



General Country of origin information report Palestinian Territories

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Introduction

This general country of origin information report was prepared on the basis of the questions and points of focus in the *Terms of Reference* (ToR) drawn up by the Ministry of Justice and Security on 21 July 2021. Together with the country of origin report, the ToR is available on the website of the Dutch Government. This report describes the situation in the Palestinian Territories insofar as it is relevant for the assessment of asylum applications made by persons originating from those territories and for decisions related to the return of rejected Palestinian asylum seekers. This country of origin information report addresses the themes and questions posed by the Ministry of Justice and Security and is a summary of the factual information that was obtained. It is not a policy document and it does not reflect the government's vision or policy in relation to a country or region or contain conclusions about immigration policy.

This country of origin information report is the first general country of origin information report for the Palestinian Territories. The report covers the period from August 2019 to 22 April 2022. This country of origin information report is a factual, neutral and objective representation of the findings during the period under consideration and does not include any policy recommendations.

The report was created on the basis of public and confidential sources, using carefully selected, analysed and verified information. Information from non-governmental organisations (NGOs), specialist literature, media coverage and the relevant government agencies was used to compile the report. Unless stated otherwise or when the facts are generally undisputed, the content in this report is based on multiple sources. The public sources that were consulted are listed in the appendices.

Some of the confidential information used was obtained during digital interviews with experts. Confidential information originating from other confidential sources was also used. The information obtained confidentially has chiefly been used to support and supplement information that is based on publicly available information. The confidential sources are marked 'confidential source' in the footnotes and are dated.

Chapter 1 deals with the recent political and security situation in the Palestinian Territories and the living conditions there. Chapter 2 discusses nationality legislation and includes an overview of documents in the Palestinian Territories. Chapter 3 describes developments related to the observance of human rights in the Palestinian Territories. Chapter 4 examines the situation of refugees and internally displaced persons in the Palestinian Territories. Finally, Chapter 5 focuses on the possible risks for people returning to the Palestinian Territories.

1 Political and security situation

1.1 Political situation

1.1.1 General

The Palestinian Territories consist of the West Bank, including East Jerusalem, and Gaza (see also 6.3).¹ There are sixteen provinces (*muhafazat*) in the Palestinian Territories: eleven in the West Bank and five in Gaza.² The population of the West Bank in July 2021 was almost 3 million and of Gaza approximately 2.1 million.³ The Palestinian Authority (PA), also known as the Palestinian National Authority, governs parts of the West Bank (see also *Balance of power* below). Fatah⁴ is the dominant party in the PA and is headed by Mahmoud Abbas. There is a president who was elected in 2005 (Mahmoud Abbas), a prime minister (Mohammad Shtayyeh - Fatah) and a parliament (Palestinian Legislative Council) that was non-functioning during the reporting period. The last parliamentary elections were held in 2006, and Mahmoud Abbas's term of office expired in 2009.

In practice, the PA rules over parts of the West Bank (without East Jerusalem) and Hamas⁵ de facto in Gaza, but not all government tasks are performed by Hamas (for example, the PA deals with the issues of identity documents and the funding of healthcare and education). After Hamas won the majority of parliamentary seats in the 2006 elections, the Palestinian parliament stopped functioning and Fatah has governed the West Bank on the basis of presidential decrees and Hamas in Gaza through its MPs that were elected in 2006.⁶

The PA was founded in 1993 as an interim administrative organisation after the Oslo Accords⁷ were signed by the Israeli government and the Palestine Liberation Organisation (PLO). The PA operates from the city of Ramallah and falls administratively under the PLO. In practice, actual power rests with President Abbas, who heads the PA and chairs the PLO Executive Committee.⁸ The PLO is an umbrella organisation that has represented Palestinians living in the Palestinian Territories and beyond since 1964. The PLO is made up of three parts: the Palestinian National Council (PNC), a parliamentary structure of 740 members who are theoretically elected by the Palestinian population, but in practice are elected by the Executive Committee; the Central Council, a decision-making body of 124 members that meets in practice instead of the PNC; the Executive Committee, a body of eighteen

¹ The Netherlands and the EU support the peace process between Israeli and Palestinian authorities, which focuses on a two-state solution. The borders as they stood before 4 June 1967 (before the Six-Day War) are the starting point for this. The future Palestinian state will consist of the Gaza Strip and the West Bank, including East Jerusalem. Dutch Government, *Nederland ondersteunt vredesproces Midden-Oosten*, consulted on 13 April 2022.

² ECFR, *Mapping Palestinian Politics: Institutions, Governorates*, consulted on 10 January 2022. See also **Error! Hyperlink reference not valid.**

³ CIA The World Factbook, *West Bank, Gaza Strip*, 16 November 2021, consulted on 29 November 2021.

⁴ A secular nationalist party.

⁵ A nationalist Islamic party that has been designated as a terrorist organisation by the US and the EU.

⁶ ECFR, *Mapping Palestinian Politics: Occupied Palestinian Territory (OPT)*, consulted on 25 February 2022. See also **Error! Hyperlink reference not valid.**

⁷ The agreements concluded as part of the peace process between the PLO and Israel in 1993-1995.

⁸ ECFR, *Mapping Palestinian Politics: Occupied Palestinian Territory (OPT)*, consulted on 25 February 2022. See also **Error! Hyperlink reference not valid.**

members that elects the chairman of the PLO. In theory, the members are elected by the PNC.⁹

Balance of power

After its annexation in 1980, East Jerusalem was brought into the Jerusalem administrative district by Israel, giving the Israeli authorities de facto authority there. The PA considers it to be part of the PA Governorate of Jerusalem. The Netherlands, the EU and most of the international community regard East Jerusalem as an occupied territory under international law.¹⁰ The West Bank is divided into three areas in accordance with the Oslo Accords: *Area A* (17.2%), which is under the authority of the PA, *Area B* (23.8%), which is under the civilian administration of the PA and Israeli security control, and *Area C* (59%), which is under full Israeli control (see also 6.3).¹¹ The PA and the Israeli authorities exchange information about security risks in the West Bank – for example about the activities of Hamas there. The PA has no de facto control over armed groups in refugee camps or armed groups involved in organised crime.¹² Israeli troops can enter the West Bank (see also 3.3.2) and have authority over checkpoints there (see also 1.4.1). Hamas – an EU-designated terrorist organisation – has held power in Gaza since the PA was expelled from Gaza by Hamas in 2007. Israel exercises de facto control over the Gaza-Israel border crossings, while Egypt controls the Rafah crossing with Egypt.

The following is an overview of the main political developments in the Palestinian Territories during the reporting period.

Great March of Return

From 30 March 2018 up to and including November 2019, Palestinians in Gaza protested against the Israeli closure of Gaza (see also 1.3.1) and for the 'right of return' to their (former) homes and land in present-day Israel. The protests were suspended in late 2019. During these protests, which took place along the fence on the Gaza-Israel border, it is estimated that between 214 and 223 Palestinians, 46 of whom were minors, were killed and thousands were injured, including around eight thousand by live ammunition and around 5,400 by rubber bullets¹³ or by being hit by tear gas cans. During the same period, 1 Israeli soldier was killed and 7 other Israeli soldiers were injured.¹⁴ The Israeli authorities said they were investigating incidents in which Palestinians had been killed.¹⁵ In June 2021, 91 cases were still under investigation.¹⁶ In 143 other cases, the investigation was completed and

⁹ ECFR, *Mapping Palestinian Politics: About Institutions, Palestine Liberation Organisation (PLO)*, consulted on 22 February 2022. See also **Error! Hyperlink reference not valid.**

¹⁰ The Netherlands and the EU consider settlements in the West Bank to be contrary to international law. The Netherlands considers the annexation of East Jerusalem to be contrary to international law. In resolution 478 (1980), the UN Security Council ruled that the application of Israeli law and measures that alter the character of the city in East Jerusalem is null and void and is not recognised. Ministry of Foreign Affairs, Letter to Parliament: *Ontwikkelingen in Jeruzalem, Gaza en Israël*, 17 May 2021.

¹¹ ECFR, *Mapping Palestinian Politics: Geography, Occupied Palestinian Territory*, consulted on 10 January 2022. See also **Error! Hyperlink reference not valid.**

¹² Confidential source, 7 February 2022.

¹³ Rubber bullets consist of a steel ball with rubber around it, so there is still a risk of injury if someone is hit. Confidential source, 7 February 2022.

¹⁴ UN, *Two Years On: People injured and traumatized during the "Great March of Return" are still struggling*, 6 April 2020, consulted on 13 March 2022; B'Tselem and Palestinian Centre for Human Rights, *Unwilling and Unable: Israel's Whitewashed Investigations of the Great March of Return Protests*, December 2021, p. 2; B'Tselem, *Summary of joint report with PCHR*, December 2021, consulted on 17 December 2021.

¹⁵ UN, *Two Years On: People injured and traumatized during the "Great March of Return" are still struggling*, 6 April 2020, consulted on 13 March 2022; UN High Commissioner for Human Rights, *Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem*, 15 February 2021, p. 7-10.

¹⁶ Haaretz, *Months later, Israeli military backlog holds up probe into dozens of Gaza border deaths*, 29 June 2021, consulted on 13 March 2022.

referred to various government agencies. In 95 of these cases, it was decided to no longer conduct a criminal investigation. In one case, the death of a minor, a penalty was imposed.¹⁷ There were no further updates on these investigations during the reporting period.¹⁸

US Embassy

In 2018, the US government decided to recognise Jerusalem as Israel's capital, and in 2019 the US embassy was moved from Tel Aviv to Jerusalem. The embassy was merged with the already existing US consulate in East Jerusalem. Due to this relocation, Palestinians were temporarily unable to access the US consulate during the reporting period (see also 1.4.4).¹⁹

Israeli-Palestinian conflict in May 2021

In April and May 2021, tensions in East Jerusalem led to violent clashes between Palestinian protesters and Israeli police and Israeli settlers, which was followed by armed conflict between Israel and Hamas. The tensions were sparked, among other things, by the cordoning off of the Damascus Gate, a meeting place during Ramadan, by Israeli police, the beating of a Jewish boy by Palestinians, images of which were circulated on social media, Israeli approval for the construction of new houses in a settlement and the threatened evictions of Palestinians in the Sheikh Jarrah neighbourhood in East Jerusalem (in protest against the impending evictions, demonstrations and sit-ins were organised in Jerusalem in April 2021; see also 3.1.4). During Ramadan protests in May 2021, violence broke out on the Temple Mount/Haram al-Sharif, near the Al Aqsa mosque in Jerusalem, resulting in hundreds of injuries. The celebration of Jerusalem Day – when segments of Israeli society commemorate the conquest of East Jerusalem – also sparked violence in East Jerusalem. Hamas and PFLP increased tensions during this period by threatening violence. Hamas began shelling Jerusalem, and later several other locations in Israel, on the evening of 9 May. Israel responded the next day by carrying out air strikes on Gaza (for further escalation of violence, see 1.2).²⁰

Palestinian organisations

In October 2021, the Israeli authorities accused six Palestinian organisations of having links with the Popular Front for the Liberation of Palestine (PFLP), an organisation registered as terrorist by the EU (see also 1.1.2.). It concerned the following organisations: Al Haq, a Palestinian human rights organisation; the Palestinian branch of Defence for Children International (DCIP); the Bisan research centre; the Union of Agricultural Workers (UAWC); Addameer, an organisation that assists Palestinian detainees in Israeli prisons and the Union of Palestinian Women Committees. They were placed by Israel on Israel's list of terrorist organisations, which also includes the PFLP. There was a great deal of commotion in the international community and (international) media about this move. The US, the EU and other countries, including the Netherlands, asked Israel to share the information on which the allegations were based. Palestinian and Israeli human rights organisations and organisations such as *Human Rights Watch* (HRW) and *Amnesty*

¹⁷ B'Tselem and Palestinian Centre for Human Rights, *Unwilling and Unable: Israel's Whitewashed Investigations of the Great March of Return Protests*, December 2021.

¹⁸ Confidential source, 14 April 2022.

¹⁹ Middle East Monitor, *US backs down from reopening consulate in occupied East Jerusalem*, 16 December 2021, consulted on 26 February 2022; Council on Foreign Relations, *Global Conflict Tracker: Israeli-Palestinian Conflict*, 7 January 2022, consulted on 13 January 2022.

²⁰ Ministry of Foreign Affairs, Letter to Parliament: *Ontwikkelingen in Jeruzalem, Gaza en Israël*, 17 May 2021; Council on Foreign Relations, *Global Conflict Tracker: Israeli-Palestinian Conflict*, 7 January 2022, consulted on 13 January 2022.

International considered the Israeli listing to be an attack on Palestinian civil society.²¹ HRW voiced its suspicion that the Israeli company NSO had monitored a number of people from these organisations with Pegasus software (see also 3.1.1).²²

Rapprochement and peace process

The Israeli-Palestinian peace process had come to a standstill during the reporting period. There were, however, several meetings between the PA and Israeli ministers, such as between Israeli Defence Minister Gantz and Palestinian Prime Minister Abbas.²³

Elections

In January 2021, President Abbas announced elections for the presidency and parliament of the PA. All elections were cancelled in April 2021.²⁴ At the end of 2021, local elections were held in 154 small municipalities. The second phase of these local elections took place on 26 March 2022 in the larger municipalities of the West Bank. Hamas said it was boycotting these elections, which means that there were no elections in Gaza.²⁵ At a meeting of the PLO Central Council in February 2022, decisions were taken about new leadership positions in the PLO. These appointments were criticised by Hamas, Islamic Jihad and the Popular Front for the Liberation of Palestine (PFLP). They claimed that the appointment of Abbas loyalists further strengthened the power of the president.²⁶

1.1.2

Political groups

Various political parties and groups exist in the Palestinian Territories, sometimes with their own military branches. They are listed in the following overview.

The PLO includes the following political parties:

- Fatah (National Liberation Movement): a secular nationalist party founded in the 1950s, which is the dominant political party in the PA and PLO. Since the death of Yasser Arafat, the party has been led by Mahmoud Abbas.
 - o Democratic Reform Bloc: a 2016 branch of Fatah led by Mohammed Dahlan, who is currently living in exile.
 - o National Democratic Assembly: a branch of Fatah that split off in 2021 and is led by Nasser Kidwa (Yasser Arafat's cousin).
- Popular Front for the Liberation of Palestine (PFLP): a revolutionary socialist party founded in 1967, which has been designated a terrorist organisation by the EU and the US.
 - o Democratic Front for the Liberation of Palestine (DFLP): a branch of the PFLP that split off in 1969 and is led by Nayyef Hawatmeh, who is based in Syria.

²¹ NRC, *Israël zet Palestijnse sociale organisaties op de terreurlijst*, 25 October 2021, consulted on 26 October 2021.

²² HRW, *Spyware used to hack Palestinian Rights Defenders*, 8 November 2021, consulted on 25 November 2021; AP News, *Report: NSO spyware found on 6 Palestinians activists' phones*, 8 November 2021, consulted on 1 March 2022.

²³ The Independent, *Israel approves measures for Palestinians after leaders meet*, 29 December 2022, consulted on 30 December 2021; Haaretz, *Bennett rejects Peace Process with Abbas, focuses on Palestinians' practical needs*, 1 September 2021, consulted on 13 March 2022.

²⁴ BBC Monitoring, *Palestinian president opens Central Council session*, 7 February 2022, consulted on 8 February 2022; ECFR, *Mapping Palestinian Politics: Elections: About Elections*, consulted on 26 February 2022. See also **Error! Hyperlink reference not valid.**

²⁵ BBC Monitoring, *Palestinian local elections in West Bank*, 11 December 2021, consulted on 12 December 2022; The Independent, *Some 400,000 Palestinians vote in rare municipal elections*, 11 December 2021, consulted on 12 December 2022; BBC Monitoring, *Palestinians hold second round of local elections*, 27 March 2022, consulted on 28 March 2022.

²⁶ Al Jazeera, *Abbas accused of power grab after Palestinian appointments*, 10 February 2022, consulted on 11 February 2022.

- Palestine Democratic Union (FIDA): a branch of the DFLP with a social democratic character that split off in 1990, led by Saleh Ra'fat.
- Palestinian People's Party (PPP): a traditionally communist party formed in 1982.
- Palestine Liberation Front (PLF): a party founded in 1977 and currently led by Wasel Abu Yousef and designated a terrorist organisation by the US.
- Palestine Popular Struggle Front (PPSF): led by Ahmad Majdalani, a close ally of Mahmoud Abbas.
- Popular Front for the Liberation of Palestine-General Command (PFLP-GC): a branch of the PFLP that split off in 2016, led by Ahmad Jibril from within Syria and Lebanon until July 2021 and designated a terrorist organisation by the US and EU.²⁷

Outside of the PLO, the following parties exist:

- Hamas (Islamic Resistance Movement): a nationalist Islamic movement founded in 1987 by Palestinian members of the Muslim Brotherhood. Hamas is classified as a terrorist organisation by the US and EU, among others. After a power struggle with Fatah, Hamas has governed Gaza since 2007.
- Palestinian Islamic Jihad (PIJ): a party that was formed in 1982 through the Palestinian Muslim Brotherhood network and is funded by Iran. The PIJ is critical of the PA but focuses on military confrontation with Israel rather than on politics. The party is currently led by Ziyad al-Nakhalah and is classified as a terrorist organisation by the US and EU, among others.
- Popular Resistance Committees (PRC): a grouping of armed factions in Gaza led by Yasser Shashnyeh. The armed wing of the party are the al-Nasser Salah al-Din Brigades. The PRC is the second largest armed group in Gaza after Hamas and PIJ and is a close ally of these two parties. Former members of the PFLP are said to have joined the PRC. The PRC does not focus on politics but on military confrontation with Israel and sometimes with Fatah.
- Al-Mubadara (Palestinian National Initiative - PNI): is a social democratic and non-violent movement that was formed in the 1990s in opposition to the Oslo Accords. Mustafa Barghouti is the current leader of the PNI.
- Third Way: a centrist party founded in 2006 that aims to provide an alternative to the two-party system of Fatah and Hamas, currently represented by Hanan Ashrawi.
- *Hizb ut-Tahrir*: a global Islamic movement that was founded in Jerusalem in 1953. Hizb ut-Tahrir does not involve itself in politics but seeks to rebuild an Islamic caliphate through non-violent action. It is particularly popular among Palestinian university students.²⁸

1.2 Security situation

1.2.1 General

In the Palestinian Territories, there is both targeted and indiscriminate violence by various Palestinian armed factions, by the Palestinian security forces and by Israeli

²⁷ ECFR, *Mapping Palestinian Politics: About Political Parties, PLO Groups*, consulted on 11 January 2022. See also **Error! Hyperlink reference not valid.**

²⁸ ECFR, *Mapping Palestinian Politics: About Political Parties, Non PLO Groups*, consulted on 11 January 2022. See also **Error! Hyperlink reference not valid.**

troops. This violence is causing civilian casualties, including in the refugee camps where Palestinian militants often reside. During the reporting period (a period of over 2.5 years), in the Palestinian Territories a total of 465 Palestinian deaths (321 in Gaza and 140 in the West Bank) were registered by UN OCHA in connection with the Israeli-Palestinian conflict.²⁹ In the ACLED database, 588 deaths in the Palestinian Territories were recorded during the reporting period. The ACLED figures also include 128 civilian casualties among the total of 256 people killed during the May 2021 conflict (see below). They also include part of the total of 223 fatalities during the *Great March of Return* protests between March 2018 and November 2019 (see also 1.1.1).³⁰ According to figures from B'Tselem, 12 Israeli civilians and 4 members of the Israeli security services were killed by Palestinians during the reporting period.³¹ It is not clear which unit of the Israeli security services this involved. UN OCHA registered 21 Israeli casualties linked to the Israeli-Palestinian conflict during the reporting period, of which 14 were in Israel and 7 in the West Bank.³²

In addition, there were deaths and injuries during the reporting period that were caused by:

- Israel drone and air strikes on Gaza³³ in response to Hamas rockets fired on Israel³⁴
- Fighting between Palestinian armed groups (including Hamas and PIJ) and Israeli forces³⁵;
- Fighting between armed Palestinian (clan) groups;
- Fighting between armed Palestinians in refugee camps (groups unknown)³⁶;
- Use of violence against Palestinian civilians/protesters by the Palestinian security services and Israeli police/troops (see also 3.1.1);
- Explosives fired or accidentally detonated by Palestinian armed groups in Gaza;
- Violence by Israeli settlers against Palestinian civilians and violence by Palestinians against Israeli settlers in the West Bank.³⁷

*Violent incidents in Gaza in May 2021*³⁸

The violent incidents and protests in Jerusalem and the West Bank on 9 May 2021 prompted Hamas and Palestinian Islamic Jihad (PIJ) to fire rockets at Israel. Israel responded the next day by launching air strikes on Gaza, after which more Hamas rockets were fired at Israel. Some of the rockets from Gaza did not reach Israel and fell in Gaza. The following week, Israel targeted Hamas and PIJ targets with air strikes but also hit homes, an apartment building with media offices and refugee and healthcare facilities. Meanwhile, protests in East Jerusalem spread to several cities in Israel and the Palestinian Territories. The rocket and air strikes continued until a

²⁹ OCHA, Data on casualties, consulted on 21 April 2022. See also **Error! Hyperlink reference not valid.**

³⁰ ACLED, *Dashboard Gaza and West Bank*, 2022, consulted on 21 April 2021.

³¹ B'Tselem, *Fatalities: All data*, consulted on 21 April 2022. See also **Error! Hyperlink reference not valid.**

³² OCHA, Data on casualties, consulted on 21 April 2022. See also **Error! Hyperlink reference not valid.**

³³ ACLED, *Dashboard Gaza and West Bank*, 2022, consulted on 12 January 2022.

³⁴ Reuters, *Israel-Gaza conflict rages on despite U.S. regional diplomacy*, 17 May 2021, consulted on 13 January 2022; Council on Foreign Relations, *Global Conflict Tracker: Israeli-Palestinian Conflict*, 7 January 2022, consulted on 13 January 2022; ACLED, *Dashboard Gaza and West Bank*, 2022, consulted on 12 January 2022.

³⁵ ACLED, *Dashboard Gaza and West Bank*, 2022, consulted on 12 January 2022.

³⁶ ACLED, *Dashboard Gaza and West Bank*, 2022, consulted on 12 January 2022; Confidential source, 7 February 2022.

³⁷ ACLED, *Dashboard Gaza and West Bank*, 2022, consulted on 12 January 2022.

³⁸ There were previous conflicts in Gaza in 2008-2009, 2012, and 2014. AP News, *The deepening costs of 4 Gaza wars in 13 years, in 4 charts*, 25 August 2021, consulted on 13 March 2022.

ceasefire was concluded on 21 May 2021. During this period, an estimated 253 Palestinians were killed, including 129 civilians, and around two thousand Palestinians were injured. In Israel, at least twelve people were killed and 710 injured.³⁹ Shooting incidents between Israeli troops and Hamas on the border between Israel and Gaza continued.⁴⁰

Violent incidents in the West Bank and East Jerusalem

Hundreds of violent incidents between Jewish settlers and Palestinians have been recorded in the West Bank since early 2020 and continued to increase during the reporting period.⁴¹ Violence by Jewish settlers includes, for example, the use of pepper spray, throwing stones, damaging cars and stealing and/or damaging olive trees and orchards, including crops and agricultural tools.⁴² OCHA data states that 5 Palestinians were killed and 383 Palestinians injured (until 20 March 2022) by settlers in the West Bank between August 2019 and 15 March 2022. In the period August 2019 to 21 November 2021, 4 Israeli settlers were killed by Palestinians and 189 were injured by Palestinians (up to 20 March 2022).⁴³ According to one source, most Palestinians are injured by Israeli troops and not by the settlers themselves during settler incidents. Most of the Palestinians injured require medical attention after inhaling tear gas.⁴⁴ In the first ten months of 2021, 108 attacks on Palestinians and 302 attacks on Palestinian properties are said to have been carried out by settlers. In 2019, 335 cases were documented, while this involved 358 cases in 2020. In 2021, four Palestinians were killed by settlers.⁴⁵ There were also attacks against settlers. Some settlers were said to have been injured and dozens of Israeli cars damaged when Palestinians threw stones in November 2021.⁴⁶ These examples are illustrative but can by no means be regarded as exhaustive.

In February 2022, there were almost daily clashes between Israeli police, Palestinians and Israeli settlers in the Sheikh Jarrah neighbourhood of East Jerusalem. This was due to tensions surrounding evictions and the opening of an Israeli parliamentarian's office near the home of a Palestinian family threatened with eviction.⁴⁷

In March and April 2022, violence flared up between Palestinians and the Israeli security services. Palestinians and Arab nationals from Israel carried out terrorist attacks in Israel in which 21 people (including the perpetrators) were killed.⁴⁸ This

³⁹ Reuters, *Israel-Gaza conflict rages on despite U.S. regional diplomacy*, 17 May 2021, consulted on 13 January 2022; Council on Foreign Relations, *Global Conflict Tracker: Israeli-Palestinian Conflict*, 7 January 2022, consulted on 13 January 2022.

⁴⁰ BBC Monitoring, *Three Palestinians wounded by Israeli tank fire on Gaza*, 29 December 2021, consulted on 14 January 2022.

