less than the minimum monthly wage; these approximately 42,500 wage employees had an average monthly wage of 1,104 NIS (\$289). In Gaza 78 percent of wage employees in the private sector received less than the minimum monthly wage; these approximately 83,900 wage employees had an average monthly wage of 734 NIS (\$192). 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. In 2011, the date of the most recent official estimate, the PA estimated 25.8 percent of residents in the occupied territories lived below the poverty line of 7.49 NIS (\$1.96) per day.

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 employers may not deduct 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 62 labor inspectors during the year, including 14 to focus on child labor; this staff was inadequate to enforce compliance. The PA did not effectively monitor smaller worksites, which were at times below legal safety standards. Workers do not have the legal protection to remove themselves from

situations that endangered their health or safety without jeopardy to their employment.

The PA was unable to monitor labor conditions in the Gaza Strip and had no authority to monitor labor safety in the 60 percent of the West Bank designated as 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 separation barrier, in 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 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 such as Kav LaOved stated that 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.

Occupational safety and health were poor. Most dangerous work conditions were in rubble, garbage, and other solid waste collection; street vendor work, manufacturing, construction, car mechanic work, and work in metal workshops; and work on poultry farms, in gravel collection, and in building demolition. During the year Israeli authorities approved the export of scrap metal for recycling from Gaza to Israel, increasing labor demand in this sector.