⁴¹ The Independent, *Israel's security forces are 'complicit' in drastic surge in settler violence, report finds*, 21 July 2021, consulted on 22 July 2021; Al Jazeera, *450 settler attacks on Palestinians in two years: Israeli NGO*, 14 November 2021, consulted on 15 November 2021; OCHA oPt, *Protection of Civilians Report | 22 February – 7 March 2022*, 11 March 2022, consulted on 12 March 2022.

⁴² OCHA oPt, *Protection of civilians report 5 – 8 October 2021*, consulted on 22 October 2021; OCHA oPt, *Protection of civilians report 9 October – 1 November 2021*, consulted on 7 November 2021; The Independent, *Palestinians say dozens of cars wrecked in settler vandalism*, 9 November 2021, consulted on 10 November 2021; B'Tselem, *State Business: Israel's misappropriation of land in the West Bank through settler violence*, November 2021, consulted on 30 November 2021.

⁴³ OCHA, *Data on casualties*, consulted on 6 April 2022. See also <https://www.ochaopt.org/data/casualties>.

⁴⁴ Confidential source, 21 March 2022.

⁴⁵ UN Human Rights Council, *UN experts alarmed by rise in settler violence in occupied Palestinian territory*, 10 November 2021, consulted on 13 March 2022.

⁴⁶ OCHA oPt, *Protection of civilians report 5 – 8 October 2021*, consulted on 22 October 2021; OCHA oPt, *Protection of civilians report 9 October – 1 November 2021*, consulted on 7 November 2021; The Independent, *Palestinians say dozens of cars wrecked in settler vandalism*, 9 November 2021, consulted on 10 November 2021; B'Tselem, *State Business: Israel's misappropriation of land in the West Bank through settler violence*, November 2021, consulted on 30 November 2021.

⁴⁷ OCHA oPt, *Protection of Civilians Report 8-21 February 2022*, 28 February 2022, consulted on 1 March 2022.

⁴⁸ ACLED, *Dashboard Israel*, 2022, consulted on 21 April 2022.

was followed by a military response by Israel in the West Bank, especially around the city of Jenin. There were also several violent incidents and conflicts in East Jerusalem, including on the Temple Mount/Haram al-Sharif. More than 150 Palestinians were injured. There were stabbing incidents by Palestinians against Israeli police and civilians in East Jerusalem and the West Bank. The Israeli army took extra security measures and, among other things, restricted the freedom of movement of Palestinians in Jenin. Israeli troops made around 350 arrests in the West Bank. In addition, eighteen Palestinians – including minors – were also killed by Israeli forces in the first two weeks of Ramadan.⁴⁹ On 18 April 2022, a rocket was fired at Israel from Gaza. This rocket was intercepted by Israel. The rocket attack was not claimed by Hamas or any other armed group. This was followed by air strikes by Israel on Gaza, with no injuries.⁵⁰

1.2.2 Security services and armed groups

In the Palestinian Territories, the following are the most well-known security services: the General Intelligence Service (GIS), Preventive Security (PS) and Presidential Guard (PG) are affiliated with the PA, the National Security Forces (NSF) and Palestinian Civil Police (PC) are affiliated with the PA in the West Bank and with Hamas in Gaza, and the Security and Protection Unit and Internal Security Forces (ISF) are affiliated with Hamas.⁵¹

The following armed groups (with their own power structures) exist in the Palestinian Territories:

- Izz al-Din al-Qassam Brigades (IQB): the military branch of Hamas, with Mohammed Deif as its leader, which was founded in 1991.
- Al-Quds Brigades (AQB): the military branch of Islamic Jihad, which was founded in 1992.

⁴⁹ BBC Monitoring, *Israeli police shoot Palestinian during suspected stabbing attack*, 19 March 2022, consulted on 20 March 2022; OCHA oPt, *Highlights from the reporting period 18 - 21 maart 2022*, 25 March 2022, consulted on 26 March 2022; BBC Monitoring, *IS claims responsibility for deadly Israel attack*, 28 March 2022, consulted on 29 March 2022; The New York Times, *Palestinian Gunman Kills 5 in Israel's Fifth Attack in Recent Days*, 29 March 2022, consulted on 30 March 2022; BBC Monitoring, *Briefing: Surge in settler violence in West Bank follows deadly attack*, 31 March 2022, consulted on 1 April 2022; BBC News, *Two Palestinians killed in gunfight during Israeli West Bank raid*, 1 April 2022, consulted on 2 April 2022; BBC Monitoring, *Palestinian killed in Hebron as clashes erupt in West Bank*, 1 April 2022, consulted on 2 April 2022; BBC Monitoring, *Briefing: Tensions flare in East Jerusalem at start of Ramadan*, 3 April 2022, consulted on 4 April 2022; BBC Monitoring, *Briefing: Israel limits entry from West Bank for Ramadan prayers*, 6 April 2022, consulted on 7 April 2022; The New York Times, *Latest Attack In Israel Kills At Least Two In Tel Aviv*, 8 April 2022, consulted on 9 April 2022; BBC Monitoring, *Palestinian killed as Israeli forces raid Jenin refugee camp*, 9 April 2022, consulted on 10 April 2022; BBC Monitoring, *Briefing: Palestinian woman killed as surge of violence continues*, 10 April 2022, consulted on 11 April 2022; OCHA oPt, *Protection of Civilians Report 22 March - 4 April 2022*, 11 April 2022, consulted on 12 April 2022; BBC Monitoring, *Briefing: Israeli officer kills Palestinian after reported stabbing attempt*, 12 April 2022, consulted on 13 April 2022; BBC Monitoring, *Palestinian death toll rises to five in occupied West Bank*, 14 April 2022, consulted on 14 April 2022; NOS, *Geweld bij al-Aqsamoskee Oost-Jeruzalem: ruim 150 gewonden gemeld*, 15 April 2022, consulted on 15 April 2022; BBC Monitoring, *Israeli troops kill five Palestinians in West Bank clashes*, 14 April 2022, consulted on 15 April, 2022; Confidential source, 5 April 2022; Confidential source, 15 April 2022; BBC Monitoring, *Tensions flare as Jews visit Jerusalem's al-Aqsa mosque compound*, 17 April 2022, consulted on 18 April 2022.

⁵⁰ NOS, *Israël onderschept raket en voert bombardement uit op Gaza*, 19 April 2022, consulted on 20 April 2022; BBC Monitoring, *Briefing: Israel strikes Gaza after rocket fired amid high tension*, 19 April 2022, consulted on 20 April 2022.

ECFR, *Mapping Palestinian Politics: About Security Forces*, consulted on 11 January 2022. See also **Error!**

Hyperlink reference not valid.; There are also the *Preventative Security (PSO)*, the *Military Intelligence (MI)*, the *Civil Defense (CD)*, *Customs Police*, various committees and administrative bodies, the *Organization and Administration Commission (OAC)*, *Military Judiciary Commission (MJC)*, the *Political and National Guidance Commission*, the *General Military Training Commission (GMTC)*, the *Central Logistics Commission (LC)*, *District Coordination Office (DCO)*, the *Military Medical Services Directorate (MMS)*, the *Central Armament Directorate (ARM)*, the *Military Financial Administration (CFA)*; Confidential source, 11 March 2022.

- Al-Aqsa Martyrs Brigades (AMB): the coalition group formed during the Second Intifada,⁵² which is associated with, but not recognised by, Fatah. The AMB is fighting against Israel, but a number of AMB activists – for example after an amnesty following the Second Intifada – were incorporated into the PA security services or splintered into other groups active in Gaza (al-Aqsa Martyrs Brigades-Nidal al-Amoudi (AMB-NA), al-Aqsa Martyrs Brigades-Jaish al-Asifah, al-Aqsa Martyrs Brigades-Ayman Jawda, and the Popular Resistance Committees). There were also (violent) conflicts between the AMB and the PA security services.
- Al-Nasser Salah al-Deen Brigades (PRC): the military branch of the PRC, but in practice there is no difference between the military and political branches.
- Abu Ali Mustafa Brigades: the military branch of the PFLP active in the West Bank and Gaza.
- National Resistance Brigades: the military branch of the DFLP active in Gaza.
- *Harakat al-Sabireen*: founded by former members of Islamic Jihad in 2014 and active in the West Bank and Gaza.
- Salafi jihadists: a number of different groups (including the active *Jaysh al-Islam*, *Jaysh al-Umma*, *Jund Ansar Allah* and *al-Tawhid wal-Jihad*) that were formed after Hamas took power in Gaza in 2007. These groups are fighting against Israel but they are also in conflict with Hamas. Their presence is minimal compared to Hamas.⁵³

1.3 Living conditions

1.3.1 General

In 2021, there was limited access in the West Bank and East Jerusalem to basic services, evictions, loss of land, destruction of real estate and restrictions in freedom of movement.⁵⁴ The situation in Gaza is described by UN agencies as a 'trajectory of de-development': the socio-economic position and living conditions in Gaza have deteriorated since Israel initiated the (land, air and sea) closure of Gaza due to the seizure of power by Hamas in 2007. This has had negative consequences for the economy, employment and education. The UN has called it a blockade⁵⁵ and stated that it is a violation of international humanitarian law and is leading to hardship for the people of Gaza. Around 2.1 million people live in Gaza, 1.4 million of whom are registered as refugees with the United Nations Relief and Works Agency (UNRWA). Gaza's eight refugee camps have one of the highest population densities in the world.⁵⁶ There is a housing shortage, partly due to the intense demographic pressure, the destruction of homes, Israeli air strikes as part of the violent conflict between Hamas and Israel and a shortage of building materials (see also 1.2.1).⁵⁷ Of the people in need identified by OCHA in the Palestinian Territories in 2021 (2.1 million), 947,000 were refugees outside the refugee camps and 464,000 were

⁵² Period of Palestinian resistance and escalating conflict with Israel from 2000 to 2005.

⁵³ ECFR, *Mapping Palestinian Politics: About Armed Groups*, consulted on 11 January 2022. See also **Error! Hyperlink reference not valid.**

⁵⁴ OCHA, *Humanitarian Response Plan: Working Document*, December 2021, p. 5.

⁵⁵ The Netherlands has referred to it as the closure of land borders.

⁵⁶ UNRWA, *Where We Work: Gaza Strip*, consulted on 18 January 2022; Gisha, *Gaza Up Close*, 1 September 2021, consulted on 18 January 2022; UNHCR, *Country of Origin Information on the Situation in the Gaza Strip, Including on Restrictions on Exit and Return*, 2018, p. 4; Gisha, *The illusion of disengagement*, 12 September 2019, consulted on 12 April 2022

⁵⁷ UNHCR, *Country of Origin Information on the Situation in the Gaza Strip, Including on Restrictions on Exit and Return*, 2018, p. 4.

refugees in refugee camps.⁵⁸ It is not clear how many of these numbers are UNRWA-registered. In March 2022, UNHCR said that the humanitarian and human rights situation in Gaza was serious and called on countries not to facilitate forced returns to Gaza.⁵⁹

Work, food, water and electricity: West Bank

According to OCHA, in 2021 21% of West Bank residents could be regarded as people in severe and extreme need.⁶⁰ The unemployment rate in the West Bank was 16.9% in the second quarter of 2021.⁶¹ In 2017, 20% of individuals and 13.7% of households in the West Bank were living below the poverty line.⁶² In the West Bank, 40% of households are facing food insecurity. In Area C in particular, there is said to be major food insecurity.⁶³ Almost 670,000 people in the West Bank have limited access to water; this particularly applies to Area C residents, who often do not have their own water supply. Due to the high cost of alternative access to water in some areas, such as Area C, households are spending 15% of their income on water. The water infrastructure in Area C also runs the risk of being demolished if there are no building permits (see also 1.2.4).⁶⁴ Residents of the West Bank depend on Israeli supplies for the majority of their electricity. This supply was interrupted a number of times during the reporting period due to late payments and debts by the PA.⁶⁵

Work, food, water and electricity: Gaza

Three out of every five residents in Gaza are living below the poverty line.⁶⁶ Unemployment in Gaza was around 45% in June 2021. 35.7% of the employed were working in public service with an average income of USD 28 per day. The average income in the private sector was just under USD 10 per day.⁶⁷ Around 80% of the population in Gaza is dependent on international humanitarian aid – among other things due to high food prices. An estimated 39% of households are living with food insecurity and young children are at risk of chronic malnutrition. More than one million UNRWA refugees depend on UNRWA for food aid (see also 1.3.2). UNRWA issues micro-loans to Palestinian refugees, but also to the poor and other marginalised people living or working in the vicinity of refugees. Clean water is not accessible to 95% of the population. Since April 2021, access to electricity has been scaled up from four or five hours a day to fourteen hours a day.⁶⁸ According to another source, Gaza continued to experience power outages and residents of the area had access to electricity for only two to four hours a day. This supply would not be enough to run all the appliances in a household at the same time.⁶⁹ The fuel

⁵⁸ OCHA, *Humanitarian needs overview OPT*, December 2021, p. 6.

⁵⁹ UNHCR, *UNHCR position on returns to Gaza*, March 2022, p. 31-32.

⁶⁰ OCHA, *Humanitarian needs overview OPT*, December 2021, p. 6.

⁶¹ World Bank Group, *Economic Monitoring Report to the Ad Hoc Liaison Committee*, 17 November 2021, p. 4.

⁶² UN General Assembly, *Economic costs of the Israeli occupation for the Palestinian people: poverty in the West Bank between 2000 and 2019*, 30 August 2021, p. 12-13.

⁶³ Palestine Food Security Sector & Palestinian Central Bureau of Statistics, *Socio-Economic & Food Security Survey 2020: State of Palestine*, 2020, p. 1; OCHA, *Palestinians strive to access water in the Jordan Valley*, 22 June 2021, consulted on 2 March 2022.

⁶⁴ West Bank Protection Consortium, *Palestinian access to water & attacks on WASH structures in Area C*, April 2021, p. 1.

⁶⁵ Reuters, *Israeli electric company ends power cuts to West Bank after Palestinians pay debt*, 22 January 2020, consulted on 20 January 2022; The Times of Israel, *Israeli electrical company to cut power to West Bank Palestinians over debts*, 28 October 2021, consulted on 20 January 2022.

⁶⁶ The Independent, *Defiant in war and isolation, Hamas plays long game in Gaza*, 20 December 2021, consulted on 14 January 2022.

⁶⁷ Gisha, *Unemployment rate in Gaza at 44.7% in Q2 of 2021*, 21 October 2021, consulted on 14 January 2022.

⁶⁸ UNRWA, *Were we Work: Gaza Strip*, consulted on 18 January 2022; Gisha, *Gaza Up Close*, 1 September 2021, consulted on 18 January 2022; UNHCR, *Country of Origin Information on the Situation in the Gaza Strip, Including on Restrictions on Exit and Return*, 2018, p. 10; UNRWA, *What we do: Microfinance*, consulted on 6 April 2022.

⁶⁹ Confidential source, 24 January 2022.

supply for the power plant in Gaza can be blocked by Israel, as happened in August 2020 and during the conflict in May 2021. The shortage of electricity is affecting industry and agriculture as well as access to essential services such as healthcare, water and sanitation.⁷⁰

The Internet

The quality of the internet in the Palestinian Territories is poor and the costs are high. Israel's approval is required to build communication infrastructure in the Palestinian Territories and to obtain materials for this purpose. All of the communication infrastructure is said to be connected to Israel's infrastructure. Mobile internet in the West Bank is limited to the 3G network. Gaza residents only have access to 2G mobile internet.⁷¹

Education

The education system in the Palestinian Territories consists of public schools from the Ministry of Education, UNRWA schools (primary education for UNRWA registered refugees; see also 4.1) and schools in the private and non-profit sector. In the West Bank, including in Area C, schools are maintained by the PA. In East Jerusalem, these fall under the Israeli administration/government. The education system has to contend with early school leavers, partly as a result of poverty. Children with disabilities are more at risk of dropping out of school.⁷²

Schools in Gaza have to deal with overcrowded classrooms, interruptions in student attendance and early school leavers.⁷³ Teachers in Gaza do not always receive their salaries. Extra financial contributions from parents to schools are normal and are a major source of income for schools.⁷⁴ The organisation *Al Mezan Center for Human Rights* states that access to education for children in Gaza is being detrimentally affected by the violent incidents. For example, in May 2021 186 schools (136 public, 13 private and 37 UNRWA schools) had been damaged by the conflict between Hamas and Israel. In addition, schools were not being used for education but for the reception of displaced persons. Of the schools used for shelter, 63 had suffered minor damage.⁷⁵

Health care

The health system in the Palestinian Territories is facilitated by the Palestinian Ministry of Health, UNRWA, NGOs and private clinics/hospitals. According to think-tank *Al Shabaka*,⁷⁶ the quality of and access to healthcare differs for each facility depending on access to electricity and medical devices. There is said to be financial and physical barriers and uneven health insurance coverage.⁷⁷ The health sector in the West Bank and Gaza is struggling with shortages of medical equipment, drugs, infrastructure, staff and medical specialists. In the refugee camps there is also poor access to healthcare, including trauma and mental health care, especially for

⁷⁰ UNRWA, *Were we Work: Gaza Strip*, consulted on 18 January 2022; Gisha, *Gaza Up Close*, 1 September 2021, consulted on 18 January 2022; UNHCR, *Country of Origin Information on the Situation in the Gaza Strip, Including on Restrictions on Exit and Return*, 2018, p. 10.

⁷¹ Open Democracy, *Israel's digital apartheid is silencing Palestinians*, 20 May 2021, consulted on 20 January 2022; The Jerusalem Post, *World Bank: Israel must give Palestinians 4G so economy can thrive*, 9 February 2022, consulted on 1 March 2022.

⁷² UNICEF, *State of Palestine Country Report on out-of-school children*, July 2018, p. 1-3, 8-11.

⁷³ Al Mezan Center for Human Rights, *Fact Sheet on Obstacles to Accessing Education in the Gaza Strip*, August 2021, p. 6-7.

⁷⁴ UNICEF, *State of Palestine Country Report on out-of-school children*, July 2018, p. 8-11.

⁷⁵ Al Mezan Center for Human Rights, *Fact Sheet on Obstacles to Accessing Education in the Gaza Strip*, August 2021, p. 6-7.

⁷⁶ Al Shabaka (The Palestinian Policy Network) is a non-profit think-tank that focuses on Palestinian human rights.

⁷⁷ Al Shabaka, *The Conditional Right to Health in Palestine*, 30 June 2019, consulted on 19 January 2022.

children. During the coronavirus pandemic in 2020, there were shortages of IC beds, medicines and tests in the West Bank.⁷⁸ Access to medical care in the West Bank for persons coming from Gaza is not guaranteed. The PA is said to have unpaid hospital bills at private hospitals for special cancer treatments that are not available in public hospitals.⁷⁹

Healthcare in Gaza is worse than in the West Bank. During the coronavirus pandemic in 2020, there were also shortages of IC beds, medicines and tests in Gaza. For specialist care, persons from Gaza must travel to East Jerusalem, the West Bank, Israel or Jordan. Travel permits are often delayed or refused by the Israeli authorities (see also 1.4.1).⁸⁰ People in need of medical care have died as a result of delays in this application process. Due to the poor living conditions, the closure of borders and violent incidents during the conflict, there is also a need for trauma and mental healthcare, especially for children. Access to healthcare in the refugee camps in Gaza is poor.⁸¹

In addition, closure of the borders is said to pose environmental, health and safety risks due to limited recycling and waste disposal options. 25 tonnes of old batteries are said to be stored in unsafe conditions at various locations in Gaza.⁸²

Humanitarian aid

According to sources, Israel controls access to humanitarian aid in the Palestinian Territories.⁸³ For the West Bank and East Jerusalem, a source says that in practice no permission is required from the Israeli authorities to import humanitarian aid.⁸⁴ In Gaza, international organisations use the Kerem Shalom border crossing to deliver humanitarian aid. It is not clear whether this requires permission from the Israeli authorities in practice. According to one source, the Israeli authorities do not deny access to the providers of humanitarian aid. In May 2021, humanitarian aid to Gaza was temporarily not permitted due to the violent conflict (see also 1.2.1). Certain items, such as building materials, fuel, medical devices or sanitary infrastructure materials, are always subject to import restrictions.⁸⁵ According to one source, humanitarian aid from Arab countries enters Gaza via the Rafah border crossing with Egypt. For example, humanitarian aid during the escalation of violence in May 2021 and Covid-19 vaccines during the coronavirus pandemic came in through this crossing.⁸⁶ The import of humanitarian aid was possible during the May 2021 conflict but was made more difficult in practice due to the temporary closures of the Erez and Kerem Shalom border crossings.⁸⁷

Access to work in Israel

⁷⁸ Anera, *Health Care System in Palestine*, 21 September 2020, consulted on 18 January 2022.

⁷⁹ Al Jazeera, *Teen's death fuels Palestinian Authority corruption claims*, 8 February 2022, consulted on 9 February 2022.

⁸⁰ Anera, *Health Care System in Palestine*, 21 September 2020, consulted on 18 January 2022; Confidential source, 24 January 2022; The Guardian, *Palestinian baby dies after treatment delayed by Israeli blockade of Gaza*, 1 April 2022, consulted on 2 April 2022.

⁸¹ UNHCR, *Country of Origin Information on the Situation in the Gaza Strip, Including on Restrictions on Exit and Return*, 2018, p. 12 -13; Anera, *Health Care System in Palestine*, 21 September 2020, consulted on 18 January 2022; The Guardian, *Palestinian baby dies after treatment delayed by Israeli blockade of Gaza*, 1 April 2022, consulted on 2 April 2022.

⁸² The Independent, *Gaza's old battery pileups pose risk to health, environment*, 22 December 2021, consulted on 27 December 2021.

⁸³ Confidential source, 24 January 2022; Confidential source, 28 February 2022.

⁸⁴ Confidential source, 28 February 2022.

⁸⁵ Gisha, *Gaza Up Close*, 1 September 2021, consulted on 18 January 2022; Confidential source, 24 January 2022.

⁸⁶ Confidential source, 24 January 2022.

⁸⁷ Gisha, *Israel continues to restrict movement to and from Gaza, harming residents*, 23 May 2021, consulted on 2 March 2022.

Palestinians from the West Bank and Gaza can, under certain conditions, work outside their own place of residence in Israel or in Israeli settlements (see also 1.4.3). To do this, they need a work permit that has been issued by the Israeli authorities. To obtain a work permit, workers must first have an Israeli employer. In December 2020, work permits in the construction sector were uncoupled from employers and arranged through intermediaries. Since March 2021, this has also been the case in industry and the services sector. Trade in work permits is prohibited under Israeli and Palestinian law.⁸⁸ Work permit applications are free⁸⁹ but were previously sold illegally by employers. Since then, work permits have been illegally sold by intermediaries. In 2020, a work permit obtained in this way cost approximately NIS 2,500 (EUR 710)⁹⁰.

Besides undergoing a security check, a person must be over 22 years old and married in order to work in Israel and over 18 years old to work in Israeli settlements. These rules mean that some people get married in order to be eligible for a work permit. Work permits are only granted in sectors where Palestinian workers do not compete with Israelis.⁹¹

Before the coronavirus pandemic, around 133,000 Palestinians worked in Israel, according to the *International Labour Organisation* (ILO). Of the estimated number of Palestinian workers in Israel and Israeli settlements, 94,000 had a work permit in 2019. 99% of the permit holders are male and most of them work in the construction sector.⁹² In 2020, there were approximately 125,000 Palestinians working in Israel and Israeli settlements. In addition, there were around 24,000 Palestinians working without a work permit. The ILO did not specify whether Palestinians from East Jerusalem who have a Jerusalem identity card or an Israeli identity card required a work permit.⁹³

There are cases where employers buy up work permits and then withhold money from the salaries of their Palestinian employees. In addition, Palestinian workers with work permits are at risk of being paid below the minimum wage and not receiving employee benefits, such as access to healthcare, to which they are legally entitled. As a result, Palestinian workers may be exposed to bad working conditions, such as long working days, poor terms of employment and low pay.⁹⁴ There were cases where Israeli security forces withheld work permits as a collective punishment for Palestinian communities in which families were suspected of political activity or attacks against Israel.⁹⁵ The ILO says that around one third of the salary of Palestinian employees is spent on intermediaries who arrange work permits.

⁸⁸ International Trade Union Confederation (ITUC), *Workers Rights in Crisis: Palestinian workers in Israel and the settlements*, 12 April 2021, p. 9-10; International Labour Organisation, *The situation of workers of the occupied Arab territories, Report of the Director-General – Appendix 2021*, 2021, p. 11; KavLaoved, *Policy brief – January 2022: Who is protecting the rights of Palestinian workers in Israel*, January 2022, p. 1.

⁸⁹ Confidential source, 25 March 2022.

⁹⁰ Exchange rate on 6 April 2022.

⁹¹ International Trade Union Confederation (ITUC), *Workers Rights in Crisis: Palestinian workers in Israel and the settlements*, 12 April 2021, p. 9-10; International Labour Organisation, *The situation of workers of the occupied Arab territories, Report of the Director-General – Appendix 2021*, 2021, p. 11; KavLaoved, *Policy brief – January 2022: Who is protecting the rights of Palestinian workers in Israel*, January 2022, p. 1.

⁹² International Trade Union Confederation (ITUC), *Workers Rights in Crisis: Palestinian workers in Israel and the settlements*, 12 April 2021, p. 9.

⁹³ International Labour Organisation, *The situation of workers of the occupied Arab territories, Report of the Director-General – Appendix 2021*, 2021, p. 11, 27, 33.

⁹⁴ The Jerusalem Post, *Palestinian workers in Israel: Opportunity or exploitation?*, 1 August 2021, consulted on 26 November 2021.

⁹⁵ International Trade Union Confederation (ITUC), *Workers Rights in Crisis: Palestinian workers in Israel and the settlements*, 12 April 2021, p. 10.

Palestinians earn up to four times as much per day in Israel as they do in Gaza and up to twice as much as Palestinians from the West Bank ⁹⁶

1.3.2 *Role of UNRWA*

A separate UN agency (the United Nations Relief and Works Agency (UNRWA) was established in 1949 to assist the Palestinian refugees. UNRWA registers and provides aid to Palestinian refugees and four other categories of persons entitled to this relief. There are also a number of other categories of persons who are entitled to UNRWA relief but not entitled to UNRWA registration. UNRWA registration is therefore not always required to receive UNRWA relief.⁹⁷

UNRWA is active in the Palestinian Territories and focuses on the following themes: primary education, primary healthcare, humanitarian and social services, infrastructure and camp improvement, financial support (micro-credit) and emergency relief (also in the case of armed conflict). Access to further education, specialist healthcare, the social safety net system and emergency relief is not universally granted and is based on certain criteria. UNRWA does not provide protection for refugees and has no control over the administration of refugee camps.⁹⁸

UNRWA largely relies on voluntary donations from states.⁹⁹ UNRWA has been struggling for years with financial problems and budget deficits due to the growing refugee population and declining contributions from donors. In particular, the cessation of US funding under the Trump administration in 2018 has impacted UNRWA's finances. UNRWA was previously unable to pay the salaries of its staff, consisting mostly of Palestinian employees, for a number of months in 2020.¹⁰⁰ In the 2019-2020 academic year, UNRWA was unable to implement a food aid programme in Gaza without using a UN-CERF (emergency) fund and advances from its future budget.¹⁰¹ While the US reintroduced the UNRWA contribution under the Biden administration, other donor countries such as the UK and the Gulf States reduced their contributions to UNRWA in 2021.¹⁰² In 2021, UNRWA issued an emergency call for USD 231 million for humanitarian services in the Palestinian Territories.¹⁰³ In November 2021, it was announced that the salaries of 28,000 UNRWA employees could not be paid on time. According to one source, UNRWA was trying to reduce its workforce.¹⁰⁴ UNRWA is said to have received 48% of its 2022

⁹⁶ International Labour Organisation, *The situation of workers of the occupied Arab territories, Report of the Director-General – Appendix 2021*, 2021, p. 11.

⁹⁷ Ministry of Foreign Affairs, *Thematisch Ambtsbericht Palestijnen in Libanon*, January 2021, p. 7; Palestinian refugees (Palestinians from the former British Mandate who lost their homes and access to income due to the 1948 conflict), relatives of refugees who are not themselves refugees, frontier villagers, poor people from Jerusalem and Gaza and compromised cases are entitled to UNRWA registration and UNRWA relief. The remaining group consists of non-Palestinian persons or non-refugee family members who are entitled to UNRWA services because they were working/living in Palestine at the time. UNRWA, *Eligibility and registration Q&A*, 2020, p. 1-2; UNRWA Dashboard, *UNRWA-mandaatgebied*, consulted on 28 February 2022. See also **Error! Hyperlink reference not valid.**; Confidential source, 28 February 2022.

⁹⁸ UNRWA, *Letter from UNRWA to UNHCR describing UNRWA's mandate and services*, 22 September 2021, consulted on 7 April 2022; Confidential source, 28 February 2022.

⁹⁹ Confidential source, 28 February 2022.

¹⁰⁰ Ministry of Foreign Affairs, *Thematisch Ambtsbericht Palestijnen in Libanon*, January 2021, p. 40-41.

¹⁰¹ Confidential source, 28 February 2022.

¹⁰² The Guardian, *UN Palestine refugee aid agency 'close to collapse' after funding cuts*, 5 November 2021, consulted on 21 January 2022.

¹⁰³ UNRWA, *Emergency appeal, emergency appeal for the occupied Palestinian territory*, consulted on 21 January 2022.

¹⁰⁴ Confidential source, 24 January 2022; UNRWA has more than 30,000 employees. UNRWA, *Working at UNRWA*, consulted on 22 February 2022. See also **Error! Hyperlink reference not valid.**

and 2023 budget from donations.¹⁰⁵ On 18 January 2022, Phillipe Lazzarini, the head of UNRWA, said that the organisation was suffering from such a chronic financial deficit that it might collapse. It would need USD 1.6 billion to be able to carry out its activities in 2022.¹⁰⁶

There are countless agencies and NGOs operating in the Palestinian Territories that provide relief to Palestinians who are registered as refugees. For example, UNRWA works together with other UN organisations and various larger and smaller (local) NGOs.¹⁰⁷ According to one source, like UNRWA most other organisations have budget deficits due to reduced donor funding.¹⁰⁸

1.3.3 *Humanitarian situation and reconstruction in Gaza after May 2021*

UN emergency aid agency OCHA has stated that during the conflict period in May 2021, 1,042 homes and commercial buildings were destroyed in Gaza, 769 homes and commercial buildings were seriously damaged, 58 educational facilities were damaged, nine hospitals were partially damaged, nineteen health clinics were damaged and 800,000 people (around one third of the population) were without normal access to drinking water in line with international standards. At the height of the escalation of violence in May 2021, 113,000 people were displaced in Gaza, with 71,000 of them using UNRWA schools as emergency shelters and 35,000 staying with host families or in informal shelters. In November 2021, approximately 8,250 of these people were still displaced (see also 4.2).¹⁰⁹

Human Rights Watch has stated that USD 380 million worth of physical damage and USD 190 million worth of economic damage were caused in Gaza during the May 2021 conflict.¹¹⁰ For emergency humanitarian aid and the reconstruction of damaged infrastructure in the Palestinian Territories, USD 95 million was requested in July 2021 from an alliance between several organisations and OCHA. By July 2021, half of this money had been raised. Besides rebuilding basic services such as healthcare and access to water, OCHA also made funds available for housing benefits for displaced persons whose houses had been destroyed.¹¹¹ Several countries supported humanitarian aid for Gaza – among other things through humanitarian partners, UN organisations, NGOs and the Red Cross/Red Crescent (International Committee of the Red Cross - ICRC).¹¹² A number of aid organisations were active in Gaza after the Israeli air strikes. UNRWA supported displaced persons with emergency shelters in UNRWA schools. Various organisations were active in providing food parcels, access to water and sanitation, non-food items such as toiletries and medicines and financial support, including credits for the purchase of food.¹¹³

¹⁰⁵ The Independent, *UN agency for Palestinian refugees faces funding crisis*, 30 November 2021, consulted on 21 January 2022.

¹⁰⁶ UN News, *UNRWA seeks \$1.6 billion to support Palestinian refugees in 2022*, 18 January 2021, consulted on 21 January 2022; The Guardian, *UN Palestine refugee aid agency 'close to collapse' after funding cuts*, 5 November 2021, consulted on 21 January 2022.

¹⁰⁷ UNRWA, *NGO partners*, consulted on 1 February 2022. See also **Error! Hyperlink reference not valid.**

¹⁰⁸ Confidential source, 24 January 2022.

¹⁰⁹ OCHA, *GAZA: Internally Displaced people*, 20 May 2021, p. 1; OCHA, *Gaza Strip: Escalation of hostilities*, 21 May 2021, p. 1; OCHA, *Overview November 2021*, 3 November 2021, consulted on 13 January 2022.

¹¹⁰ Human Rights Watch, *Israel and Palestine: Events of 2021*, consulted on 14 January 2022.

¹¹¹ OCHA, *Response to the escalation in the oPt, Situation Report No. 6: 25 June – 1 Juli 2021*, 1 July 2021, p. 1-2, 4.

¹¹² OCHA, *Gaza Strip: Escalation of hostilities*, 21 May 2021, p. 1; European Union, *Palestine Factsheet*, 23 September 2021, consulted on 14 January 2022; The Independent, *Hamas: Qatar paying public salaries by sending fuel to Gaza*, 30 November 2021, consulted on 14 January 2022.

¹¹³ OCHA, *Gaza Strip: Escalation of hostilities*, 21 May 2021, p. 1; ACTED, *Gaza: ACTED's Emergency Assistance for families to meet their needs*, 23 December 2021, consulted on 13 January 2022.

According to sources, government assistance is inconsistent and families must try to survive for extended periods without government aid or must borrow money from relatives.¹¹⁴ Hamas is said to have an estimated fifty thousand civil servants.¹¹⁵ Most civil servants in Gaza are said to receive around 55% of their salaries. Qatar is supporting Gaza by supplying fuel to Hamas, which is allegedly selling it and using the proceeds to pay government salaries.¹¹⁶

In September 2021, Israel allowed building materials into Gaza again after hundreds of Palestinians in Gaza protested along the border with Israel against the closure.¹¹⁷ In addition, after the escalation of violence in May 2021, Qatar began to provide support through the UN for one hundred thousand poor families who consequently received USD 100 per month up to the end of 2021.¹¹⁸ In early December 2021, Egypt reopened the Rafah border crossing with Gaza – among other things to allow humanitarian aid and building materials to pass through.¹¹⁹ Hamas threatened another escalation in December 2021, accusing Egypt and Israel of slowing down the reconstruction of Gaza by keeping Gaza closed.¹²⁰ Hamas was said to be taxing goods entering Gaza through the Erez and Rafah border crossings, resulting in estimated revenues of up to USD 30 million per month. Individuals who criticised Hamas's monopoly on fuel imports were at risk of detention. It is not clear how many cases this involved.¹²¹ With the help of the United Nations Development Programme (UNDP), the rubble from destroyed homes and buildings in Gaza is being recycled in part for road construction as well as for the construction of cement and building blocks in the private sector. However, it has been reported that these building blocks do not comply with the applicable safety standards.¹²² According to a news report, by January 2022 fifty of the 1,650 destroyed homes in Gaza had been restored.¹²³ One source said that at the end of January 2022 no reconstruction had taken place in Gaza.¹²⁴

1.4 Freedom of movement

1.4.1 Travel within the country

The Gaza Strip

¹¹⁴ ACTED, *Gaza: ACTED's Emergency Assistance for families to meet their needs*, 23 December 2021, consulted on 13 January 2022.

¹¹⁵ The Independent, *Defiant in war and isolation, Hamas plays long game in Gaza*, 20 December 2021, consulted on 14 January 2022.

¹¹⁶ The Independent, *Hamas: Qatar paying public salaries by sending fuel to Gaza*, 30 November 2021, consulted on 14 January 2022.

¹¹⁷ Al Jazeera, *Building materials allowed into Gaza after Israeli assault in May*, 1 September 2021, consulted on 14 January 2022.

¹¹⁸ OCHA, *Response to the escalation in the oPt Situation Report No. 10*, September 2021, consulted on 18 January 2022.

¹¹⁹ BBC Monitoring, *Egypt resumes opening Rafah crossing with Gaza*, 6 December 2021, consulted on 14 January 2022.

¹²⁰ BBC Monitoring, *Hamas warns of 'escalation' in Gaza, blaming Egypt*, 7 December 2021, consulted on 14 January 2022; Oxford Analytica, *Palestinian Hamas may respond to Gaza aid delays*, 8 December 2021, consulted on 14 January 2022.

¹²¹ The Independent, *Defiant in war and isolation, Hamas plays long game in Gaza*, 20 December 2021, consulted on 14 January 2022.

¹²² The Independent, *Rubble brings opportunity, and risk, in war-scarred Gaza*, 13 January 2022, consulted on 14 January 2022.

¹²³ Reuters, *With most Gaza homes wrecked by war still in ruins, smiles for the lucky few*, 13 January 2022, consulted on 13 March 2022.

¹²⁴ Confidential source, 24 January 2022.

People can move freely inside Gaza but there are sometimes temporary checkpoints that are managed by the local authorities.¹²⁵ Freedom of movement is limited to the sea and land border areas. Israel announced in early December 2021 that it had completed the so-called 'iron wall', an underground and above-ground wall along the 65-kilometre border with Gaza.¹²⁶ Israeli troops use warning shots if people get too close to the border fences with Israel or if fishermen go too far out to sea. These individuals are at risk of arrest by Israeli troops.¹²⁷ In February 2022, 25 cases were recorded in which Israeli forces had used these types of warning shots. During this period, seven fishermen, three of them children, were arrested at sea and their boat was seized by Israeli troops.¹²⁸

The West Bank

In practice, freedom of movement in the West Bank is hampered by the numerous checkpoints, sealed-off areas, limited access to roads, Israeli settlements and Israeli military bases.¹²⁹ Israelis cannot enter the parts of the West Bank that are under PA control. Israelis use Israeli roads that bypass Palestinian towns and villages.¹³⁰ Palestinians cannot use certain roads reserved exclusively for Israeli settlers. Palestinians living in Hebron may not and cannot use certain roads into Hebron and in the centre of Hebron and risk arrest under Israeli military law if they do so.¹³¹ The Israeli wall, of which 85% is located in the West Bank and not on the Green Line (the land borders according to 1949), is preventing thousands of Palestinians from accessing their (agricultural) lands and Palestinians on the other side of the wall from accessing the rest of the West Bank.¹³²

During the coronavirus pandemic in 2020, travel options between cities were curtailed and curfews were imposed by the PA from March to May and in November.¹³³

Freedom of movement in refugee camps

Palestinians in refugee camps in Gaza and in the West Bank can travel into and out of the camps. For all intents and purposes, the camps are residential areas.¹³⁴ The various walls and checkpoints that exist in the West Bank make it difficult to travel into and out of various areas in this region. The same rules apply to Palestinians with a regular ID card who live in refugee camps as to Palestinians with a regular ID card who live outside the refugee camps. Residents of the Shu'fat refugee camp in East Jerusalem are at risk of losing their residence permits if they leave East Jerusalem for an extended period of time. This could happen, for example, if a

¹²⁵ Confidential source, 24 January 2022.

¹²⁶ Al Jazeera, *Israel completes 'iron wall' underground Gaza barrier*, 7 December 2021, consulted on 8 December 2022; NOS, *Israëlische ondergrondse muur langs Gazastrook na bijna vier jaar voltooid*, 7 December 2021, consulted on 8 December 2022.

¹²⁷ OCHA oPt, *Protection of Civilians Report 7-20 December 2021*, 27 December 2021, consulted on 14 January 2022.

¹²⁸ OCHA OPT, *Protection of Civilians Report 8-21 February 2022*, 28 February 2022, consulted on 1 March 2022.

¹²⁹ B'Tselem, *Restrictions on Movement*, 11 November 2017, consulted on 10 January 2022; OCHA, *Longstanding access restrictions continue to undermine the living conditions of West Bank Palestinians*, 8 June 2020, consulted on 13 March 2022; ECFR, *Mapping Palestinian Politics: Geography, Occupied Palestinian Territory*, consulted on 10 January 2022. See also *Refugee Camps – Mapping Palestinian Politics – European Council on Foreign Relations* (ecfr.eu).

¹³⁰ BBC Monitoring, *Palestinian officers extricate Israelis attacked in Ramallah*, 2 December 2021, consulted on 3 December 2021; OCHA, *West Bank access restrictions*, July 2020, consulted on 10 January 2022. See also **Error! Hyperlink reference not valid.**

¹³¹ B'Tselem, *West Bank roads on which Israel forbids Palestinian vehicles*, 31 January 2017, consulted on 10 January 2022. See also https://www.btsalem.org/freedom_of_movement/forbidden_roads; OCHA, *Longstanding access restrictions continue to undermine the living conditions of West Bank Palestinians*, 8 June 2020, consulted on 13 March 2022; Al Jazeera, *Hebron: Israeli president visit overlooks violent settler control*, 1 December 2021, consulted on 10 January 2022; Confidential source, 11 March 2022.

¹³² B'Tselem, *The Separation Barrier*, 11 November 2017, consulted on 14 January 2022; OCHA, *Longstanding access restrictions continue to undermine the living conditions of West Bank Palestinians*, 8 June 2020, consulted on 13 March 2022; Human Rights Watch, *Israel and Palestine: Events of 2021, 2022*, consulted on 14 January 2022.

¹³³ Freedom House, *Freedom in the World 2021: West Bank*, 2021, consulted on 10 January 2022.

¹³⁴ Confidential source, 24 January 2022; Confidential source, 7 February 2022.

person is working or studying abroad or if a person has not lived in the city for more than seven years, even if they have travelled back to the city in between.¹³⁵ Due to the Israeli wall, this refugee camp, which officially belongs to Jerusalem, is located in the West Bank side. This makes it difficult for residents to travel to other parts of East Jerusalem. Many people from East Jerusalem are said to have moved to the camp because the accommodation costs and the cost of living in Jerusalem are so high. As a result, the camp is overcrowded.¹³⁶

Palestinians from other countries

Palestinians from other countries (that is, persons who were born outside the Palestinian Territories, have not previously lived in the Palestinian Territories and do not have a Palestinian ID number) who have settled in the Palestinian Territories can move freely inside Gaza and the West Bank provided they have a valid residence permit.¹³⁷ According to one source, the Israeli authorities have control over whether Palestinians from other countries are permitted to settle in the Palestinian Territories. It is not clear on which basis the Israeli authorities determine whether or not a person is permitted to settle in the Palestinian Territories. Palestinians with a foreign nationality, especially a European or American nationality, are eligible for a three-month travel permit that allows them to enter the Palestinian Territories via Jordan. This travel permit does not allow entry to Israel. Many of these Palestinians cannot re-enter the Palestinian Territories because the Israeli authorities do not allow this after the expiry date of a first travel permit.¹³⁸ Many people in this group are undocumented because they have entered illegally or on expired travel permits and do not have a valid residence permit. This limits their freedom of movement. Some of these people hardly ever leave their homes for fear of being arrested/deported (see also 2.5). According to sources, Palestinian refugees living outside the Palestinian Territories who have no identity documents or only a zero passport (see also 2.2) cannot enter Gaza.¹³⁹

1.4.2 Settlement in the Palestinian Territories

Israel monitors the registration of births, marriages, divorces, deaths and changes of address (see also 2.4). To settle in the other part of the Palestinian Territories (from Gaza to the West Bank and vice versa), permission from the Israeli authorities is required. People can apply for this permission by means of family reunification, for example. These types of permits to settle in the West Bank have been issued very rarely since 2003 (see also 2.3). Residents of Gaza, regardless of their registration, cannot settle in the West Bank. This is possible, however, the other way around. Travel between the West Bank and East Jerusalem or Israel also requires a permit from the Israeli authorities. These permits are only rarely granted to residents of Gaza.¹⁴⁰ Applications from Gaza and the West Bank are said to be often refused and issued permits can be revoked without explanation. Travel permits can be cancelled when the Israeli military closes the borders, such as during Jewish holidays.¹⁴¹

¹³⁵ Haaretz, *Who are East Jerusalem's permanent residents*, 10 April 2018, consulted on 23 February 2022.

¹³⁶ Francesca P. Albanese and Lex Takkenberg, *Palestinian refugees in international law*, 2020, p. 243.

¹³⁷ Confidential source, 24 January 2022; Confidential source, 24 January 2022.

¹³⁸ Confidential source, 11 April 2022.

¹³⁹ Confidential source, 24 January 2022; Confidential source, 24 January 2022.

¹⁴⁰ B'Tselem, *Restrictions on Movement*, 11 November 2017, consulted on 10 January 2022; Confidential source, 24 January 2022; Confidential source, 20 April 2022.

¹⁴¹ B'Tselem, *Restrictions on Movement*, 11 November 2017, consulted on 10 January 2022.

Persons registered with UNRWA retain their right to benefits from UNRWA when they relocate inside UNRWA areas of operation (Palestinian Territories, Lebanon, Syria and Jordan). See 1.3.2, 2.2.4 and 4.1.

1.4.3 *Palestinians with an Israeli work permit*

Palestinians from the West Bank can work in Israel and in Israeli settlements in the West Bank. To do this, they require a work permit that they obtain through their employer. To make the application, they need a (biometric) identity card and a security check from the *Israeli Coordinator of Government Activities in the Territories* (COGAT). Persons from Gaza were unable to work easily in Israel from 2007 to 2021, but since the end of 2021 a limited number of work permits have been issued again, but only to men.¹⁴² In March 2022, it was indicated that the 12,000 available work permits would be increased to 20,000 permits.¹⁴³ Around 80% of people from Gaza with work permits work as agricultural labourers or construction workers in Israel.¹⁴⁴ While commuting, Palestinians must pass through Israeli security checkpoints before entering Israel or the settlements. International organisations describe these controls as invasive and humiliating. For example, women who regularly cross the border (without a work permit) are said to be at risk of sexual harassment by Israeli border personnel. Due to the long queues at the checkpoints, people must leave early in the morning, which means that their working day, including travel time, can last up to sixteen hours.

During the lockdowns imposed by Israel in the West Bank at the start of the coronavirus pandemic, Palestinian workers in the construction, healthcare and agriculture sectors were permitted to work in Israel. To be eligible for this, employees were obliged to spend two months in the location of their workplace without being able to travel back to their place of residence.¹⁴⁵ Work permits for Gaza are usually valid for three months. Persons with this type of permit must be back before 7 p.m. in order to enter Gaza. According to one source, this rule is not enforced by the Israeli authorities but it means that people stay in Israel overnight (in makeshift accommodation) to avoid delays or closure of the border.¹⁴⁶

1.4.4 *Travelling abroad*

It is possible for residents of Gaza and the West Bank to travel abroad but this is subject to various conditions and obstacles. Inhabitants of Gaza and the West Bank require a PA travel document/passport to travel abroad. In addition, residents of Gaza require an exit permit from the Israeli authorities and usually Hamas (via the Erez border crossing) or the Egyptian authorities (via the Rafah border crossing). Hamas controls who is permitted to travel through the Rafah border crossing on the basis of Egyptian criteria. To travel abroad via Israel, a travel permit for Israel is required from the Israeli authorities.¹⁴⁷ According to one source, Palestinians from Gaza who are registered in Israel's Palestinian population register are considered to

¹⁴² Confidential source, 24 January 2022; Confidential source, 24 January 2022.

¹⁴³ The Times of Israel, *Israel to authorize 2,000 more entry permits for Gaza workers*, 10 March 2022, consulted on 13 March 2022.

¹⁴⁴ Confidential source, 24 January 2022; Confidential source, 24 January 2022.

¹⁴⁵ International Trade Union Confederation (ITUC), *Workers Rights in Crisis: Palestinian workers in Israel and the settlements*, 12 April 2021, p. 10, 14; UNHCR, *Country of Origin Information on the Situation in the Gaza Strip, Including on Restrictions on Exit and Return*, 2018, p. 9.

¹⁴⁶ Confidential source, 24 January 2022.

¹⁴⁷ B'Tselem, *Restrictions on Movement*, 11 November 2017, consulted on 10 January 2022; Confidential source, 24 January 2022; Confidential source, 24 January 2022.

be residents of Gaza even if they have a different foreign nationality.¹⁴⁸ Blue ID cards issued by Hamas are not recognised.¹⁴⁹ According to one source, Palestinians from the West Bank have access to the US consulate in Jerusalem provided they have an appointment and a travel permit issued by the Israeli authorities.¹⁵⁰

Erez border crossing

The Erez border crossing is monitored by the Israeli authorities and administered on the Palestinian side by the PA. Israel and the PA have checkpoints on this border. The Hamas authorities are said to also require people leaving Gaza via Erez to have an exit permit, but according to one source this does not apply in all cases.¹⁵¹ According to another source, this does not apply to foreigners and only local residents require an exit permit from Hamas.¹⁵² Palestinians can apply for an exit permit through the Palestinian Civil Affairs Committee (PCAC) of the PA. This application then goes through the Israeli COGAT to the Coordination Liaison Administration (CLA) for applications from persons from Gaza.¹⁵³ It is very difficult to obtain these travel permits and most applications are refused. It is not clear how many of the applications are refused.¹⁵⁴ According to one source, Palestinians face long waiting times that exceed the official seventy days for an application. In addition, applications remain unanswered or are blocked for security reasons that are said to be arbitrarily applied, which means that applications are denied and no reason is given to applicants.¹⁵⁵

The border crossing via Erez is said to be mainly reserved for authorised foreigners, business people and humanitarian cases such as medical emergencies. While travelling to the West Bank via Israel, Gaza residents may only take a metal-free bag with no wheels. Particular items, such as electrical appliances and chargers, food, cosmetics and toothbrushes, are not permitted.¹⁵⁶ According to one source, people can take only one pair of extra shoes.¹⁵⁷ Between March 2020 and October 2021, travel via Erez was limited to six percent of the former number of trips due to coronavirus measures.¹⁵⁸ During the reporting period, multiple cases were reported of people who were refused a travel permit by the Israeli authorities because their relatives from Gaza are living outside Gaza on (expired) travel permits issued by the Israeli authorities.¹⁵⁹ Another source said that the travel permit issued by the Israeli authorities is valid for three months.¹⁶⁰ According to another source, however, for the West Bank this is usually six months and for Gaza it is usually three months for diplomatic applications and two months for humanitarian applications.¹⁶¹

Transit via Jordan

¹⁴⁸ Confidential source, 24 January 2022.

¹⁴⁹ Confidential source, 24 January 2022.

¹⁵⁰ Confidential source, 13 April 2022.

¹⁵¹ Confidential source, 24 January 2022.

¹⁵² Confidential source, 20 April 2022.

¹⁵³ Confidential source, 24 January 2022.

¹⁵⁴ People must comply with the conditions stipulated in the Status of Authorizations, see also **Error! Hyperlink reference not valid.**; Confidential source, 24 January 2022; B'Tselem, *Restrictions on Movement*, 11 November 2017, consulted on 10 January 2022; Confidential source, 24 January 2022.

¹⁵⁵ Confidential source, 24 January 2022.

¹⁵⁶ B'Tselem, *Restrictions on Movement*, 11 November 2017, consulted on 10 January 2022; Confidential source, 24 January 2022; Confidential source, 24 January 2022.

¹⁵⁷ Confidential source, 24 January 2022.

¹⁵⁸ Gisha, *Exits by Palestinians via Erez Crossing to Israel, the West Bank, and abroad*, 30 June 2021, consulted on 9 February 2022; Confidential source, 24 January 2022.

¹⁵⁹ Confidential source, 24 January 2022.

¹⁶⁰ Confidential source, 11 April 2022.

¹⁶¹ Confidential source, 20 April 2022.

Persons from Gaza travelling abroad through Jordan must first enter Israel via the Erez border crossing, then travel via the West Bank and via the King Hussein/Allenby Bridge border crossing. This does not require a Jordanian transit visa but does require a 'no objection letter' (*adam mumana*) from the Jordanian authorities. According to one source, it is difficult to obtain a 'no objection letter' in time.¹⁶² This letter must be requested through a private company that has an office in Gaza and in the West Bank.¹⁶³ The application period usually takes three to four weeks but the application must be officially granted within fourteen days.¹⁶⁴ Persons travelling on this route must undergo an Israeli security check at the Erez and Allenby border crossings. Persons entering Jordan from this border crossing use a shuttle bus, operated by the PA, from the Erez border crossing to the Allenby Bridge border crossing.¹⁶⁵ Persons who make this journey in the regular way cannot stop in between in Israel or the West Bank.¹⁶⁶

Rafah border crossing

The Rafah border crossing is controlled by Egypt and administered/governed by Hamas. The Egyptian authorities can refuse to allow people to cross the border for security reasons.¹⁶⁷ The exit permit application process for the Rafah border crossing can take months and people are put on a Hamas Interior Ministry waiting list.¹⁶⁸ The procedures and fees for entry and exit via Rafah fluctuate and are unpredictable. Besides this official registration, there are also other routes, an 'unofficial' route and a VIP route for people who do not meet the regular criteria or who want to travel faster. Influential individuals and certain Palestinian officials, such as some Hamas members, can use a separate procedure to coordinate their crossing. The normal route has no application fee and persons pay 300 USD for a one-way shuttle bus transfer between Rafah and Egypt. The costs for the unofficial route, in addition to the cost of the regular shuttle bus, are between 350 and 500 USD but can be as high as 4,000 USD. The application period for a travel permit via this route can be between ten days and three weeks. Men from the age of forty and some families are permitted to make the journey from Rafah to Egypt independently and do not have to use the shuttle bus. The VIP route is coordinated by the Egyptian company Hala and two travel agencies in the Gaza Strip. It costs around USD 750 for the outward journey and around USD 600 for the return journey to Rafah. The application time is between 48-72 hours and VIP travellers can use a VIP zone at the border crossing. VIP travellers do not travel by shuttle bus but are transported in cars.¹⁶⁹ According to one source, the travel time to cross the border at Rafah using the VIP route takes almost half a day and another half day to reach Cairo.¹⁷⁰

Due to the coronavirus pandemic, the Rafah border crossing was closed until February 2021.¹⁷¹ Due to the poor security situation in the Egyptian province of North Sinai in the recent past, travellers were at risk of violent attacks around Rafah (such as bombing and shooting incidents, murder, kidnapping) by extremist groups,

¹⁶² Confidential source, 24 January 2022.

¹⁶³ The Representative Office of Norway to the Palestinian Authority, *Information to Gaza Citizens*, consulted on 23 February 2022. See also **Error! Hyperlink reference not valid.**

¹⁶⁴ Confidential source, 20 April 2022.

¹⁶⁵ Confidential source, 24 January 2022.

¹⁶⁶ Confidential source, 20 April 2022.

¹⁶⁷ Confidential source, 24 January 2022.

¹⁶⁸ Confidential source, 24 January 2022; Confidential source, 24 January 2022.

¹⁶⁹ Confidential source, 24 January 2022.

¹⁷⁰ Confidential source, 24 January 2022.

¹⁷¹ Gisha, *One year of "coronavirus closure" at Erez crossing*, 18 March 2021, consulted on 10 January 2022; Confidential source, 24 January 2022.

among others.¹⁷² According to one source, it is not possible for foreigners to enter Gaza through Rafah unless they are married to, a child of, or a resident of Gaza themselves.¹⁷³ Persons from Gaza do not require an Egyptian visa to enter or leave Egypt as a transit country to or from Gaza. They do require a visa, however, if Egypt is the destination country. To apply for an Egyptian visa, men from Gaza who are between the ages of 18 and 40 must obtain approval from the Egyptian authorities to apply for a visa. It is not clear whether this approval is already included with the regular visa application.¹⁷⁴ One source says that the Egyptian authorities generally do not grant visas to Palestinian men under the age of forty.¹⁷⁵

Checkpoints

Hamas has three checkpoints in Gaza on the road after the Erez border crossing managed by the Israeli authorities. It is not clear whether all of these checkpoints are in operation.¹⁷⁶ In the West Bank, there are 71 permanent checkpoints and 108 checkpoints that are sometimes manned. These checkpoints are controlled by the Israeli authorities and managed by military personnel, border police or private security personnel. The checkpoints are located both on the border with Israel and inside the West Bank. Around the perimeter of East Jerusalem, there are several checkpoints that control entry into and exit from the city. There are also checkpoints between East and West Jerusalem. In Hebron, there are five checkpoints on the boundaries of the part of the city centre that is militarily sealed off and one within this closed area.¹⁷⁷

¹⁷² UNHCR, *Country of Origin Information on the Situation in the Gaza Strip, Including on Restrictions on Exit and Return*, 2018, p. 27-28.

¹⁷³ Confidential source, 24 January 2022.

¹⁷⁴ Confidential source, 24 January 2022.

¹⁷⁵ Confidential source, 20 April 2022.

¹⁷⁶ OCHA, *Gaza Strip Access and Movement*, October 2020, consulted on 10 January 2022. See also **Error! Hyperlink reference not valid.**; Confidential source, 24 January 2022.

¹⁷⁷ B'Tselem, *Restrictions on Movement*, 11 November 2017, consulted on 10 January 2022; OCHA, *West Bank access restrictions*, July 2020, consulted on 10 January 2022. See also **Error! Hyperlink reference not valid.**

2 Identity, nationality and documents

2.1 Obligation to provide identification

It is not clear whether there is a legal identification requirement in Gaza and in the West Bank. In the West Bank, however, Palestinians from the age of sixteen must identify themselves by means of an identity card on the street and at the various Israeli checkpoints located in this region (see also 1.4). In Gaza, Palestinians identify themselves with a PA identity card or an identity card issued by Hamas (see also 2.2.2). Palestinians must also be able to identify themselves inside Israel with a PA identity card or an identity card from East Jerusalem.¹⁷⁸

2.2 Identifying documents

2.2.1 Israeli authorities

East Jerusalem

Palestinian residents from East Jerusalem are issued a blue identity card by the Israeli authorities that is valid as a residence permit. The 'permanent' status is not guaranteed. They can apply for an Israeli travel document (*laissez-passer*) that is valid for three years but they are not eligible for an Israeli passport.¹⁷⁹ Applications for a travel document are made at the Population Registry offices of the Israeli Ministry of Interior. Before 2018, Palestinians from East Jerusalem could only submit this application at the office of the Israeli Population, Immigration and Border Authority in East Jerusalem. Since then, it has been possible for persons with a biometric travel document, which has been issued since June 2017, to make a new application at the other offices of this Israeli government service.¹⁸⁰ According to one source, people who have made an appointment at another office are usually referred back to make an appointment at the East Jerusalem office.¹⁸¹ An Israeli travel document is issued one month after application.¹⁸²

2.2.2 Palestinian authorities

West Bank and Gaza

Since 1995, Palestinians from the West Bank and Gaza have been able to apply to the PA for identity cards (*hawiyeh*) and¹⁸³ passports. These documents are controlled by the Israeli Population Registry in the Palestinian Territories (see also 2.4).¹⁸⁴ Some West Bank residents are entitled to a temporary Jordanian passport

¹⁷⁸ Confidential source, 24 January 2022; Confidential source, 20 April 2022

¹⁷⁹ Mutaz M. Qafisheh, *Who has the right to become a Palestinian Citizen? An International law analysis*, Yearbook of Islamic and Middle Eastern Law Online, June 2017, p. 138; Francesca P. Albanese en Lex Takkenberg, *Palestinian refugees in international law*, 2020, p. 239.

¹⁸⁰ Haaretz, *East Jerusalem residents will be able to renew travel documents at any other Interior Ministry offices*, 14 May 2018, consulted on 2 March 2022.

¹⁸¹ Confidential source, 20 April 2022.

¹⁸² Immigration and Refugee Board of Canada, *Query response on Israel and Palestine: Travel documents issued by the Israeli government to residents of the West Bank and Gaza Strip (2017 - March 2020)*, 27 April 2020, consulted on 2 March 2022.

¹⁸³ In the Netherlands, this is a travel document and not a passport. Confidential source, 13 April 2022.

¹⁸⁴ Francesca P. Albanese en Lex Takkenberg, *Palestinian refugees in international law*, 2020, p. 238; Home Office, *Report of a Home Office Fact-Finding Mission Occupied Palestinian Territories: freedom of movement, security and human rights situation*, March 2020, p. 9.

(see also *Documents issued by other authorities*). According to one source, men and women from the age of eighteen can independently apply to the Palestinian Ministry of the Interior for identity documents and travel documents.¹⁸⁵

The identity card

The identity cards for Palestinians are almost identical to Israeli identity cards. However, they are green and have a green cover with PA insignia, while the first language on the card is Arabic and the second Hebrew. The identity card is issued to persons from the age of sixteen. It has a passport photo in the top left corner and bears the following information: place of birth, place of issue, whether the holder is from the West Bank or Gaza, the name of the father, mother, paternal grandfather and, on older identity cards, the holder's religion. The identity card has no expiry date.¹⁸⁶ Identity cards have a national ID number, consisting of nine digits starting with the number '9'.¹⁸⁷ Identity cards of persons born in Gaza have a number starting with the number '8'. Sometimes a number starts with the number '4' when the person concerned became a resident after the Oslo Accords.¹⁸⁸

Children of persons with an identity card must be added to the identity cards of their father and mother before the age of five. Children up to the age of fifteen of a person with a Palestinian identity card residing in North America must be added to this identity card.¹⁸⁹ The names and identity numbers of children remain on the identity cards of the parents even after these children have been issued their own identity cards.¹⁹⁰ It is not possible to apply for identity cards from abroad.¹⁹¹ Identity cards are issued by the Palestinian Ministry of Interior on the day of application.¹⁹²

For the identity card issued by Hamas that is only valid in Gaza, see also the heading *Undocumented in Gaza*.

Passport

The PA also issues a travel document/passport to Palestinian residents of the West Bank and Gaza and Palestinians living outside the Palestinian Territories.¹⁹³ This

¹⁸⁵ Confidential source, 24 January 2022.

¹⁸⁶ Immigration and Refugee Board of Canada, *Israel and Palestine: Whether a Palestinian who has lived outside of the Occupied Palestinian Territory (OPT) for a number of years can return to reside in the OPT; whether the returnee requires an Israeli-issued identity card and whether it is possible to obtain the card from abroad; whether someone born in Gaza faces particular challenges returning to the OPT*, 26 April 2016, consulted on 1 February 2022; Al Jazeera, *The colour coded ID system for Palestinians*, 18 November 2017, consulted on 6 January 2022; Confidential source, 11 April 2022.

¹⁸⁷ Francesca P. Albanese en Lex Takkenberg, *Palestinian refugees in international law*, 2020, p. 238; Home Office, *Report of a Home Office Fact-Finding Mission Occupied Palestinian Territories: freedom of movement, security and human rights situation*, March 2020, p.

¹⁸⁸ Norwegian Refugee Council, *Undocumented and Stateless: The Palestinian Population Registry and Access to Residency and Identity Documents in the Gaza Strip*, January 2012, p. 43.

¹⁸⁹ Immigration and Refugee Board of Canada, *Israel and Palestine: Whether a Palestinian who has lived outside of the Occupied Palestinian Territory (OPT) for a number of years can return to reside in the OPT; whether the returnee requires an Israeli-issued identity card and whether it is possible to obtain the card from abroad; whether someone born in Gaza faces particular challenges returning to the OPT*, 26 April 2016, consulted on 1 February 2022.

¹⁹⁰ Confidential source, 11 April 2022.

¹⁹¹ Immigration and Refugee Board of Canada, *Israel and Palestine: Whether a Palestinian who has lived outside of the Occupied Palestinian Territory (OPT) for a number of years can return to reside in the OPT; whether the returnee requires an Israeli-issued identity card and whether it is possible to obtain the card from abroad; whether someone born in Gaza faces particular challenges returning to the OPT*, 26 April 2016, consulted on 1 February 2022.

¹⁹² Home Office, *Report of a Home Office Fact-Finding Mission Occupied Palestinian Territories: freedom of movement, security and human rights situation*, March 2020, p. 38.

¹⁹³ Immigration and Refugee Board of Canada, *Palestine: Procedures to obtain a Palestinian passport in the West Bank; the documents to be submitted and whether the Palestinian Authority requires original identity documents or accepts photocopies; whether the passport applicant has to appear in person to apply for or receive a*

passport is issued after approval has been granted by the Israeli authorities.¹⁹⁴ Children who were born abroad but have a Palestinian father can also apply for this passport. Since 2009, this passport has been black instead of green and is valid for five years. The passport can be obtained from any age at the passport office of the Palestinian Ministry of Interior in the district where this person lives. The applicant must be present in person. The following documents are required for the application: an identity card, four passport photos, a birth certificate, a proof of work (optional if persons want to include their profession in the passport), an application form and any previous passports. All official documents must be originals or certified copies. Applicants receive a proof of application.¹⁹⁵ One source says that passports are issued within three days.¹⁹⁶ The Immigration and Refugee Board of Canada stated in 2010 that there were no 'fraudulent passports' in the West Bank.¹⁹⁷

Identification documents for minors

According to sources, a personal identity card is issued to Palestinian minors from the age of sixteen.¹⁹⁸ In exceptional cases, minors from Gaza may leave Gaza unaccompanied with the consent of their parents or guardian.¹⁹⁹ According to one source, this does not happen often.²⁰⁰

Biometric data

The Israeli Population Registry (see also 2.4) in the Palestinian Territories and the Ministry of Civil Affairs of the PA keep records of the population registration data.²⁰¹ Identity cards for Palestinians from the Palestinian Territories that are issued by the PA do not have biometric data.²⁰² The PA is said to be preparing to issue biometric passports, but this has not yet been implemented.²⁰³

Undocumented migrants in Gaza

Since 2007, the Interior Ministry in Gaza under the control of Hamas has issued a paper identity card with a blue cover to persons in Gaza. This document does not have a registration number linked to the Israeli authorities and is not recognised by Israel.²⁰⁴ These ID cards are in Arabic and English and have a number starting with

passport; the features of a passport; the name of the signature on page three of the passport; the duration between the application for and the reception of a passport; whether a person may have two valid passports that were issued on different dates; the prevalence of fraudulent Palestinian passports (January 2008 - April 2010), 30 April 2010, consulted on 6 January 2022.

¹⁹⁴ Confidential source, 11 April 2022.

¹⁹⁵ Immigration and Refugee Board of Canada, *Palestine: Procedures to obtain a Palestinian passport in the West Bank; the documents to be submitted and whether the Palestinian Authority requires original identity documents or accepts photocopies; whether the passport applicant has to appear in person to apply for or receive a passport; the features of a passport; the name of the signature on page three of the passport; the duration between the application for and the reception of a passport; whether a person may have two valid passports that were issued on different dates; the prevalence of fraudulent Palestinian passports (January 2008 - April 2010)*, 30 April 2010, consulted on 6 January 2022.

¹⁹⁶ Confidential source, 20 April 2022.

¹⁹⁷ Immigration and Refugee Board of Canada, *Palestine: Procedures to obtain a Palestinian passport in the West Bank; the documents to be submitted and whether the Palestinian Authority requires original identity documents or accepts photocopies; whether the passport applicant has to appear in person to apply for or receive a passport; the features of a passport; the name of the signature on page three of the passport; the duration between the application for and the reception of a passport; whether a person may have two valid passports that were issued on different dates; the prevalence of fraudulent Palestinian passports (January 2008 - April 2010)*, 30 April 2010, consulted on 6 January 2022.

¹⁹⁸ Confidential source, 27 January 2022; Confidential source, 10 February 2022.

¹⁹⁹ Confidential source, 24 January 2022; Confidential source, 10 February 2022.

²⁰⁰ Confidential source, 24 January 2022.

²⁰¹ Al Jazeera, *Not a life: Israel keeps many Palestinians without legal status*, 26 October 2021, consulted on 6 January 2022.

²⁰² Confidential source, 20 April 2022.

²⁰³ Biometricupdate, *Biometrics shipment to Palestinian Authority mysteriously released after being confiscated*, 22 January 2021, consulted on 6 January 2022.

²⁰⁴ Daraj News, Mustafa Ibrahim, *Gaza: Yellow Passports, Blue Cards and Lost Rights*, 7 October 2021, consulted on 9 February 2022.

the number '7'.²⁰⁵ It is estimated that more than thirty thousand of these ID cards have been issued. Persons who are not registered with the Israeli Civil Administration use this document to identify themselves in Gaza – for example for the purpose of healthcare or education. This is said to mainly concern persons who entered Gaza via the Rafah border crossing on a temporary residence permit and Palestinians of other nationalities or foreigners who do not have a family reunification permit from the Israeli authorities.²⁰⁶

Refugees in the West Bank and Gaza

Certain groups of Palestinian refugees are not included in the Israeli Population Registry and therefore do not have access to ID cards and passports issued by the PA. For example, there is a group of Palestinian refugees in Gaza who have travelled to Gaza from other countries in the Middle East and have stayed there with a residence permit that has since elapsed/expired. Some persons in this group do have access to an identification card issued by Hamas, but they do not have a national number issued by the Israeli authorities. Since 2011, approximately 850 Palestinian UNRWA-registered refugees from Syria have also been staying in Gaza. They have access to UNRWA services and are registered with UNRWA and the General Administration for Palestine Arab Refugees (GAPAR) in Syria. There is also a group of refugees (estimated at between 25,000 and 50,000 persons) in the West Bank who have PA identity cards from Gaza. Israel does not consider this group to be legal residents of the West Bank. The group is said to be at risk of expulsion to Gaza, but this does not apply to Palestinians from Gaza who were already in the West Bank before September 2005.²⁰⁷

In October 2021, four thousand new family reunification applications were approved by the Israeli authorities. These involved undocumented foreigners married to Palestinians or undocumented relatives of Palestinians, but most of the allocations have gone to Palestinians from Gaza who are living in the West Bank and want to change their addresses. It was not clear whether this involved persons at risk of deportation to Gaza or whether those persons had been in the West Bank before September 2005. Foreign partners of Palestinians could enter the Palestinian Territories with a visa but could not renew it or obtain permanent residence permits, leaving them undocumented in the Palestinian Territories.²⁰⁸ After 1967, people with a West Bank identity card who had been abroad for more than six years lost their residence permits. This concerns a group of approximately 140,000 persons who were entitled to this type of identity card again after the Oslo Accords in 1993. The application process for an identity card for this group goes through the Israeli authorities and can take years.²⁰⁹ According to one source, around 3,400 applications had been approved by January 2022.²¹⁰

Zero passports and other documents issued by the PA

Through its foreign representatives, the PA issues Palestinian travel documents to Palestinians living outside the Palestinian Territories. These are called *zero*

²⁰⁵ Norwegian Refugee Council, *Undocumented and Stateless: The Palestinian Population Registry and Access to Residency and Identity Documents in the Gaza Strip*, January 2012, p. 43.

²⁰⁶ Daraj News, Mustafa Ibrahim, *Gaza: Yellow Passports, Blue Cards and Lost Rights*, 7 October 2021, consulted on 9 February 2022.

²⁰⁷ Francesca P. Albanese en Lex Takkenberg, *Palestinian refugees in international law*, 2020, p. 238, 240.

²⁰⁸ Al Jazeera, *Not a life: Israel keeps many Palestinians without legal status*, 26 October 2021, consulted on 6 January 2022.

²⁰⁹ The New York Times, *Palestinian American died handcuffed in Israeli custody, witnesses say*, 20 January 2022, consulted on 21 January 2022.

²¹⁰ Confidential source, 24 January 2022.

passports. In some cases, this travel document can be used for travel and the issue of visas. The Netherlands recognises this travel document for the issue of visas, but not all foreign authorities recognise it as a valid travel document. Persons can use documents issued by the PA to identify themselves as Palestinian refugees – for example at UNRWA in order to receive some of their services.²¹¹ According to one source, undocumented Palestinians from Gaza can also be issued a *zero passport*, but because Israel, Jordan and Egypt do not recognise this travel document, people from Gaza cannot in practice use it to enter or leave Gaza.²¹²

Besides the zero passports, the PA is said to also issue proof of nationality to Palestinians. This document states that the person is Palestinian. The document can be used as a domestic ID card in Lebanon, for example, where unregistered Palestinians have proof of nationality issued by the PA. The zero passport travel document may possibly be used to travel abroad or to apply for a temporary residence permit. In Lebanon, for example, these documents do not grant a right of residence or access to services such as opening a bank account or civil registration with the Lebanese authorities. In Lebanon, Palestinians are said to have documents issued by the Lebanese authorities as well as the PA. This information has not been confirmed by other sources.²¹³

2.2.3

Jordanian authorities

Palestinians from the West Bank who lost their Jordanian citizenship in 1988 when Jordanian sovereignty over the area came to an end can apply for a temporary Jordanian passport that is valid for five years. This passport is regarded as a travel document by Jordan and most other countries and is different from the Jordanian passport, which has a national identity number. There are Palestinians from the West Bank who, in addition to this temporary passport, also have a Palestinian passport.²¹⁴ Persons with a temporary Jordanian passport have access to a green card that permits them to stay in Jordan for up to two months. In addition, persons with this green card do not need to receive an entry and exit stamp from the Israeli authorities in their passport or travel document when they enter and leave Jordan via the West Bank. Persons from East Jerusalem who do not have access to a PA passport are said to be more likely to use the temporary Jordanian travel document.²¹⁵

2.2.4

UNRWA

UNRWA issues a family registration card (*bitaqa tashjil al ayla*) to registered Palestinian refugees. This document serves as proof of registration with UNRWA and grants access to UNRWA services. UNRWA registration provides access only to UNRWA services and not to legal residence, refugee status or (physical) protection in the country where a person is registered.²¹⁶ The following documents can also be issued on request: a family registration certificate (*shahada tashjil al ayla*) and a family composition print-out. These are documents that specify which UNRWA

²¹¹ Ministry of Foreign Affairs, *Thematisch Ambtsbericht Palestijnen in Libanon*, January 2021, p. 29 – 30; Confidential source, 13 April 2022.

²¹² Euro-Mediterranean, Human Rights Monitor, *The Gaza Strip: Undocumented Citizens*, March 2021, p. 24.

²¹³ Ministry of Foreign Affairs, *Thematisch Ambtsbericht Palestijnen in Libanon*, January 2021, p. 26.

²¹⁴ Mutaz M. Qafisheh, *Who has the right to become a Palestinian Citizen? An International law analysis*, Yearbook of Islamic and Middle Eastern Law Online, June 2017, p. 120.

²¹⁵ Danish National ID Centre, *Jordan: Issuance of Jordanian documents to stateless Palestinians*, 16 April 2020, p. 2, 4.

²¹⁶ Confidential source, 28 February 2022.

services have been received by a person and where a registered person was born, is living or (temporarily) staying if this is no longer the original place of residence. According to one source, a family registration certificate basically contains the same information as a family registration card. These documents are only issued if the person in question has given their approval. The data is based on information contained in the UNRWA Refugee Registration Information System (RRIS). New documents cannot be requested online. It is possible to contact UNRWA from abroad and apply for a new family registration card. This can also be done by granting a power of attorney to a family member or a lawyer; the person with the power of attorney will then receive the new family registration card. UNRWA documents are not issued to the group of Palestinians who were internally or externally displaced in or after 1967. UNRWA can also issue individual ID cards for persons working for UNRWA, including Palestinian refugees.²¹⁷

Family Registration Card

The family registration card is an A5-format card with no expiry date. It contains the following information in Arabic and English: name of the head of the family, family registration number, former family registration number, place of origin²¹⁸, UNRWA location of registration, place of residence in the country or territory and residential address. The following information is provided for each individual family member: individual registration number, name, date of birth, gender, relationship to the head of the family, marital status and registration category in UNRWA.²¹⁹ The head of the family is issued a family registration card. A new family registration card is issued when a new registration is made or when a new family is formed from a previous family, with children being given their own card when they marry and start a family. Some orphans or minors have their own family registration cards.²²⁰

2.2.5

UNHCR

UNHCR does not issue documents to Palestinians that come under the UNRWA areas of operation, including the Palestinian Territories (Gaza and West Bank), Lebanon, Jordan and Syria. Palestinian refugees registered with UNHCR in other countries do not have access to UNHCR services such as shelter and financial or medical assistance in the UNRWA areas of operations.²²¹

2.3

Nationality

Palestinian Territories

²¹⁷ The Danish Immigration Service, *Palestinian Refugees: Access to registration and UNRWA services, document and entry to Jordan*, June 2020, p. 21; Ministry of Foreign Affairs, *Thematisch Ambtsbericht Palestijnen in Libanon*, January 2021, p. 24 - 25.

²¹⁸ According to UNRWA, Palestinian refugees are those persons and their descendants who lost their places of residence in British Mandate Palestine during the period from 1 June 1946 to 15 May 1948. UNRWA, *Consolidated Eligibility and Registration Instructions (CERI)*, 2006, p. 3.

²¹⁹ There are different categories of persons who can register with UNRWA. Some persons registered with UNRWA do not belong to the refugee group but are entitled to registration and assistance from UNRWA. Palestinian refugees, relatives of refugees who are not themselves refugees, frontier villagers, the poor from Jerusalem and Gaza and compromised cases are entitled to UNRWA registration and UNRWA relief efforts. UNRWA, *Eligibility and registration Q&A*, 2020, p. 1-2; Palestinians displaced as a result of the 1967 conflict, persons that fall under the UNRWA mandate for humanitarian or other policy reasons, persons eligible for the UNRWA Microfinance and Microenterprise Programme (MMP), persons employed by UNRWA and their family members and persons living in refugee camps and communities are entitled to UNRWA assistance but not to UNRWA registration. UNRWA, *Eligibility and registration Q&A*, 2020, p. 2; UNRWA, *Consolidated Eligibility and Registration Instructions (CERI)*, 2006, p. 3-4.

²²⁰ Ministry of Foreign Affairs, *Thematisch Ambtsbericht Palestijnen in Libanon*, January 2021, p. 25.

²²¹ Ministry of Foreign Affairs, *Thematisch Ambtsbericht Palestijnen in Libanon*, January 2021, p. 25.

The PA issues identification documents that show that the holder has the Palestinian nationality. This nationality is not recognised by the Netherlands. In the absence of a widely recognised Palestinian state and associated nationality law, Palestinians living under the PA in the West Bank and Gaza do not have an internationally recognised certificate of nationality for the Palestinian Territories.²²² Existing nationality law is based on former Ottoman, British, Jordanian and Egyptian law. According to the legal framework (Article 27 of the 2007 General Elections Act), a person is Palestinian if he or she:

- Was born in the British Mandate of Palestine or was entitled to Palestinian nationality according to the laws of that period (1920-1948). Descendants of this person are also entitled to Palestinian nationality regardless of where they were born²²³;
- Born in Gaza, the West Bank or East Jerusalem;
- He or she is the spouse of a person recognised as Palestinian according to the above rules.²²⁴

There is a 1995 Palestinian Draft Nationality Law and a 2011 PLO Draft Nationality Law. The latter stipulates that everyone who has a Palestinian ID card from the PA can become a Palestinian citizen of a sovereign Palestinian state. According to this law, Palestinians from East Jerusalem, refugees from the 1948 and 1967 conflicts and Palestinian nationals of Israel would also be entitled to Palestinian nationality.²²⁵

Article 12 of the Jordanian Nationality Law of 1954 stipulates that Jordanian citizenship is granted to foreigners after four years of residence in Jordan provided they can demonstrate a fluent command of the Arabic language and good conduct and reputation.²²⁶ In practice, the Jordanian law of 1954 and the Palestinian Citizenship Order of 1925 have not been enacted since 1967 due to Israeli regulations.²²⁷

Losing and regaining Palestinian citizenship

There are currently no regulations for the loss of citizenship.²²⁸ According to former Jordanian law (in this case Article 18 of the Nationality Law of 1954), persons lose their Palestinian nationality if they have completed military service for another country without the consent of the (Palestinian) ministerial cabinet and refuse to terminate it, work as a civil servant for another country and refuse to serve as an

²²² Although a person's nationality (as ethnicity or background) may be separate from his or her citizenship, in this official country of origin report nationality also means citizenship.

²²³ In practice it is not possible for Palestinian women to pass on their nationality to their children. See also *Palestinians from abroad and other foreigners*.

²²⁴ OHCR, *The Contribution of the State of Palestine to the Special Rapporteur's Thematic Report on Racism, Racial Discrimination, and Xenophobia in the Contest of Laws, Policies and Practices Relating to Citizenship, Nationality and Immigration*, p. 2.

²²⁵ UNDP, *State of Palestine: Gender Justice & the Law*, 2018, p. 21.

²²⁶ OHCR, *The Contribution of the State of Palestine to the Special Rapporteur's Thematic Report on Racism, Racial Discrimination, and Xenophobia in the Contest of Laws, Policies and Practices Relating to Citizenship, Nationality and Immigration*, p. 2.

²²⁷ According to Article 2 of the Immigration Act of 1941 (British Mandate period), no nationality is barred from immigration, entry or residence in the Palestinian State. According to Article 5 of this law, entry or immigration to the country may be refused if this person has no legal capacity, has been convicted of murder, or threatens the peace and order of Palestine. OHCR, *The Contribution of the State of Palestine to the Special Rapporteur's Thematic Report on Racism, Racial Discrimination, and Xenophobia in the Contest of Laws, Policies and Practices Relating to Citizenship, Nationality and Immigration*, p. 3; Mutaz M. Qafisheh, *Who has the right to become a Palestinian Citizen? An International law analysis*, Yearbook of Islamic and Middle Eastern Law Online, June 2017, p. 130-131.

²²⁸ Mutaz M. Qafisheh, *Who has the right to become a Palestinian Citizen? An International law analysis*, Yearbook of Islamic and Middle Eastern Law Online, June 2017, p. 130-131.

civil servant for the (Palestinian) government or are serving an enemy state.²²⁹ In practice, this legislation is ineffective and this registration of citizenship is under the control of the Israeli authorities.²³⁰ The conditions for regaining Palestinian nationality are not clear.

Israel

Israeli nationality can be obtained in two ways.

Firstly, based on the following:

- A person was born in Israel and has a father or mother who is an Israeli citizen;
- A person was born abroad and has a father or mother who is an Israeli citizen.²³¹ According to one source, if this parent was also born abroad, the application would be easier to obtain on the basis of the *Law of Return*²³²;
- A person is stateless in Israel. This person can apply for Israeli citizenship between his/her eighteenth and twenty-fifth birthday and must have resided in Israel for five consecutive years prior to the application.²³³ According to one source, there were no known cases of persons having acquired nationality using this option²³⁴;
- Based on the Law of Return for a person who was born to a Jewish mother or who has converted to Judaism and is not a member of any other religion. This also includes a child or grandchild of a Jewish person and the spouse of the child or grandchild of a Jewish person. This right may be denied if a person engages in activities against the Jewish population, endangers Israel's public health or security or has a criminal record²³⁵;
- Former citizens of the British Mandate of Palestine who resided in Israel when the state was established in 1948 and the entry into force of the nationality law in 1952.²³⁶ According to one source, this does not apply to Palestinian refugees.²³⁷
- Minors adopted by an Israeli citizen.²³⁸

Secondly, following the approval of the Israeli Ministry of the Interior. Israeli nationality can be obtained using this procedure in the following two ways:

- Through naturalisation. This person must speak Hebrew and have resided in Israel for five years prior to the application and must be entitled to permanent residence in Israel and have the intention to reside in Israel and have renounced other nationalities when assuming Israeli citizenship.²³⁹ According to one source, these are mainly non-Jewish spouses of Israeli

²²⁹ OHCR, *The Contribution of the State of Palestine to the Special Rapporteur's Thematic Report on Racism, Racial Discrimination, and Xenophobia in the Contest of Laws, Policies and Practices Relating to Citizenship, Nationality and Immigration*, p. 2.

²³⁰ Mutaz M. Qafisheh, *Who has the right to become a Palestinian Citizen? An International law analysis*, Yearbook of Islamic and Middle Eastern Law Online, June 2017, p. 131.

²³¹ Israel Ministry of Foreign Affairs, *Acquisition of Israeli Nationality*, 1 January 2010, consulted on 4 January 2022; Confidential source, 26 January 2022.

²³² Confidential source, 26 January 2022.

²³³ Israel Ministry of Foreign Affairs, *Acquisition of Israeli Nationality*, 1 January 2010, consulted on 4 January 2022; Confidential source, 26 January 2022.

²³⁴ Confidential source, 26 January 2022.

²³⁵ Israel Ministry of Foreign Affairs, *Acquisition of Israeli Nationality*, 1 January 2010, consulted on 4 January 2022; Confidential source, 26 January 2022.

²³⁶ Israel Ministry of Foreign Affairs, *Acquisition of Israeli Nationality*, 1 January 2010, consulted on 4 January 2022; Confidential source, 26 January 2022.

²³⁷ Confidential source, 26 January 2022.

²³⁸ Confidential source, 26 January 2022.

²³⁹ Israel Ministry of Foreign Affairs, *Acquisition of Israeli Nationality*, 1 January 2010, consulted on 4 January 2022; Confidential source, 26 January 2022.

persons who are granted Israeli nationality in this way; not many other persons could be granted the Israeli nationality²⁴⁰;

- In special cases, the Ministry of the Interior can grant Israeli nationality – for example, to foreign athletes.²⁴¹

Displaced Palestinians whose former residence is inside Israel's current borders are not eligible for the Israeli nationality. Residents of the Palestinian Territories are not eligible for the Israeli nationality or an Israeli residence permit, not even through family reunification.²⁴² The temporary *Citizenship Law* of 2003 that prevented family reunification expired in July 2021. Although new applications for family reunification have been submitted, it is not clear whether these have actually been granted by the Israeli Ministry of Interior.²⁴³ According to one source, these applications were still being handled according to legislation that had expired.²⁴⁴ During the reporting period, there was a new process aimed at getting the same Citizenship Law adopted by the Israeli parliament. The new law was adopted at the beginning of March 2022.²⁴⁵

Losing and regaining Israeli citizenship

Israeli citizenship is annulled if a person leaves Israel illegally for particular countries or adopts the nationality of one of those countries, commits an act contrary to loyalty to Israel or has acquired Israeli citizenship on a false basis.²⁴⁶ It is possible to renounce the Israeli nationality if permission to do so is granted by the Ministry of Interior. If a person is not Jewish and has another nationality alongside the Israeli nationality, a source says that this should not be a problem – with the exception of certain countries. If a person is Jewish or is obliged to complete military service in Israel, it would be more difficult to renounce Israeli nationality. This person must then prove his/her residence status in another country.²⁴⁷ It is also possible to obtain a second nationality (or multiple nationalities), but only after obtaining the Israeli nationality. However, the foreign spouses of Israeli citizens are said to be able to retain their own nationality.²⁴⁸ The conditions for regaining the Israeli nationality are not clear. According to one source, a Jewish person can return to Israel under the Law of Return (see the sections above under the heading Israel). When this option cannot be used and many years have passed since the renunciation of Israeli nationality, the source says that it is difficult to regain that nationality. The source is aware of one case from twenty years ago, when an Arab citizen of Israel who returned from the West Bank with her children did manage to regain the Israeli nationality.²⁴⁹

Statelessness

²⁴⁰ Confidential source, 26 January 2022.

²⁴¹ Israel Ministry of Foreign Affairs, *Acquisition of Israeli Nationality*, 1 January 2010, consulted on 4 January 2022; Confidential source, 26 January 2022.

²⁴² OHCHR, *The Contribution of the State of Palestine to the Special Rapporteur's Thematic Report on Racism, Racial Discrimination, and Xenophobia in the Contest of Laws, Policies and Practices Relating to Citizenship, Nationality and Immigration*, p. 4-5.

²⁴³ Middle East Institute, *After 18 years, Palestinian families can finally live together: The end of Israel's 2003 citizenship law*, 10 August 2021, consulted on 5 January 2022.

²⁴⁴ Confidential source, 26 January 2022.

²⁴⁵ The Times of Israel, *New 'Citizenship Law' advances, months after ban on Palestinian spouses lapsed*, 9 January 2022, consulted on 7 March 2022; BBC Monitoring, *Briefing: Israel votes to re-ban Palestinian family unification*, 11 March 2022, consulted on 12 March 2022.

²⁴⁶ The list relates to non-Jewish persons from Iran, Iraq, Syria and Lebanon. USDoS, *Israel (Includes West Bank and Gaza) 2020 International Religious Freedom Report*, p. 8; Israel Nationality Law 5712-1952, 1952, p. 5-8; Confidential source, 26 January 2022.

²⁴⁷ Confidential source, 26 January 2022.

²⁴⁸ Israel Nationality Law 5712-1952, 1952, p. 5-8; Confidential source, 26 January 2022.

²⁴⁹ Confidential source, 26 January 2022.

The PA regards Palestinians in the Palestinian Territories as Palestinians of Palestinian nationality. This also applies to Palestinians with multiple nationalities.²⁵⁰ The Israeli authorities regard Palestinians living in Israel as Arab nationals with Israeli nationality and Palestinians from East Jerusalem as 'permanent' residents of Jerusalem (see also 2.4 and 2.5). According to one source, the Palestinian nationality is not recognised by the Israeli authorities.²⁵¹ (International) organisations have different descriptions for Palestinians. UNRWA does not refer to nationality and calls refugees from the British Mandate of Palestine 'Palestine refugees' (see also 1.2.3).²⁵²

Arab citizens of Israel

According to one source, it is not known whether Arab citizens of Israel or persons of Israeli nationality can also hold Palestinian citizenship of the PA. There are no known examples of this, according to the source. It is not clear whether these persons can register with the PA because this registration is controlled by the Israeli authorities (see also 2.4).²⁵³

Palestinians from abroad and other foreigners

Under Article 12 of the Jordanian Nationality Law of 1954, which has no practical effect in the Palestinian Territories, Jordanian citizenship is granted to foreigners after four years of residence provided they can demonstrate a fluent command of the Arabic language and good conduct and reputation. According to this article, in case of marriage citizenship is granted regardless of gender.²⁵⁴ In practice, this citizenship registration is under the control of the Israeli authorities²⁵⁵

Since 2010, Palestinian women married to persons who are not Palestinian have been able to pass on their Palestinian nationality to their children under the age of sixteen, based on an order issued by the Palestinian Ministry of the Interior.²⁵⁶ A foreign partner can apply for Palestinian nationality in the West Bank by means of an application for family reunification.²⁵⁷ In practice, this registration is controlled by Israel and it is practically impossible for a foreigner with a Palestinian partner to obtain a visa or residence permit for the Palestinian Territories.²⁵⁸ In Gaza, it is not possible for women to pass on their nationality to their foreign husband or to their children. Only men can pass on their Palestinian nationality to their wives and children.²⁵⁹

2.4 Registration

²⁵⁰ Mutaz M. Qafisheh, *Who has the right to become a Palestinian Citizen? An International law analysis*, Yearbook of Islamic and Middle Eastern Law Online, June 2017, p. 131.

²⁵¹ Confidential source, 26 January 2022.

²⁵² Confidential source, 28 February 2022.

²⁵³ Confidential source, 26 January 2022.

²⁵⁴ OHCR, *The Contribution of the State of Palestine to the Special Rapporteur's Thematic Report on Racism, Racial Discrimination, and Xenophobia in the Contest of Laws, Policies and Practices Relating to Citizenship, Nationality and Immigration*, p. 2.

²⁵⁵ Mutaz M. Qafisheh, *Who has the right to become a Palestinian Citizen? An International law analysis*, Yearbook of Islamic and Middle Eastern Law Online, June 2017, p. 131.

²⁵⁶ UNDP, *State of Palestine: Gender Justice & the Law*, 2018, p. 21.

²⁵⁷ Confidential source, 11 April 2022.

²⁵⁸ OHCR, *The Contribution of the State of Palestine to the Special Rapporteur's Thematic Report on Racism, Racial Discrimination, and Xenophobia in the Contest of Laws, Policies and Practices Relating to Citizenship, Nationality and Immigration*, p. 2, 5-6.

²⁵⁹ UNRWA, *Regional Information Relating to Women's Nationality*, consulted on 7 March 2022. See also **Error! Hyperlink reference not valid.**; Confidential source, 24 January 2022.

The population of the West Bank was almost 3 million in July 2021 (including around 432,000 Israeli settlers in 2019) and the population of Gaza was approximately 2.1 million.²⁶⁰ In 2019, the population of East Jerusalem included approximately 350,000 Palestinians.²⁶¹ Palestinians have been included in the Israeli Population Registry for the Palestinian Territories since 1967. They are subdivided into Jerusalem, the West Bank and Gaza. Persons registered as residents of the West Bank or Gaza are entitled to an identity card and passport issued by the PA.²⁶² Palestinians registered in East Jerusalem fall under the control of Israel's Interior Ministry. The population registry of the Ministry of the Interior (PA) is a digital database based on the Israeli population registry for Palestinians. Adjustments and new registrations in this system can be viewed by the Israeli authorities.²⁶³ For UNRWA registrants, see also 2.2 and Chapter 4.

Registration of children

Children of a person with a residence permit and an identity card from Jerusalem are not automatically eligible for this residence permit. For this to be possible, an application must be made to the Israeli Ministry of the Interior before a child reaches the age of fourteen. After this, it is no longer possible to submit an application. After the age of eighteen, it is not possible to be processed for registration or family reunification. The registration process for children can take many years and the renewal of a residence permit can take up to one year. As a result, there are said to be around ten thousand unregistered children in East Jerusalem.²⁶⁴

UNRWA registration

UNRWA registers persons and their descendants, through the male line, who meet the criteria of the Consolidated Eligibility and Registration Instructions (CERI). New applications for this registration are still being processed.²⁶⁵ Many Palestinians are registered as refugees with UNRWA. At the end of 2020, there were 871,537 registered refugees in the West Bank and 1,476,706 registered refugees in Gaza in the Palestinian Territories (see also Chapter 4). There are also approximately 379,000 other individuals registered with UNRWA who are entitled just to UNRWA services.²⁶⁶

Palestinians registered with UNRWA in another country can formally transfer their registration to another territory²⁶⁷ under the mandate of UNRWA. This does not happen in practice, however, because re-registration requires permission from the local authorities in the area where the person de facto lives and wants to move his/her registration.²⁶⁸ According to one source, Palestinians – including Palestinian refugees – can only legally reside in the Palestinian Territories if they are registered in the Israeli Population Registry.²⁶⁹ Persons who are registered with UNRWA can gain access to UNRWA services without relocating their registration to the new area. These persons therefore remain registered with UNRWA in the other country. It is

²⁶⁰ CIA The World Factbook, *West Bank, Gaza Strip*, 16 November 2021, consulted on 29 November 2021.

²⁶¹ B'Tselem, *East Jerusalem*, 27 January 2019, consulted on 11 February 2022.

²⁶² Home Office, *Report of a Home Office Fact-Finding Mission Occupied Palestinian Territories: freedom of movement, security and human rights situation*, March 2020, p. 90; Confidential source, 24 January 2022.

²⁶³ Home Office, *Report of a Home Office Fact-Finding Mission Occupied Palestinian Territories: freedom of movement, security and human rights situation*, March 2020, p. 32-34, 90.

²⁶⁴ Al Jazeera, *Israeli law tears Palestinian families apart*, 19 July 2013, consulted on 6 January 2022.

²⁶⁵ Confidential source, 28 February 2022.

²⁶⁶ Confidential source, 28 February 2022.

²⁶⁷ UNRWA is active in the Palestinian Territories, Lebanon, Jordan and Syria.

²⁶⁸ Ministry of Foreign Affairs, *Thematisch Ambtsbericht Palestijnen in Libanon*, January 2021, p. 13.

²⁶⁹ Confidential source, 28 February 2022.

not possible to have multiple UNRWA registrations in different areas. When registered persons move house, they usually stick to the area of registration where they or their parents/grandparents registered with UNRWA. That means that their registration information does not always reflect the location where they are currently residing.²⁷⁰ If persons obtain a (different) nationality, it does not affect their right to register with UNRWA.²⁷¹

2.5 Right of residence

East Jerusalem

Palestinian residents of East Jerusalem are regarded by the Israeli authorities as foreigners and are 'permanent residents' of the city. They only have access to documents that are specific to residents of East Jerusalem and they are not citizens of Israel (see also 2.2).²⁷² Right of residence is registration-dependent; these registrations have been included since the Israeli census of 1969. Some of this group have been granted Israeli citizenship on the basis of naturalisation.²⁷³ Palestinians in East Jerusalem run the risk of losing their residence permits if they leave Jerusalem and Israel for a longer period of time (see also 1.4.4). This also applies when they want to settle in the West Bank. If they lose this residence permit, they run the risk of becoming stateless because they do not have Israeli nationality or access to a Palestinian residence permit.²⁷⁴ According to one source, they also lose their residence permit when they acquire another nationality.²⁷⁵

It is said that the PA does not want to issue Palestinian identity cards to Palestinians from East Jerusalem because it wants to prevent the Israeli authorities from deporting Palestinians from East Jerusalem to the West Bank. However, it does treat this group as Palestinian citizens – except when it involves the jurisdiction of the police and the court.²⁷⁶ More than 14,000 Palestinians are believed to have lost their residence permits for East Jerusalem between 1967 and 2011. Due to restrictive family reunification legislation, many families are living apart, between East Jerusalem and other parts of the Palestinian Territories.²⁷⁷ Women with an identity card from Gaza or the West Bank who have a husband from East Jerusalem are said to be restricted in their freedom of movement. They have no access to work and no opportunity to obtain a driving licence and often stay at home for fear of being deported from the city.²⁷⁸

West Bank and Gaza

²⁷⁰ Ministry of Foreign Affairs, *Thematisch Ambtsbericht Palestijnen in Libanon*, January 2021, p. 13; Confidential source, 28 February 2022.

²⁷¹ Confidential source, 28 February 2022.

²⁷² OHCR, *The Contribution of the State of Palestine to the Special Rapporteur's Thematic Report on Racism, Racial Discrimination, and Xenophobia in the Context of Laws, Policies and Practices Relating to Citizenship, Nationality and Immigration*, p. 5; Francesca P. Albanese and Lex Takkenberg, *Palestinian refugees in international law*, 2020, p. 239.

²⁷³ Mutaz M. Qafisheh, *Who has the right to become a Palestinian Citizen? An International law analysis*, Yearbook of Islamic and Middle Eastern Law Online, June 2017, p. 137-138.

²⁷⁴ Mutaz M. Qafisheh, *Who has the right to become a Palestinian Citizen? An International law analysis*, Yearbook of Islamic and Middle Eastern Law Online, June 2017, p. 138; Francesca P. Albanese and Lex Takkenberg, *Palestinian refugees in international law*, 2020, p. 239.

²⁷⁵ Confidential source, 26 January 2022.

²⁷⁶ Mutaz M. Qafisheh, *Who has the right to become a Palestinian Citizen? An International law analysis*, Yearbook of Islamic and Middle Eastern Law Online, June 2017, p. 139; Francesca P. Albanese and Lex Takkenberg, *Palestinian refugees in international law*, 2020, p. 239.

²⁷⁷ Al Jazeera, *Israeli law tears Palestinian families apart*, 19 July 2013, consulted on 6 January 2022.

²⁷⁸ Luna Saadeh, *The Israeli Occupation and Palestinians' Right to Choice in Marriage*, Kohl Journal, 2018, consulted on 6 January 2022.

According to the Israeli authorities, Palestinians in Gaza and in the West Bank who took part in the Israeli census in 1967 are entitled to residency in the Palestinian Territories. Between 1967 and 1994, hundreds of thousands of Palestinians lost their residence permits because they were not included in this census and had left the Palestinian Territories (for too long) according to their residence permits. As a result, many Palestinians live illegally in the West Bank and Gaza.²⁷⁹ In January 2021, it was announced that Israel would grant residence permits to approximately 13,500 Palestinians from the West Bank and Gaza.²⁸⁰ It is not clear whether these permits were actually issued.

Foreigners in the Palestinian Territories

The Israeli authorities do not grant right of residence to non-Jewish foreigners in the Palestinian Territories. Up to 2007, the Israeli authorities extended tourist visas for persons who were born in the Palestinian Territories and hold foreign passports. After this date, persons with foreign passports who had lived in the Palestinian Territories for many years could not re-enter the Palestinian Territories. For example, foreigners who come to visit family lose their right to re-enter the Palestinian Territories when they leave the Palestinian Territories.²⁸¹

Israel

Arab citizens of Israel are entitled to Israeli citizenship; these are mostly Palestinians who remained in Israel after 1948. Palestinians from the Palestinian Territories can apply for a residence permit in Israel by means of the family reunification process. From 2003 onward, these applications were made almost impossible by the Citizenship Law (see also 2.3).

Marriage of a Palestinian to a foreigner

Because there is no Palestinian nationality law, Jordanian nationality law applies. However, this is not applied in practice (see also 2.3). Under Article 12 of the Jordanian Nationality Law of 1954, Jordanian citizenship is granted to foreigners after four years of residence. In practice, these applications are controlled by Israel and it is practically impossible for a foreigner with a Palestinian partner to obtain a visa or residence permit for the Palestinian Territories.²⁸²

In Israel, it is not possible to marry a person who belongs to another religious group or to enter into a civil marriage. (Interreligious) marriages that are concluded abroad are, however, recognised in Israel.²⁸³ Palestinians from the Palestinian Territories were often unable to obtain an Israeli residence permit or nationality in East Jerusalem or Israel even if they had a partner with an Israeli residence permit

²⁷⁹ Francesca P. Albanese and Lex Takkenberg, *Palestinian refugees in international law*, 2020, p. 23; The Times of Israel, *Some Palestinians get legal status after years in Gaza limbo*, 10 January 2022, consulted on 7 March 2022.

²⁸⁰ The Independent, *Some Palestinians get legal status after years in Gaza limbo*, 10 January 2022, consulted on 10 January 2022.

²⁸¹ OHCR, *The Contribution of the State of Palestine to the Special Rapporteur's Thematic Report on Racism, Racial Discrimination, and Xenophobia in the Contest of Laws, Policies and Practices Relating to Citizenship, Nationality and Immigration*, p. 4.

²⁸² OHCR, *The Contribution of the State of Palestine to the Special Rapporteur's Thematic Report on Racism, Racial Discrimination, and Xenophobia in the Contest of Laws, Policies and Practices Relating to Citizenship, Nationality and Immigration*, p. 2, 5-6; Mutaz M. Qafisheh, *Who has the right to become a Palestinian Citizen? An International law analysis*, Yearbook of Islamic and Middle Eastern Law Online, June 2017, p. 134; Confidential source, 26 January 2022.

²⁸³ U.S. Embassy in Israel, *Marriage*, consulted on 7 March 2022. See also **Error! Hyperlink reference not valid.**; It is possible to enter into a civil marriage if both partners do not belong to a religion, but is said to be a rare occurrence. Haaretz, *Who would you be allowed to marry in Israel today?*, 10 April 2018, consulted on 13 March 2022.

or nationality. This is due to the Citizenship Law (see also 2.3).²⁸⁴ According to one source, Palestinians from the Palestinian Territories can marry an Israeli and are entitled to an Israeli residence permit – but not to Israeli citizenship – if they reside in Israel. This residence permit must be renewed annually; sometimes these persons have access to temporary residence permits that are valid for a longer period of time. To marry an Israeli, Palestinian women must be over 25 years old and Palestinian men over 35 years old. They and their family members must not pose a security risk from an Israeli perspective. The presence of children does not matter; children from this marriage become Israeli citizens or receive a residence permit through their Israeli parent. Persons from Gaza cannot obtain an Israeli residence permit, not even through marriage. This is apparently only possible on humanitarian grounds, but according to one source it does not happen in practice.²⁸⁵

Undocumented Palestinians

Undocumented persons residing in Israel or residents of East Jerusalem who violate their right to a residence permit can be expelled from the country by the Israeli authorities. According to one source, persons who reside in Israel on an expired visa due to the presence of their family are still entitled to apply for a residence permit. To do this, they must provide specific documents from their country of origin and it can be difficult to obtain these types of documents. It is difficult for Palestinians who are afraid to return to the Palestinian Territories or who are afraid of causing problems with the PA to provide these documents. It is not clear which documents this involved.²⁸⁶

²⁸⁴ Middle East Institute, *After 18 years, Palestinian families can finally live together: The end of Israel's 2003 citizenship law*, 10 August 2021, consulted on 5 January 2022.

²⁸⁵ Confidential source, 26 January 2022.

²⁸⁶ Confidential source, 26 January 2022.

3 Human rights

Due to the complexity of the legal system and the legislation in the Palestinian Territories, before discussing the observance and violations of human rights it is important to first describe the context. Legislation in the Palestinian Territories consists of a combination of British, Jordanian, Egyptian, Ottoman and Palestinian laws, including Islamic law (*Sharia*) and Israeli military orders (orders). Due to the division of power between Gaza and the West Bank, different laws are adopted by the PA and by Hamas.²⁸⁷ In Gaza, the Palestinian, British and Egyptian penal codes apply. These laws can all be applied, but if they contradict each other, the most recent law will prevail.²⁸⁸ In the West Bank, both the Palestinian and Jordanian penal codes apply, but presidential decrees also have to be taken into account.²⁸⁹

Palestinians in the West Bank come under both Palestinian jurisdiction and the Israeli military judiciary. In Area C, the Israeli army has exclusive control. Palestinians arrested by Israeli forces are tried under Israeli military law. According to Freedom House, the two legal systems do not operate independently. The Israeli civil courts have jurisdiction over Israeli settlers in the West Bank.²⁹⁰ Military courts have jurisdiction over offences related to security and public order, especially traffic violations, but also criminal offences not defined as security violations.²⁹¹ In Gaza, civilians are tried in civil and religious courts and also (unlawfully) by Hamas in military courts.²⁹² Palestinians in East Jerusalem fall under the Israeli civil justice system, including Palestinians from Gaza who are arrested by the Israeli authorities. Palestinians in the West Bank suspected of crimes against other Palestinians are usually tried by Palestinian courts.²⁹³

3.1 Compliance and violations

3.1.1 Freedom of speech

Freedom House says that political and civil liberties are severely restricted in Gaza.²⁹⁴ While there is some scope for openly political discussions in the West Bank, according to Freedom House, the PA rules in an authoritarian way. Journalists, critics and human rights activists who criticise the PA run the risk of being intimidated and repressed (see also 3.2.1).²⁹⁵ According to the Arab Center for the Advancement of Social Media (*7amleh*), between 6 and 19 May 2021 more than five hundred cases

²⁸⁷ DCAF, *Palestinian Women and Penal Law: Policy Brief Ramallah and Geneva*, May 2012, p. 1; UNDP, *State of Palestine: Gender Justice & the Law*, 2018, p. 10;

²⁸⁸ Women's Learning Partnership, *Palestine (Gaza) Penal code, British Mandate Criminal code*, consulted on 3 March 2022; EASO, *COI Query Palestine*, 10 January 2020, p. 3-4.

²⁸⁹ DCAF, *Palestinian Women and Penal Law: Policy Brief Ramallah and Geneva*, May 2012, p. 1.

²⁹⁰ Freedom House, *West Bank: Freedom in the World 2021 Country Report*, consulted on 2 November 2021; The New York Times, *Critic's Death Puts Focus on Palestinian Authority's Authoritarianism*, 7 July 2021, consulted on 27 July 2021.

²⁹¹ B'Tselem, *The Military Courts*, 11 November 2017, consulted on 7 April 2022.

²⁹² Human Rights Watch, *Abusive System: Failures of Criminal Justice in Gaza*, September 2012, p. 13.

²⁹³ DCIP, *No way to treat a child: Palestinian children in the Israeli military detention system*, April 2016, p. 10.

²⁹⁴ Freedom House, *Gaza Strip: Freedom in the World 2020 Country Report*, consulted on 25 February 2022.

²⁹⁵ Freedom House, *West Bank: Freedom in the World 2021 Country Report*, consulted on 2 November 2021; Al Jazeera, *Why is the Palestinian Authority cracking down on opposition?*, 25 January 2022, consulted on 26 January 2022.

were documented in which Palestinian freedom of expression was censored online or accounts were temporarily removed by online (social media) platforms.²⁹⁶

Demonstrations in Gaza

According to one source, there is said to be zero tolerance for most demonstrations in Gaza. People who demonstrate are at risk of violence, intimidation and detention by the authorities. Protests involving subjects that are sensitive for Hamas or the humanitarian situation in Gaza, such as access to electricity, are not permitted. The source says that certain topics, such as demonstrations against Israel or gender-based violence, are tolerated because they do not specifically target the authorities. Although it is not a legal requirement, protesters that are planning a demonstration must apply to Hamas for approval. According to this source, it is mainly political parties that obtain approval for demonstrations.²⁹⁷

Demonstrations in the West Bank

Permits from the PA are required to hold demonstrations in the West Bank. Demonstrations criticising the policy of the PA have been broken up by PA security forces. In 2020, it was prohibited to hold meetings because of the coronavirus pandemic. The Palestinian organisation Al Haq registered nine peaceful gatherings in 2020 that were attacked or banned in the Palestinian Territories. For example, in September 2020 PA security services attacked protesters in Ramallah with tear gas and stun grenades.²⁹⁸

According to Israeli military order number 101 dating from 1967, protesters in the West Bank require a permit if the demonstration involves more than ten people. In addition, there is an Israeli military order, number 1615 from 2009, that states that persons who disturb public order or cause incitement must be punished. The Israeli forces use this legislation to prosecute protesters and they use tear gas, rubber bullets or live ammunition to break up demonstrations.²⁹⁹

The following examples from 2021 and 2022 are illustrative but by no means exhaustive.

In September 2021, one hundred Palestinian protesters in the West Bank were injured in clashes with Israeli soldiers. The protesters gathered in solidarity with six Palestinians who had earlier escaped from an Israeli prison. Palestinian demonstrators near Ramallah fired at Israeli soldiers but nobody was injured. Israeli troops fired on the crowd and also used tear gas and rubber bullets. Demonstrations were held in Ramallah, Nablus, Bethlehem and Hebron, among others.³⁰⁰

Journalists who report on demonstrations run the risk of excessive use of force by the Israeli police. For example, during demonstrations in the Sheikh Jarrah neighbourhood in East Jerusalem on 17 December 2021, Associated Press (AP) photojournalist Mahmoud Illean was beaten by Israeli police and stun grenades were fired at him. Other journalists are also said to have been attacked during these

²⁹⁶ Zamlah, The Arab Center for the Advancement of Social Media, *The Attacks on Palestinian Digital Rights, Progress report, May 6-19, 2021*, p. 2-3.

²⁹⁷ Confidential source, 3 February 2022.

²⁹⁸ Al Haq, *Field Report on Human Rights Violations in 2020*, 2 March 2021, consulted on 1 March 2022; Freedom House, *West Bank: Freedom in the World 2021 Country Report*, consulted on 2 November 2021.

²⁹⁹ Freedom House, *West Bank: Freedom in the World 2021 Country Report*, consulted on 2 November 2021.

³⁰⁰ Haaretz, *Shots fired at Israeli forces during West Bank protest in support of escaped prisoners*, 8 September 2021, consulted on 12 April 2022; Al Jazeera, *Israel attacks solidarity protests for escaped Palestinians*, 9 September 2021, consulted on 13 January 2022.

demonstrations.³⁰¹ Israeli activists who wanted to demonstrate against the Israeli president's visit to the Ibrahimi Mosque in Hebron (West Bank) in November 2021 were stopped from entering the area by the Israeli army.³⁰²

Secondary school students demonstrating in Tubas (West Bank) in early February 2022 were shot at by an undercover PA agent. Two students were injured. The agent was suspended. An internal investigation into the agent is said to be ongoing.³⁰³

Violence between Palestinians and Israeli forces in the West Bank flared up again in February 2022 – among other things during several demonstrations against Israeli settlements and in protest against the killing of five Palestinians that same month by Israeli forces (see also 3.3.6). During the protests, 442 Palestinians were injured in the confrontation with Israeli troops.³⁰⁴

Online monitoring

PA security forces monitor online activity and social media posts and arrest individuals who incite or criticise the PA. The 2017 Electronic Crimes Law (ECL) of the PA, also known as the Cybercrime Law, punishes a number of online offences with fines and jail terms, including the publishing of material that is critical of the PA, that disrupts public or national order or is contrary to family and religious values. In 2020, several individuals were arrested and questioned by the PA security service for material they posted on social media, including planning a demonstration that was critical of how the PA was handling the coronavirus pandemic.³⁰⁵

According to one source, Hamas also monitors mobile phones, but there is no evidence of this. Although internet providers are independent, a source says it is not impossible that the Palestinian telecommunications company Paltel is maintaining contact with the PA, which means that the PA may have access to customer data. It is not known whether private users or providers are obliged to place an internet filter. In criminal cases, private providers are required to provide customer phone records and messages to the PA. According to the source, the use of internet cafés is outdated as most people use the internet at home and on their mobile phones. Social media are also monitored by Hamas and the PA. Political opponents and demonstrators therefore run the risk of being questioned by the security services. They can be ordered to divulge the passwords of their mobile phones and their social media accounts. In such cases, the authorities can confiscate telephones for days in order to examine the contents. The source says that when entering and leaving the Palestinian Territories, people are not asked to provide passwords from their phones or social media by default. Persons who post certain information on the internet from abroad may be at risk of interrogation, intimidation or smear campaigns by the Palestinian authorities. According to the source, this differs per case and it is not clear which cases will be prosecuted. To obtain a SIM card, mobile phone users must register by name with telephone companies.³⁰⁶

³⁰¹ The Independent, *AP photographer beaten by Israeli police in east Jerusalem*, 17 December 2021, consulted on 20 December 2021.

³⁰² Al Jazeera, *Hebron: Israeli president visit overlooks violent settler control*, 1 December 2021, consulted on 2 December 2021.

³⁰³ Al Jazeera, *Palestinians demand answers for PA shooting at student protest*, 3 February 2022, consulted on 9 February 2022.

³⁰⁴ OCHA OPT, *Protection of Civilians Report 8-21 February 2022*, 28 February 2022, consulted on 1 March 2022.

³⁰⁵ Freedom House, *West Bank: Freedom in the World 2021 Country Report*, consulted on 2 November 2021.

³⁰⁶ Confidential source, 3 February 2022.

Monitoring by the Israeli authorities

The Israeli authorities are said to digitally track Palestinians and collect and monitor personal data. According to sources, this is done using methods such as security cameras and facial recognition technology, spyware on mobile phones and the monitoring of Palestinian social media and telephone traffic and conversations in the West Bank and Gaza.³⁰⁷ For example, in May 2021, Palestinian visitors to the Al Aqsa mosque received text messages signed by 'Israeli intelligence' saying that they had engaged in 'violent work' and that they would be held responsible for it. In addition, at the start of the coronavirus pandemic in April 2020 the Israeli authorities are said to have drafted new regulations that permit mobile phones to be monitored. For example, Palestinians were asked to download the *Coordinator* or *Monasiq* phone app in order to receive permits to travel to work.³⁰⁸ According to one source, the use of this app is questionable. The source says that this could lead to self-censorship and a curtailment of freedom because Palestinians are afraid of being monitored, particularly in their own homes.³⁰⁹

A number of human rights organisations claim that the company NSO Pegasus has used spyware to hack and monitor the mobile phones of six Palestinian (human rights) organisations. It is not clear why and for whom this information was monitored.³¹⁰

3.1.2 Freedom of association and assembly

According to one source, organisations can operate openly in the Palestinian Territories provided they are not critical of Hamas or the PA. Organisations – including those from Gaza – must have their funding approved by the PA. According to one source, these funding applications take a long time and must be approved in the bureaucratic system by various ministries, security services, the cabinet and the office of the prime minister. The authorities are said to influence the work of organisations in this way.³¹¹ Activists who are critical of the PA leadership are at risk of intimidation and ill-treatment by the security forces. In addition, the activities of Islamic groups are regularly shut down by the PA or Israeli troops.³¹²

Although there are a wide range of NGOs active in the West Bank, their freedom of movement is restricted by Israeli forces, according to Freedom House. Under Israeli legislation passed in 2017, foreigners who openly support a boycott of Israel or of settlements in the West Bank can be barred from entering the country. Among other things, this law was used to prevent two US congressmen from entering Israel and the West Bank in August 2019. The same law was applied in November 2019 to order American Omar Shakir, the Human Rights Watch director for Israel and the Palestinian Territories, to leave the country.³¹³ In July 2020, the Israeli authorities

³⁰⁷ Al Shabaka: The Palestine Policy Network, Rethinking Palestine Podcast, *Palestine under Surveillance with Mona Shtaya*, 25 November 2021, consulted on 25 November 2021; The Washington Post, *Israel escalates surveillance of Palestinians with facial recognition program in West Bank*, 8 November 2021, consulted on 1 March 2022.

³⁰⁸ Middle East Eye, 'The Coordinator': Israel instructs Palestinians to download app that tracks their phones, 8 April 2020, consulted on 12 March 2022; Middle East Eye, *Israel: Lawyers call on Shit Bet to halt text message threats targeting Palestinians*, 13 May 2021, consulted on 23 February 2022; The Independent, *Israel upholds use of surveillance technology on protesters*, 2 February 2022, consulted on 3 February 2022.

³⁰⁹ Al Shabaka: The Palestine Policy Network, Rethinking Palestine Podcast, *Palestine under Surveillance with Mona Shtaya*, 25 November 2021, consulted on 25 November 2021.

³¹⁰ Human Rights Watch, *Spyware used to hack Palestinian Rights Defenders*, 8 November 2021, consulted on 25 November 2021; AP News, *Report: NSO spyware found on 6 Palestinian activists' phones*, 8 November 2021, consulted on 1 March 2022.

³¹¹ Confidential source, 3 February 2022.

³¹² Freedom House, *West Bank: Freedom in the World 2021 Country Report*, consulted on 2 November 2021.

³¹³ Freedom House, *West Bank: Freedom in the World 2021 Country Report*, consulted on 2 November 2021.

are said to have raided the offices of three arts and culture organisations (Edward Said National Conservatory of Music, Yabous Cultural Center and the Shafaq Cultural Network) in East Jerusalem. Documents were seized and the directors of the organisations were detained.³¹⁴ The Israeli authorities said that it involved an investigation into financial offences, including money laundering and tax evasion.³¹⁵

Trades unions

Trades unions can be formed without government supervision, but it is said that labour legislation is not properly applied in practice. To organise a strike, an application must be made to the Palestinian Ministry of Labour Affairs. This process is made difficult by certain regulations. Palestinian workers in Jerusalem are subject to Israeli law. In October 2020, teachers in the West Bank were arrested after taking part in a strike over unpaid salaries.³¹⁶ The PA is facing financial difficulties due to economic stagnation, inflation and dwindling foreign aid and was unable to pay full government salaries at certain times during the reporting period.³¹⁷ One source says that a number of trade unions are active in Gaza but cannot play an active role in civil society due to the influence of Hamas organisations.³¹⁸

3.1.3 *Freedom of religion and belief*

According to a survey by the organisation PAX, the majority of respondents in the West Bank say they enjoy a high level of religious freedom. In addition, 73% of those surveyed say they view religion as an individual choice and respect other beliefs. However, 18% of the respondents claimed that they had experienced religious discrimination. The PA and private citizens are said to interfere in the exercise of religion. For example, it is said that the authorities persecute people who do not fast during Ramadan and religious leaders stigmatise people who do not comply with their religious precepts. It was not clear which type of persecution this involved.³¹⁹

According to Freedom House, due to the security situation Jewish, Muslim and Christian communities in the West Bank face varying degrees of restrictions when visiting places of worship. For example, Palestinian Muslims are regularly prevented from entering Jerusalem to pray and young Muslim men are not permitted to enter the Temple Mount on Fridays (see explanation in footnote).³²⁰ According to one source, Gazans (both Christians and Muslims) also face restrictions to their movements when practising their faith and visiting religious sites in Jerusalem,

³¹⁴ Freedom House, *West Bank: Freedom in the World 2021 Country Report*, consulted on 2 November 2021.

³¹⁵ Palestinian Centre for Human Rights, *IOF Raid Yabous Cultural Centre and Edward Said National Conservatory of Music in Occupied East Jerusalem*, 23 July 2022, consulted on 12 April 2022.

³¹⁶ Freedom House, *West Bank: Freedom in the World 2021 Country Report*, consulted on 2 November 2021.

³¹⁷ Al Jazeera, *Palestinian Authority struggles to pay public employees*, 2 December 2021, consulted on 3 December 2021; Reuters, *Palestinian Authority cut wages in prisoner, tax dispute with Israel*, 6 December 2021, consulted on 7 March 2022.

³¹⁸ Confidential source, 3 February 2022.

³¹⁹ The PAX survey included 850 respondents of various ages and political and religious affiliations. PAX, *Executive Summary Discrimination Combating Mechanisms: Freedom of Religion and Belief in Palestine*, 2020, p. 4.

³²⁰ The religious buildings on the Temple Mount in Jerusalem are administered by the Jordanian *Waqf* (religious foundation). The Jordanian *Ministry of Islamic Affairs and Holy Places* supports the maintenance and salaries of *Waqf* employees in Jerusalem. The Israeli police are responsible for the security of the Temple Mount. In January and February 2020, Palestinian protests on the Temple Mount were broken up by Israeli forces. Since November 2020, Israeli authorities are said to check visitors to the old city (Temple Mount) for identity cards. People with identity cards from the West Bank are said to be refused entry. In addition, prominent Muslims are said to be sometimes barred from entry by the Israeli authorities and some Muslims are refused entry on Islamic holidays on the basis of their age and/or gender. Gazans have not been allowed to enter the Temple Mount since 2017. Muslims who are Israeli citizens and Palestinian residents of Jerusalem do not require a permit to visit the Temple Mount. USDoS, *Israel (includes West Bank and Gaza) 2020 International Religious Freedom Report*, 2021, p. 15-17, 20; Freedom House, *Westbank: Freedom in the World 2021*, 2021, consulted on 29 November 2021.

Bethlehem and Hebron.³²¹ In addition, Jews and Muslims are kept apart when entering the Ibrahimi Mosque/*Tomb of the Patriarchs* (part mosque, part synagogue) in Hebron, located in the West Bank. This was first instituted after an attack in 1994 in which 29 Muslims were killed.³²² Palestinians must go through a military checkpoint in order to enter the mosque. Palestinians are also not allowed to enter the mosque during the night or on the Jewish Sabbath and Jewish holidays.³²³

A USDoS report states that access to many religious sites is being restricted by the Israeli authorities.³²⁴ During the coronavirus pandemic, places of worship were partially closed and gatherings were restricted in the Palestinian Territories. In late November 2021, it was announced that the Israeli authorities would grant permits to five hundred Christians from Gaza to travel to family and holy sites in Israel and the West Bank during the Christmas season. The freedom of movement to and from Gaza is very limited (see also 1.4).³²⁵ It is not clear whether these permits were actually granted. In April 2022, it was announced that Israel would allow 722 Christians from Gaza, consisting of entire families, access to Jerusalem for Easter. In 2019, only three hundred Christians over the age of 55 received a visa.³²⁶

3.1.4 Evictions

Palestinians in East Jerusalem and the West Bank are at risk of eviction. UNRWA has stated that the demolition of homes, infrastructure and livelihoods in East Jerusalem and Area C by the Israeli authorities is destroying Palestinian families and communities. Between 28 and 46 percent of Palestinian homes in East Jerusalem and Area C are at risk of demolition. In East Jerusalem and in Area C of the West Bank, it is said to be difficult to obtain an Israeli building permit.³²⁷ Between 2009 and 2018, only two percent of applications (98 out of 4,422) were granted.³²⁸ Palestinians who build in this area without a permit are at risk of demolition and eviction.³²⁹ According to one source, people who make minor repairs to their homes are also at risk of being accused of not having a building permit.³³⁰ Israeli settlers can, however, build in these areas and can obtain permits from the Israeli authorities.³³¹

The *Norwegian Refugee Council* (NRC) reported that 218 Palestinian households were facing eviction court cases in November 2021.³³² Human Rights Watch has stated that at least 46 Palestinian communities in the West Bank and more than one hundred thousand Palestinians in East Jerusalem are at risk of eviction. The organisation *Save the Children* says that more than fifty childcare locations and primary schools used by more than 5,000 Palestinian children are at risk of

³²¹ Confidential source, 3 February 2022.

³²² BBC Monitoring, *Israeli president's visit to West Bank shrine draws protest*, 29 November 2021, consulted on 30 November 2021.

³²³ Al Jazeera, *Hebron: Israeli president visit overlooks violent settler control*, 1 December 2021, consulted on 2 December 2021.

³²⁴ USDoS, *Israel (includes West Bank and Gaza) 2020 International Religious Freedom Report*, 2021, p. 70-71.

³²⁵ The Independent, *Israel to give Gaza Christians permits for Christmas holiday*, 24 November 2021, consulted on 25 November 2021.

³²⁶ Nederlands Dagblad, *Meer christenen uit Gaza welkom in Jeruzalem*, 15 April 2022, consulted on 15 April 2022.

³²⁷ UNRWA, *Demolition Watch*, consulted on 14 January 2022. See also **Error! Hyperlink reference not valid.**

³²⁸ OCHA, *Most Palestinian plans to build in Area C not approved*, 22 June 2021, consulted on 1 March 2022.

³²⁹ UNRWA, *Demolition Watch*, consulted on 14 January 2022. See also **Error! Hyperlink reference not valid.**

³³⁰ Confidential source, 2 February 2022.

³³¹ OCHA, *Most Palestinian plans to build in Area C not approved*, 22 June 2021, consulted on 1 March 2022.

³³² Norwegian Refugee Council, *10 things you should know about the evictions in East Jerusalem*, 11 November 2021, consulted on 1 March 2022.

demolition.³³³ The *Palestinian Independent Commission for Human Rights* (ICHR) has said that the Israeli authorities demolished 869 Palestinian houses and buildings in 2020. 242 of the 248 homes were demolished because it was claimed they had no building permit. This mainly concerned houses in East Jerusalem and Area C. In addition, 8,830 *dunums*³³⁴ in the West Bank were seized for Israeli settlements, 11,200 dunums were set aside for nature reserves, and olive and almond trees were uprooted on 1,500 dunums of farmland.³³⁵ OCHA has stated that 2,416 buildings were destroyed and more than three thousand people were displaced from 2019 to January 2022.³³⁶ The demolition is set to continue in 2022. To illustrate, in February 2022, 29 Palestinian homes and other buildings were demolished, including 24 in Area C and five in East Jerusalem. 23 people were displaced as a result.³³⁷

According to one source, displaced persons end up on the streets of the West Bank and East Jerusalem. People often stay with family first or move to another location in the West Bank. In the West Bank, there is an international organisation that offers emergency aid and/or temporary accommodation in temporary structures or caravans. After that, displaced persons often leave for other locations in the West Bank.³³⁸

East Jerusalem

Palestinians in East Jerusalem have been living for decades with the threat of a possible eviction. The Sheikh Jarrah and Silwan neighbourhoods have attracted particular attention because of the recent court cases over Palestinian home ownership in East Jerusalem. This mainly concerns Palestinians and their descendants who were displaced from West Jerusalem in 1948 and fled to East Jerusalem. In the early 1950s, 28 Palestinian refugee families received funding from UNRWA to build houses on land in the Sheikh Jarrah neighbourhood. This land was made available by the Jordanian government, which at the time had control over East Jerusalem. The families had to give up their right to food aid and were granted ownership of the land and homes after three years of paying rent.³³⁹

Israeli settler organisations are said to use Israeli laws that permit the reclamation of land in East Jerusalem that had been Jewish-owned before 1948. However, Palestinians are not entitled to reclaim land that was in Palestinian possession before 1948.³⁴⁰ In 2008, around three hundred people in East Jerusalem were at risk of eviction. Israel did not recognise these individuals as owners of the homes and of the land on which the homes were built.³⁴¹ In 2022, this number was said to have increased to 970 people. At least 317 people are believed to have been displaced by evictions in East Jerusalem in 2021.³⁴² According to one source, not only individual

³³³ oPt Education Cluster, *Background on schools under threat of demolition in West Bank*, December 2020, p. 1; Save the Children, *Hope under the rubble: The impact of Israel's home demolition policy on Palestinian children and their families*, 2021, p. 4; Human Rights Watch, *Israel and Palestine: Events of 2021, 2022*, consulted on 14 January 2022.

³³⁴ A metric measure in which 1 dunum equals 1,000 m².

³³⁵ ICHR, *The Status of Human Rights in Palestine Executive Summary 2020*, 2021, p. 16.

³³⁶ OCHA, *Data on demolition and displacement in the West Bank*, 12 January 2021, consulted on 14 January 2022.

³³⁷ OCHA oPt, *Protection of Civilians Report 8-21 February 2022*, 28 February 2022, consulted on 1 March 2022.

³³⁸ Confidential source, 2 February 2022.

³³⁹ Francesca P. Albanese and Lex Takkenberg, *Palestinian refugees in international law*, 2020, p. 242- 243.

³⁴⁰ The Association for Civil Rights in Israel, *Sheikh Jarrah: Discrimination, Evictions and Dispossession under the auspices of the law*, June 2021, consulted on 19 January 2022; BBC News, *Sheikh Jarrah: Why could Palestinians lose their homes in Jerusalem*, 3 August 2021, consulted on 17 January 2022.

³⁴¹ Francesca P. Albanese and Lex Takkenberg, *Palestinian refugees in international law*, 2020, p. 242- 243.

³⁴² BBC News, *Sheikh Jarrah: Why could Palestinians lose their homes in Jerusalem*, 3 August 2021, consulted on 17 January 2022; Al Jazeera, *Sheikh Jarrah: Palestinian family faces forced displacement*, 5 January 2022, consulted on 6 January 2022.

houses are affected but also entire streets and neighbourhoods in certain parts of East Jerusalem – for example in Silwan, Batn Al Hawa and Sheikh Jarrah.³⁴³

Sheikh Jarrah

In October 2020, it was announced that a number of Palestinian families in Sheikh Jarrah would be evicted from their homes in May 2021. In February 2021, those families lodged an appeal that led to demonstrations in Jerusalem and a further escalation of violence (see also 1.2.1). In November 2021, four families turned down a deal that placed their homes under temporary ownership of Israeli settler organisations. As part of this deal, they would have been able to stay in their homes as protected tenants for fifteen years.³⁴⁴ According to one source, there have been thousands of eviction court cases pending during the reporting period but the chances of Palestinians winning them are slim.³⁴⁵ On 1 March 2022, Israel's Supreme Court decided to postpone the evictions of seven Palestinian families in Sheikh Jarrah. The families can remain in the homes as tenants until ownership of the land in question has been established.³⁴⁶

In January 2022, several families in East Jerusalem were evicted and their homes were demolished. The residents often demolish their own homes because otherwise they must pay the municipality of Jerusalem for the costs of the demolition.³⁴⁷ According to one source, relief organisations are only permitted to provide emergency relief in East Jerusalem and not sustainable aid.³⁴⁸ According to another source, evicted people sometimes stay with relatives but most of them end up in the part of East Jerusalem that is on the other side of the wall around the West Bank or in the West Bank (see also 4.2). For example, one family was temporarily housed in a Red Cross tent after being evicted.³⁴⁹

Pending a further decision by the Israeli Supreme Court and further evictions, tensions in the neighbourhood remained high. There were several violent incidents such as stabbings and violence between Palestinian residents and settlers and attacks on demonstrators and journalists, including by Israeli police. There were also restrictions in freedom of movement and continued demonstrations.³⁵⁰

3.1.5

Recruitment

It is unclear whether militias are forcibly recruiting or enlisting Palestinians. According to one source, there is no forced recruitment for the PA security services. There was no known forced recruitment by militias.³⁵¹ Defence for Children

³⁴³ Confidential source, 2 February 2022.

³⁴⁴ Al Jazeera, *Sheikh Jarrah families reject 'unjust' deal with Israeli settlers*, 2 November 2021, consulted on 3 November 2021.

³⁴⁵ Confidential source, 2 February 2022.

³⁴⁶ OCHA oPt, *Protection of Civilians Report | 22 February – 7 March 2022*, 11 March 2022, consulted on 12 March 2022.

³⁴⁷ Confidential source, 2 February 2022.

³⁴⁸ Confidential source, 2 February 2022.

³⁴⁹ Al Jazeera, *Jerusalem: Israel forces Palestinians to self-demolish own homes*, 31 January 2022, consulted on 1 February 2022.

³⁵⁰ BBC Monitoring, *Palestinian girl held in stabbing of settler in Jerusalem*, 8 December 2021, consulted on 9 December 2021; BBC Monitoring, *Two Israeli teens arrested over stoning attack in Sheikh Jarrah*, 11 December 2021, consulted on 12 December 2021; OCHA, *Protection of Civilians Report | 16 November – 6 December 2021*, 14 December 2021, consulted on 15 December 2021; The Independent, *AP photographer beaten by Israeli police in east Jerusalem*, 17 December 2021, consulted on 18 December 2021; OCHA, *Protection of Civilians Report | 7-20 December 2021*, 27 December 2021, consulted on 3 January 2022; Al Jazeera, *Sheikh Jarrah: Palestinian family faces forced displacement*, 5 January 2022, consulted on 6 January 2022; The Guardian, *Israeli police in standoff with Palestinians over Sheikh Jarrah eviction*, 17 January 2022, consulted on 17 January 2022.

³⁵¹ Confidential source, 7 February 2022.

International Palestine (DCIP)³⁵² has stated that Palestinian children are vulnerable to recruitment by Palestinian armed groups and are being used as human shields. Between 2011 and 2020, DCIP recorded nine deaths and two injuries of minors who were helping Palestinian armed groups or were accidentally at the scene. Among other things, they were the victims of 'active hostilities' with Israel, accidentally fired explosives and 'friendly fire'.³⁵³

3.2 Position of specific groups

3.2.1 *Journalists, human rights advocates and political activists*

The Palestinian Territories are ranked 132 out of 180 countries surveyed in the World Press Freedom Index of Reporters Without Borders (RSF), where countries high on the list were found to impose restrictions on freedom of expression.³⁵⁴ Between May 2018 and early March 2022, two Palestinian journalists were said to have been killed by Israeli troops and dozens of journalists injured during protests in Gaza. Journalists are said to apply self-censorship to avoid problems with the Israeli authorities. According to RSF, PA security services were also guilty of targeted violence against journalists during protests that were critical of the PA. Several websites critical of the PA are said to have been blocked by the PA since 2017. In addition, the profiles or content of journalists on social media platforms such as Facebook and Twitter were said to have been removed under Israeli political pressure. Local NGOs accuse these platforms of applying a double standard as far as Israeli and Palestinian content is concerned.³⁵⁵ For example, Facebook shut down the profiles and pages of Palestinian journalists who were under suspicion of inciting violence and terrorism.³⁵⁶

According to Freedom House and RSF, reporters were at risk of monitoring, attacks and detention by Israeli forces. In 2020, the Palestinian Centre for Development and Media (MADA) registered 210 cases in which press freedom was being compromised by Israeli forces in the Palestinian Territories. This included physical attacks, preventing journalists from reporting on certain events, interrogation, arrest and detention.³⁵⁷ In late May 2021, thirteen Palestinian journalists were allegedly detained by the Israeli authorities.³⁵⁸

Human rights advocates and political activists were restricted in their actions by the Israeli authorities and the PA.³⁵⁹ In June 2021, following the death of Nizar Banat, a human rights activist who had criticised the PA, a large number of protests were crushed by the *Palestinian Civil Police* (PCP). Banat died of his injuries after being

³⁵² DCIP is the Palestinian branch of Defence for Children International, an NGO that champions children's rights worldwide. DCIP works for children who become involved with the Israeli military and civilian justice systems as well as the Palestinian juvenile justice system. On 29 July 2021, the DCIP office in Al-Bireh (West Bank) was raided by Israeli paramilitary forces. The organisation's computers and hard drives were confiscated. DCIP, *Israeli forces raid DCIP office, confiscate computers and client files*, 29 July 2021, consulted on 13 February 2022.

³⁵³ Defense for Children International Palestine, *Child Recruitment*, 2022, consulted on 12 January 2022.

³⁵⁴ Reporters Without Borders, *Palestine: Harassed journalists*, 2021, consulted on 14 December 2021.

³⁵⁵ Reporters Without Borders, *Palestine: Harassed journalists*, 2021, consulted on 14 December 2021; Reporters Without Borders, *At least 35 journalists attacked while covering West Bank protests*, 5 July 2021, consulted on 14 December 2021; Reporters Without Borders, *WhatsApp blocks accounts of at least seven Gaza Strip journalists*, 7 July 2021, consulted on 14 December 2021; Tamleh, *The Attacks on Palestinian Digital Rights: Progress report, may 6-19, 2021*, 21 May 2021.

³⁵⁶ Freedom House, *West Bank: Freedom in the World 2021 Country Report*, consulted on 2 November 2021.

³⁵⁷ Freedom House, *West Bank: Freedom in the World 2021 Country Report*, consulted on 2 November 2021.

³⁵⁸ Reporters Without Borders, *Israel now holding 13 Palestinian journalists*, 28 May 2021, consulted on 14 December 2021.

³⁵⁹ Freedom House, *West Bank: Freedom in the World 2021 Country Report*, consulted on 2 November 2021.

severely beaten by PA security forces.³⁶⁰ Journalists, civil society activists and lawyers were unlawfully arrested and tortured by PA security forces at the time. According to think-tank Al Shabaka, the level of repression in the summer of 2021 was unparalleled.³⁶¹ A report by Human Rights Watch stated that from January to September 2021, the Palestinian Independent Commission for Human Rights (ICHR) received 87 complaints of wrongful arrest, fifteen complaints of detention without trial or charge, and 76 complaints of ill-treatment and torture by the PA.³⁶² The ICHR stated in its 2020 report that it had received hundreds of complaints from both Gaza and the West Bank accusing police and security forces of ill-treatment and torture (see also 3.3.4).³⁶³

Opponents who criticise specific Hamas members are at risk of arrest and detention. It was said that Hamas also tried to maintain control over other groups in Gaza that it believed might damage its position of power. According to one source, Palestinians cannot oppose Hamas's control.³⁶⁴ During demonstrations in Gaza in 2019, security forces beat protesters and security forces fired shots to disperse the crowd.³⁶⁵

3.2.2 *Collaborators*

According to the same source, (alleged) collaborators/informants of the PA or Israel are arrested, detained and mistreated by Hamas.³⁶⁶

3.2.3 *Groups receiving the special attention of the Israeli authorities*

It is not possible to give an unequivocal answer to the question of which groups receive the special attention of the Israeli authorities.

3.2.4 *Conscientious objectors and deserters*

According to the Oslo Accords, besides the Israeli Defence Forces (IDF) and the Palestinian Police no other armed groups are permitted to operate in the West Bank and Gaza.³⁶⁷ One source says that there is no conscription in the Palestinian Territories. Members of the PA Security Forces (PASF) voluntarily choose to join. All members, including the civilian police, are subject to Palestinian military criminal law and the military court.³⁶⁸ The Palestinian Police are part of the Security Forces (PASF), which are armed and all come under the Ministry of Interior.³⁶⁹ The training for the security services is held at the Istiqlal University in Jericho.³⁷⁰

There is therefore also no conscription for women. Women who work for the government in departments related to the security services are said to perform only administrative tasks.³⁷¹ According to another source, there are female officers, but it

³⁶⁰ The New York Times, *Activist Dies in Palestinian Authority's Custody, Inciting Widespread Outrage*, 24 June 2021, consulted on 25 June 2021.

³⁶¹ Al Shabaka, *The Palestinian Security Sector: Entrenching State Repression*, 14 November 2021, consulted on 15 November 2021.

³⁶² Human Rights Watch, *Israel en Palestine: Events of 2021, 2022*, consulted on 8 April 2022. See also

³⁶³ ICHR, *The status of human rights in Palestine Executive summary 2020, 2021*, p. 27-28. **Error! Hyperlink reference not valid.**

³⁶⁴ Confidential source, 3 February 2022.

³⁶⁵ BBC News, *Palestinians vent against Hamas in rare online event*, 29 January 2022, consulted on 30 January 2022.

³⁶⁶ Confidential source, 3 February 2022.

³⁶⁷ Artikel XIV, *Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip*, 28 September 1995, p. 11-12. See also **Error! Hyperlink reference not valid.**

³⁶⁸ Confidential source, 7 February 2022.

³⁶⁹ Confidential source, 11 April 2022.

³⁷⁰ Confidential source, 3 February 2022.

³⁷¹ Confidential source, 24 January 2022.

is not clear how many.³⁷² In 2007, Hamas is said to have set up a female military unit. It is not clear which tasks this unit performs.³⁷³

3.2.5 *Ethnic and religious groups*

The population in the Palestinian Territories is mostly made up of Palestinians. A large number of Jewish settlers also live in the West Bank. In 2019, there were 432,000 Israeli settlers in the West Bank and 227,100 in East Jerusalem.³⁷⁴ One source says that both Muslims and Christians from the Palestinian Territories see themselves as ethnically Arab.³⁷⁵ According to the CIA World Factbook, Gaza is made up of Palestinian Arabs of which 98-99% are Muslim (mainly Sunni), 1% Christian and less than 1% have an unknown religion or denomination. The population of the West Bank (excluding East Jerusalem) is made up of Palestinian Arabs, 80-85% of whom are Muslim (mainly Sunni), 1-2.5% Christian (mainly Greek Orthodox, but also Armenian and Syrian Orthodox, Lutheran and Catholic), a Jewish population of 12-14% and a 'remainder' category.³⁷⁶ There is also the Samaritan community, which is a group of almost eight hundred people who see themselves as followers of the pure Jewish faith. They live in Nablus (West Bank) and Holon (Israel).³⁷⁷

The Christian population is said to be decreasing in size due to restrictions on internal freedom of movement and on residence permits for (Christian) Palestinian spouses from other parts of the Palestinian Territories due to the Israeli Citizenship Law (see also 2.3).³⁷⁸ It is not known whether Christians can obtain permits more often or more easily. According to one source, Christians see themselves as an oppressed group that is not well represented in Palestinian politics. They are said to be often inclined to leave the Palestinian Territories. Among Muslims, the general view is that Christians are a privileged group who have easier access to travel permits.³⁷⁹

According to a USDoS report, unrecognised religious groups such as Jehovah's Witnesses are banned from proselytising activities by the PA. Some personal status documents, such as marriage and birth certificates issued by unrecognised Christian churches, were not accepted by the PA. Individuals were advised by church communities to register either with a church community abroad or with a recognised church of a different denomination.³⁸⁰ According to one source, church communities are very small and closed and do not readily accept converts.³⁸¹ It is not clear whether recognised non-Muslim groups are permitted by the PA to engage in proselytising activities.

Christians born in Gaza are tolerated and are not forced to abide by Islamic law. Cases of discrimination or harassment against the Christian minority in Gaza were

³⁷² Confidential source, 11 April 2022.

³⁷³ Al Monitor, *Hamas appoints first women to political bureau*, 12 March 2021, consulted on 2 February 2022.

³⁷⁴ CIA The World Factbook, *West Bank, Gaza Strip*, 16 November 2021, consulted on 29 November 2021.

³⁷⁵ Confidential source, 3 February 2022.

³⁷⁶ CIA The World Factbook, *West Bank, Gaza Strip*, 16 November 2021, consulted on 29 November 2021; Confidential source, 10 February 2022.

³⁷⁷ EO, *Van Nablus naar Ninevé: Aflevering 1 – De Samaritanen (Westelijke Jordaanoever)*, 2 July 2018, consulted on 29 November 2021.

³⁷⁸ USDoS, *Israel (includes West Bank and Gaza) 2020 International Religious Freedom Report*, 2021, p. 85-86.

³⁷⁹ Confidential source, 10 February 2022.

³⁸⁰ USDoS, *Israel (includes West Bank and Gaza) 2020 International Religious Freedom Report*, 2021, p. 75-76.

³⁸¹ Confidential source, 10 February 2022.

not investigated by the local authorities. Christmas is regarded as a public holiday in the West Bank but not in Gaza.³⁸²

Palestinian Christians and Muslims who want to marry a Jewish partner run the risk of opposition from society and family. Women and girls from Christian and Muslim communities who marry outside their faith risk being ostracised by their families.³⁸³

Conversion, non-practising believers, apostates and overt atheism

Muslims who convert, people who have turned away from the faith and avowed atheists are unable to openly express their beliefs and are at risk of exclusion, discrimination and violence by family members, society and the authorities.³⁸⁴ It is not clear whether this also applies to converts of other faiths.

Under Islamic law, Muslims are not permitted to convert to another faith. According to some sources, it is possible to convert to Islam but it would be problematic for a Muslim to convert to another faith. The sources are not aware of any Muslims who have converted to another faith.³⁸⁵ The size of this group is not clear because the topic is not openly discussed.

Non-practising Muslims do not generally experience problems. According to one source, they only have problems if they talk about this openly or are openly critical of religion. Non-practising Muslims can face problems around Ramadan if they do not participate in public religious rituals. In the larger cities, it is said to be generally easier to be non-practising.³⁸⁶

According to one source, apostates are considered to be people who criticise religion or speak about it in a defamatory way.³⁸⁷ Apostasy or criticising the existence of religion are not openly discussed in Gaza.³⁸⁸

Atheism is said to be tolerated in the West Bank, but not when it is displayed explicitly. This includes the expression of atheism online.³⁸⁹ According to one source, in Gaza people can manifest themselves as atheists in certain ways on social media. The source refers to the existence of Marxist political parties that are indirectly atheistic. People who openly present themselves as atheists are said to be at risk of intimidation by their surroundings.³⁹⁰

Blasphemy is punishable in the West Bank and people who violate this law can be prosecuted by the PA. Under Article 278 of the 1964 Jordanian Criminal Code, blasphemy is punishable by life imprisonment and under Article 330 of the 1979 PLO Criminal Code it is punishable by a fine and a prison sentence of up to three months.³⁹¹ In Gaza, Article 149 of the British penal code stipulates that persons who insult religion can be sentenced to a maximum of one year in prison.³⁹² Two sources said that they were not aware of any people being criminally prosecuted in the Palestinian Territories because of their religious beliefs during the reporting

³⁸² USDoS, *Israel (includes West Bank and Gaza) 2020 International Religious Freedom Report*, 2021, p. 88.

³⁸³ USDoS, *Israel (includes West Bank and Gaza) 2020 International Religious Freedom Report*, 2021, p. 92.

³⁸⁴ Confidential source, 3 February 2022; Confidential source, 10 February 2022.

³⁸⁵ Confidential source, 3 February 2022; Confidential source, 10 February 2022.

³⁸⁶ Confidential source, 10 February 2022.

³⁸⁷ Confidential source, 10 February 2022.

³⁸⁸ Confidential source, 3 February 2022.

³⁸⁹ Confidential source, 10 February 2022.

³⁹⁰ Confidential source, 3 February 2022.

³⁹¹ Human Rights Watch, *West Bank: Free Suspected Blogger*, 5 December 2010, consulted on 6 December 2021; Freedom House, *West Bank: Freedom in the World 2021 Country Report*, consulted on 2 November 2021; EASO, *COI Query Palestine*, 10 January 2020, p. 4.

³⁹² EASO, *COI Query Palestine*, 10 January 2020, p. 4.

period.³⁹³ One such case occurred before the reporting period. This example is illustrative but can by no means be regarded as exhaustive. In October 2010, Waleed Hasayin (pen name Al-Husseini) was arrested by the PA in the West Bank for blasphemy against Islam on his blog and on Facebook. He described himself as an atheist.³⁹⁴

One source said that people who are openly critical of religion are more likely to be viewed as political critics. Persons who express themselves critically about religion could also be prosecuted under the Cybercrime Act because posting online material can contravene digital security (see also 3.1.1). People who get into trouble with family members or other citizens because of their beliefs cannot count on the protection of the authorities, according to the source. Having strong contacts with the PA could make a difference, but even then it would be difficult. The source says that during the reporting period, the organisers of a planned meeting on freedom of religion or life principles in Hebron were harassed with online smear campaigns. The response of the authorities was that it was their own fault.³⁹⁵

3.2.6 *LGBTI people*

In the West Bank (including East Jerusalem), homosexual acts are not legally punishable under the Jordanian Criminal Code of 1951. In Gaza, homosexual acts are punishable under Article 152(2) of the 1936 Criminal Code that was in force during the British Mandate. According to this article, homosexual acts are punishable by a prison sentence of up to ten years.³⁹⁶ According to the new draft version of the Palestinian Unified Penal Code of Palestine, homosexual acts constitute a criminal offence. There are no specific laws protecting LGBTI people from hate crime, gender-based violence or discrimination.³⁹⁷ One source says that he only knows Palestinians who are openly LGBTI people abroad. The subject is said to be taboo in the Palestinian community and only takes place in secret. This makes it difficult to obtain a complete overview of the LGBTI community in the Palestinian Territories.³⁹⁸

Discrimination and criminal prosecution

According to several sources, the freedom of LGBTI people is curtailed. They are at risk of (honour and/or gender-based) violence and discrimination, including from family members and the PA. According to one source, this is worse in Gaza than in the West Bank.³⁹⁹ A news report in the Israeli newspaper *Haaretz* states that it is generally easier for the LGBTI community in Ramallah than in the rest of the Palestinian Territories because LGBTI people can visit certain areas and bars there.⁴⁰⁰ It is not clear to which extent this can be done openly. The source is not aware of actual criminal charges against LGBTI people in the West Bank but says that persons who openly identify as LGBTI face the risk of violence, discrimination and exclusion by family members and the community. They would not or could not receive protection from the authorities. People who come out as LGBTI are said to

³⁹³ Confidential source, 3 February 2022; Confidential source, 10 February 2022.

³⁹⁴ Human Rights Watch, *West Bank: Free Suspected Blogger*, 5 December 2010, consulted on 6 December 2021; Freedom House, *West Bank: Freedom in the World 2021 Country Report*, consulted on 2 November 2021.

³⁹⁵ Confidential source, 10 February 2022.

³⁹⁶ Refugee Legal Aid Information, *Occupied Palestinian Territory LGBTI Resources*, consulted on 27 July 2021.

³⁹⁷ UNDP, *State of Palestine: Gender Justice & the Law*, 2018, p. 23.

³⁹⁸ Confidential source, 10 February 2022.

³⁹⁹ UNDP, *State of Palestine: Gender Justice & the Law*, 2018, p. 23; Amnesty International, *Palestine (State of) 2020*, consulted on 27 July 2021; Confidential source, 10 February 2022.

⁴⁰⁰ *Haaretz, Pride and Prejudice: The Hellish Life of Gaza's LGBTQ Community*, 25 June 2019, consulted on 17 December 2021.

voluntarily (or involuntarily) leave the Palestinian Territories.⁴⁰¹ Another source says that there are cases of LGBTI people being prosecuted under legislation that addresses behaviour in public places. LGBTI people are also threatened with disclosure of their identity. This is done to prevent them from becoming activists and taking part in demonstrations, for example. It is not clear who has made these threats.⁴⁰² In Gaza, LGBTI people are said to be at risk of intimidation, torture or worse offences by Hamas or their own relatives. A victim belonging to the LGBTI group says in a news report from Haaretz that Hamas security forces visited him because of rumours about his sexual orientation. He was interrogated about this and tortured while in detention. He was released after he had signed a document listing the names of people with whom he had allegedly had sexual relations. The victim says that the specific story and the names in the document did not reflect the truth and believes that it may have been a tactic of Hamas to persecute Fatah members in Gaza in this way.⁴⁰³

Forced marriage

According to a news report, there are cases of Palestinian lesbian women being forced by their families to get married, mainly in rural areas. LGBTI people are being pressured by their families to enter into heterosexual marriages. The same applies to homosexual men, who are also put under extreme pressure by their families and communities to marry women.⁴⁰⁴ One source says that (forced) marriages are taking place everywhere in the Palestinian community, and this also involves the LGBTI group.⁴⁰⁵

Civil society organisations

There are two civil society organisations in Israel that defend the rights of Palestinian LGBTI people: the Al Qaws and Aswat organisations, which are aiming to increase social awareness of these topics. They mostly operate from Israel. According to a UNDP report, there are also organisations in Ramallah,⁴⁰⁶ but another confidential source says that this only involves organisations that operate from abroad.⁴⁰⁷ In August 2019, Al Qaws staged a Palestinian LGBTI protest in Haifa.⁴⁰⁸ The Palestinian Authorities prevented Al Qaws from organising events in the West Bank in 2019 and threatened to arrest those in attendance.⁴⁰⁹

Palestinian LGBTI people sometimes try to apply for asylum in Israel. However, many of them remain undocumented in Israel for fear of being deported to the Palestinian Territories.⁴¹⁰ In practice, they only have access to a temporary residence permit of three to four months that does not give access to healthcare, social services or employment. In order to renew a residence permit, an application for relocation/resettlement to a third country must be submitted.⁴¹¹ Some

⁴⁰¹ Confidential source, 10 February 2022.

⁴⁰² Confidential source, 25 March 2022.

⁴⁰³ Haaretz, *Pride and Prejudice: The Hellish Life of Gaza's LGBTQ Community*, 25 June 2019, consulted on 17 December 2021.

⁴⁰⁴ Haaretz, *Pride and Prejudice: The Hellish Life of Gaza's LGBTQ Community*, 25 June 2019, consulted on 17 December 2021.

⁴⁰⁵ Confidential source, 10 February 2022.

⁴⁰⁶ UNDP, *State of Palestine: Gender Justice & the Law*, 2018, p. 23.

⁴⁰⁷ Confidential source, 10 February 2022.

⁴⁰⁸ The New York Times, *Palestinian Authority Bans Activities by Gay Rights Group*, 19 August 2019, consulted on 27 July 2021.

⁴⁰⁹ The New York Times, *Palestinian Authority Bans Activities by Gay Rights Group*, 19 August 2019, consulted on 27 July 2021.

⁴¹⁰ Refugee Legal Aid Information, *Occupied Palestinian Territory LGBTI Resources*, consulted on 27 July 2021; Freedom House, *West Bank: Freedom in the World 2021 Country Report*, consulted on 27 July 2021.

⁴¹¹ +972 Magazine, *'I'd rather die in the West Bank': LGBTQ Palestinians find no safety in Israel*, 17 September 2021, consulted on 8 April 2022.

Palestinian LGBTI people are being given the opportunity to relocate to/resettle in a third country through UN organisations. Aguda, an Israeli LGBTI organisation that is helping Palestinian LGBTI people to do this, says that this process is very difficult and can take up to two years. This mainly concerns Palestinians from the West Bank. In the years before 2019, fewer than twenty people would have been eligible for relocation in this way.⁴¹²

Transgender people

There is no legal recognition of transgender people in the Palestinian Territories. Gender surgery (sex reassignment) is uncommon, according to a UNDP report, but some of these operation have been performed under certain conditions. It is not clear which conditions were involved.⁴¹³

3.2.7

Women

The Independent Commission for Human Rights (ICHR) has said that the participation of women in social life in the Palestinian Territories is below average. The employment rate in 2020 was 15.7% among women from the age of fifteen, compared to 65.2% among men from the age of fifteen. It is true that 42.7% of the people working in the public sector in 2017 were women and 57.3% men, but only 11.3% of the senior positions in the sector were occupied by women. In addition, there was high unemployment among younger women (72.7% of women aged 20-24 compared to 31.2% of men aged 20-24 in 2020).⁴¹⁴ There is no legislation for equal pay for men and women. Another problem is said to be the exploitation of women in family businesses, where they often receive no salary and/or benefits.⁴¹⁵ According to PA legislation, women are not allowed to perform certain hazardous occupations, such as working at night or in the mining or energy sectors.⁴¹⁶ However, access to education for girls and women is said to be widespread.⁴¹⁷

Although women have played a major role in the history of the Palestinian resistance and in civil society, numerous sources say that this has not led to the desired emancipation of women. And although Palestinian law states that men and women are equal, in practice women do not occupy the same position as men in the public and political spheres.⁴¹⁸ Many women's movements launched after the First Intifada⁴¹⁹ were marginalised after the rise of the PA in which the leadership was dominated by male politicians. Although the Palestinian *Ministry of Women's Affairs* (MoWA) was set up in 2003 and all Palestinian government departments were given a gender unit to promote female participation and gender equality between 2012

⁴¹² Haaretz, *Pride and Prejudice: The Hellish Life of Gaza's LGBTQ Community*, 25 June 2019, consulted on 17 December 2021.

⁴¹³ UNDP, *State of Palestine: Gender Justice & the Law*, 2018, p. 23.

⁴¹⁴ ICHR, *The Report of the Independent Commission for Human Rights (ICHR) On The Initial Report of the State of Palestine Presented to The United Nations Committee on The Elimination of All Forms of Discrimination against Women*, July 2018, p. 6-8; Palestinian Central Bureau of Statistics, *PCBS: Labour Force Survey, Q4 – 2020*, 2020, p. 14, 17.

⁴¹⁵ ICHR, *The Report of the Independent Commission for Human Rights (ICHR) On The Initial Report of the State of Palestine Presented to The United Nations Committee on The Elimination of All Forms of Discrimination against Women*, July 2018, p. 6-8.

⁴¹⁶ USDoS, *West bank and Gaza 2020 Human Rights Report*, 2021, p. 73.

⁴¹⁷ Confidential source, 26 January 2022.

⁴¹⁸ Al Shabaka, *The political marginalization of Palestinian women in the West Bank*, consulted on 16 November 2021; Al Muntada, *Parallel Follow-up Report Prepared by the Women's Center for Legal Aid and Counselling (WCLAC) and the Palestinian Non-Governmental Organizations Forum to Combat Violence Against Women*, September 2020, p. 1-2; Confidential source, 26 January 2022.

⁴¹⁹ Period of Palestinian resistance and escalating conflict with Israel from 1987 to 1993.

and 2014, in practice this is said to be having a minimal impact on the position of women.⁴²⁰

The Palestinian Legislative Council has had a women's quota of 20% since 2006. According to one source, this was increased to 26% by presidential decree. In the municipal elections, there is a women's quota of 30%.⁴²¹ It is not clear whether women will actually be assigned these seats in practice. Up to December 2020, the fifteen-member PLO Executive Council had one female member (Hanan Ashrawi). There are currently only male members.⁴²² Of the sixteen districts in the West Bank and Gaza, one district has a female governor (Ramallah). Three positions are held by women in the current cabinet of 22 ministers: the Ministries of Health, Tourism and Women's Affairs (MoWA). In addition, women are said to hold only 11% of ambassadorial positions in the diplomatic service. In Gaza, women are said to occupy 17% of the 320 positions in the Hamas parliament. Moreover, the first female member of the Hamas political bureau, which has a total of fifteen members, was only appointed in March 2021.⁴²³ The PA signed the UN resolution Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 2014, but it has not been transposed into domestic law. In November 2017, the Supreme Constitutional Court ruled that courts cannot apply international treaties that conflict with Palestinian law. Al Shabaka says that this will allow the authorities to uphold patriarchal legislation.⁴²⁴

Political activities

The Al Shabaka think-tank says that the PA and Israeli authorities use gender-based violence to discourage women from participating in political activity. According to Al Shabaka, the Israeli military take pictures of female prisoners, unnecessarily order them to undress to be searched, and deny them access to sanitary towels and toilets during menstruation. There have also been cases of physical and sexual harassment of women by PA security forces during demonstrations and protests.⁴²⁵ Women were attacked by PA police and undercover PA security forces during the peaceful May 2021 protests, according to one source. Amongst other things, swear words were used against the women and their phones were taken and searched for messages and photos. Arrests were made and the women were not given access to a lawyer. In addition, photos of the women were publicly distributed to show that they were not adhering to the cultural norms.⁴²⁶ The security forces were said to visit the fathers of women and girls to discuss their 'activism', such as taking part in demonstrations, with the result that women and girls were prevented from participating in political activities by their families. The security forces are also said to influence the employers of women who meddle in 'activism' to force their resignation. In addition, the security forces also spread rumours about female activists on social media in order to make things more difficult for them in their

⁴²⁰ Al Shabaka, *The political marginalization of Palestinian women in the West Bank*, consulted on 16 November 2021; Al Muntada, *Parallel Follow-up Report Prepared by the Women's Center for Legal Aid and Counselling (WCLAC) and the Palestinian Non-Governmental Organizations Forum to Combat Violence Against Women*, September 2020, p. 1-2.

⁴²¹ Confidential source, 26 January 2022.

⁴²² ECFR, *Mapping Palestinian Politics: Institutions: PA: PLC: Hanan Ashrawi (Third Way)*, consulted on 12 March 2022. See also **Error! Hyperlink reference not valid.**

⁴²³ Al Monitor, *Hamas appoints first women to political bureau*, 12 March 2021, consulted on 2 February 2022.

⁴²⁴ Al Shabaka, *The political marginalization of Palestinian women in the West Bank*, consulted on 16 November 2021; Al Muntada, *Parallel Follow-up Report Prepared by the Women's Center for Legal Aid and Counselling (WCLAC) and the Palestinian Non-Governmental Organizations Forum to Combat Violence Against Women*, September 2020, p. 1-2; Confidential source, 26 January 2022.

⁴²⁵ Al Shabaka, *The political marginalization of Palestinian women in the West Bank*, consulted on 16 November 2021.

⁴²⁶ Confidential source, 26 January 2022.

surroundings.⁴²⁷ According to one source, the Palestinian Prime Minister has publicly apologised for the deployment of undercover PA security forces during the demonstrations in May 2021.⁴²⁸

Codes of conduct and dress codes: the West Bank

According to one source, Palestinian women live in a patriarchal system that mainly keeps women inside the family circle and assigns them a low (social) position and a reproductive role. The source says that it is not possible to generalise about codes of conduct and dress codes for women or the differences between married and unmarried, single or divorced women and widows. This differs in each individual case. There is said to be more freedom in the cities compared to rural areas. Despite growing conservative tendencies in society, women are said to have some freedom to choose whether or not to wear a headscarf. The decision to wear a headscarf can also differ among family members in the same family. Most women have access to education, work and public life, such as going to bars and restaurants. The employment rate for women is low, but this only affects women who work in the formal sector. Access to work or independent living is said to be accepted due to the precarious economic situation and the restrictions on freedom of movement due to the many checkpoints. According to the same source, this acceptance generally has more to do with the precarious situation in which Palestinians live than with general social ideology or belief about women's self-determination.⁴²⁹

Codes of conduct and dress: Gaza

Society in Gaza is more conservative than in the West Bank. According to one source, women in Gaza live in a patriarchal society on a daily basis and are not considered to be equal to men. It is not only religious and conservative parties that are limiting the role of women in political and social life – moderate parties are also not doing a great deal in practice to promote the participation of women.⁴³⁰ According to a United States Department of State (USDoS) human rights report, women's freedom of action in Gaza is restricted by Hamas's interpretation of Islamic norms. The security services were said to sometimes check whether couples travelling together were married. Women often have to travel in groups so that they can visit certain public spaces, such as the beach. Employers were said to discriminate against female employees. In factories, there were cases where pregnant or newly married women were not hired. Housekeeping/cleaning work is not regulated and often takes place in the informal sector. This is putting women at risk of forced labour.⁴³¹

According to one source, driving is normal for women and women can work in different sectors. However, the employment rate for women is low.⁴³² In 2016, women in Gaza were obliged to take a male relative (*mahram*) with them when taking driving lessons.⁴³³ Women's participation in sports is limited. For example, in 2020 not all sports centres consented to a women's softball team and a bicycle project for women that was organised in a sports centre was criticised.⁴³⁴ Women

⁴²⁷ Al Shabaka, *The political marginalization of Palestinian women in the West Bank*, consulted on 16 November 2021.

⁴²⁸ Confidential source, 26 January 2022.

⁴²⁹ Confidential source, 26 January 2022.

⁴³⁰ Confidential source, 24 January 2022.

⁴³¹ USDoS, *West bank and Gaza 2020 Human Rights Report*, 2021, p. 61, 71, 73.

⁴³² Confidential source, 24 January 2022.

⁴³³ NPR, *Hamas: Gaza women learning to drive must have a chaperone*, 1 June 2016, consulted on 23 December 2021.

⁴³⁴ Al Monitor, *Gaza's female softball players in league of their own*, 4 March 2020, consulted on 23 December 2021; Al Monitor, *Bicycling program for women finds both supporters, critics in Gaza*, 10 May 2021, consulted on 23 December 2021.

are also not allowed to attend football matches. In 2018, an attempt to admit women to a football match in Nuseirat was blocked.⁴³⁵ To hold a music performance, permits must be obtained from four different agencies of the Hamas authorities. It is said to be difficult to get a permit if women are permitted to attend the concert. Female musicians are not allowed to perform, even in restaurants and bars.⁴³⁶ Since December 2019, female and male musicians at the Conservatory of Music in Gaza are no longer allowed to perform together.⁴³⁷ The USDoS has reported on cases where teachers at Hamas schools in Gaza have sent girls home for not wearing conservative clothing.⁴³⁸ Also in 2018, the 'Be Different' campaigns of the Ministry of Endowments and Religious Affairs were deployed in schools and universities to promote the wearing of headscarves among girls and young women. Girls who did not wear a headscarf were required to attend two meetings of the promotional campaign.⁴³⁹

Legal capacity

In the Palestinian Territories, before entering into her first marriage a Muslim woman requires the permission of a guardian – a male relative/guardian (*wali*). This must be a male relative, in practice often from the father's side. This permission is not required for a second marriage. A guardian also has the right, under Article 165 of the *Personal Status Laws* (PSL), to determine where a woman under the age of forty, who is a virgin and who is under his guardianship, may live.⁴⁴⁰ Older women can in principle marry without permission, but according to one source this is not easy due to societal norms. It is not clear from which age this applies.⁴⁴¹ According to the PSL for Muslims, in a marriage a woman must adhere to a number of specific laws. In a marriage, the husband is the head of the family and a woman must obey him. Under this law, a woman requires her husband's approval to leave the house, must move in with him (including moving abroad) and may not take a job without her husband's consent. If women do not comply, they run the risk of losing their right to financial maintenance. There are some minor differences in how the PSLs of the West Bank and Gaza are written, but they generally match, according to the Musawah organisation. The above-mentioned prenuptial agreements do not apply to Christians as they have their own legislation for the various denominations.⁴⁴² It is not clear whether a Muslim woman can evade any of these specific laws by including them in the prenuptial agreement. It is also not clear to which extent men actually exercise these rights over women in practice.

Divorce

Men can usually easily divorce their wives, but it is legally more difficult for women to file for divorce and it often requires the husband's consent. Palestinian society is said to have a negative view of women who file for divorce or are divorced. There are different guidelines for financial compensation and alimony for divorced women and their children. There are no rules regarding the distribution of funds that have not been included in the prenuptial agreement.⁴⁴³ According to one source, women

⁴³⁵ Arab News, *Gaza police block women from attending football match*, 28 January 2018, consulted on 23 December 2021.

⁴³⁶ +972 Magazine, *'To sing is not a right in Gaza'*, 6 June 2019, consulted on 23 December 2021.

⁴³⁷ The Guardian, *Musicians decry Hamas ban on co-ed school concerts in Gaza*, 22 December 2019, consulted on 23 December 2021.

⁴³⁸ USDoS, *West bank and Gaza 2020 Human Rights Report*, 2021, p. 61, 71, 73.

⁴³⁹ Al Monitor, *Hamas visits Gaza schools to promote hijab*, 31 October 2018, consulted on 23 December 2021.

⁴⁴⁰ Musawah, *Thematic report on Muslim family law and Muslim women's rights in Palestine*, July 2018, p. 10-12.

⁴⁴¹ Confidential source, 24 January 2022.

⁴⁴² Musawah, *Thematic report on Muslim family law and Muslim women's rights in Palestine*, July 2018, p. 8.

⁴⁴³ Musawah, *Thematic report on Muslim family law and Muslim women's rights in Palestine*, July 2018, p. 23-24.

can go to court to file for divorce, but without legal representation the case could take more than a year to come to court.⁴⁴⁴

Exit permits

Several sources say that women do not need an exit permit to leave the Palestinian Territories.⁴⁴⁵ According to the USDoS, unmarried women in Gaza sometimes have trouble getting out of Gaza. Hamas controls all travel to and from Gaza (see also 1.4).⁴⁴⁶ One source says that a man can impose a travel ban on his wife so that she cannot travel abroad, although this can be legally challenged.⁴⁴⁷ Women are legally competent but girls under the age of 18 sometimes need permission from their father or husband to make use of government services. It is not clear when this permission is required. Divorced women who wish to leave the Palestinian Territories with their children require the permission of the children's father.⁴⁴⁸

Reporting sexual and gender-based violence

In the Palestinian legal system, it is possible to report incidents of (sexual) violence. These can be dealt with through the criminal justice system even if the perpetrator is the spouse or a government official. According to one source, due to different legislation and modus operandi there are regional differences in what is punishable by law and how access to protection is organised. Rape is a crime but there is no legislation that addresses marital rape. There is no existing legislation that addresses sexual harassment.⁴⁴⁹ The Public Prosecution Service can only file proceedings if the victim presses charges. Sexual harassment must be reported no later than three months after it occurred and women must demonstrate that the violence resulted in physical damage that lasted at least ten days. It is not clear whether this requires a separate doctor's report. Women often do not report violence for fear of repercussions and/or damage to their reputation, because they cannot easily leave their home or because the perpetrator is a family member.⁴⁵⁰ Complaints are submitted to the Family Protection Units (FPU) of the Palestinian Police. The FPU in the Palestinian Police and the Public Prosecution Service can conduct further investigations and take legal action. This National Referral System for female victims of gender-based violence was adopted in the West Bank in 2013 but does not apply in Gaza.⁴⁵¹ There are also shelters where people can go (see also the section on shelters and relief). Victims in Gaza can only report a crime at the police station, but a source says it is better if the woman is accompanied by a person from a women's organisation because women run the risk of not being believed at the police station.⁴⁵²

FPU can provide protection and support for female victims of violence in an emergency.⁴⁵³ The FPUs can be contacted through a police station or a telephone number. The WoMA works with the Ministry of Social Development, the Attorney General's Office, the Palestinian Civil Police, the Ministry of Health, Shari'a Supreme

⁴⁴⁴ Confidential source, 24 January 2022.

⁴⁴⁵ Confidential source, 24 January 2022; Confidential source, 26 January 2022.

⁴⁴⁶ USDoS, *West bank and Gaza 2020 Human Rights Report*, 2021, p. 43.

⁴⁴⁷ Confidential source, 26 January 2022.

⁴⁴⁸ Confidential source, 24 January 2022.

⁴⁴⁹ USDoS, *West bank and Gaza 2020 Human Rights Report*, 2021, p. 58-59; Confidential source, 26 January 2022.

⁴⁵⁰ UNICHA, *State of Palestine: Gender Justice & the Law Law and gender*, 2018, p. 17; WCLAC, *Access to justice for women victims of violence in Palestine*, 2021, p. 37-38; WCLAC and Al-Muntada, *Femicide in the Palestinian Society*, April 2021, 5.

⁴⁵¹ Palestinian Police, *Family Protection Unit and Juvenile Unit*, consulted on 16 November 2021. See also **Error! Hyperlink reference not valid.**; Confidential source, 26 January 2022.

⁴⁵² Confidential source, 24 January 2022.

⁴⁵³ UN Development Programme, *Everyday hero: Access to justice for Palestinian women*, 4 December 2018, consulted on 16 November 2021.

Council and the Civil Society Forum to combat gender-based violence.⁴⁵⁴ Women living in East Jerusalem fall under the jurisdiction of the Israeli Police and different legislation under Jordanian, Israeli or Sharia courts (under Jordan⁴⁵⁵). According to one source, the law and court used varies on a case-by-case basis. The source says that women often fail to report to the Israeli police for fear of being seen as collaborators by their families. In addition, women with expired residence permits are said not to report sexual and gender-based violence for fear of being sent back to the West Bank after a divorce and losing access to and/or custody of their children.⁴⁵⁶

The ICHR says that women are at risk of violence by police personnel both in and out of detention. In 2017 the ICHR registered 45 such cases, of which thirteen were in the West Bank and thirty-two in Gaza.⁴⁵⁷

Shelters and assistance

There are three shelters in the West Bank: *Mehwar Centre* in Bethlehem, the Family Defence Society shelter in Nablus and the Women's Centre for Legal Aid and Counselling (WCLAC) emergency shelter in Jericho.⁴⁵⁸ There are two shelters in Gaza, one managed by the Hamas authorities (*Beit al Aman*) and one by women's organisations (*Hayat Centre*). According to one source, the management of the former shelter in Gaza is not functioning as it should.⁴⁵⁹ In East Jerusalem, women have access to Israeli shelters. The Directorate of Social Affairs and Child Safety and Protection Network, both part of the Palestinian Ministry of Social Affairs, also provide access to protection, shelters and emergency aid for women who are the victims of violence. UNRWA is said to refer victims in refugee camps to professional help by way of Public Service Centres.⁴⁶⁰

In 2020, WCLAC assisted seven hundred women with its free telephone helpline. This was an increase of 160% over 2019. By November 2021, WCLAC had helped three hundred new cases through this helpline.⁴⁶¹ There is also a One Stop Centre in Ramallah, which, as part of a partnership between UN Women, UNDP and UNICEF under the Sawasya development programme, provides medical and legal aid, temporary shelter and police protection for female and underage victims of violence.⁴⁶² Several organisations offer a telephone helpline and psychosomatic, legal and medical assistance in addition to advocacy and awareness campaigns (such as WCLAC, SAWA, AISHA Association for Women and Child protection and the Women's Affair Centre in Gaza, Al Muntada, TAKAMOL, Palestinian Family Planning and Protection Association).⁴⁶³ According to one source, all the services are provided

⁴⁵⁴ UNDP, *State of Palestine: Gender Justice & the Law*, 2018, p. 14.

⁴⁵⁵ Confidential source, 11 April 2022.

⁴⁵⁶ Confidential source, 26 January 2022.

⁴⁵⁷ ICHR, *The Report of the Independent Commission for Human Rights (ICHR) On The Initial Report of the State of Palestine Presented to The United Nations Committee on The Elimination of All Forms of Discrimination against Women*, July 2018, p. 6.

⁴⁵⁸ UNDP, *State of Palestine: Gender Justice & the Law*, 2018.

⁴⁵⁹ Confidential source, 24 January 2022.

⁴⁶⁰ MIFTAH, *Booklet on Institutions Providing Emergency Protection Services to Battered Women: West Bank and Gaza Strip*, December 2015, p. 7, 9, 13-15, 21.

⁴⁶¹ Al Jazeera, *Palestine: Femicide highlights need for domestic violence law*, 29 November 2021, consulted on 30 November 2021.

⁴⁶² UN Development Programme, *Everyday hero: Access to justice for Palestinian women*, 4 December 2018, consulted on 16 November 2021.

⁴⁶³ UNDP, *State of Palestine: Gender Justice & the Law*, 2018; International Planned Parenthood Federation, *Palestinian Family Planning and Protection Association (PFPPA)*, consulted on 12 March 2022. See also **Error! Hyperlink reference not valid.**

through the government but due to capacity shortages these services are provided by local or national NGOs.⁴⁶⁴

Court cases and alternative protection

The WCLAC says that women face discrimination in court and are themselves at risk of being prosecuted for adultery in cases of sexual assault. Of the 22 court cases that the WCLAC monitored in 2020 in which violence against women occurred, all the cases involved a relaxation/reduction of sentences for the perpetrator. In all abuse cases (14 cases out of 22 court cases in 2020) there was reconciliation with the perpetrator. The WCLAC says that victims are often blamed for violent incidents and/or are mistreated by their family and/or environment when they file proceedings. Women who experience domestic violence are often unable to change their situation because of financial dependence on their husband if he is the perpetrator. Social barriers, such as keeping the family together and social stigmas when broaching the subject of abuse and violence, are also a problem.⁴⁶⁵

According to one source, women also go back to their husbands for fear of losing custody of their children over the age of eight and nine or because they cannot find a home after spending time in shelters. In addition, staying with their family would not be attractive to women. According to this source, women then run the risk of not seeing their children, of having their freedom of movement curtailed and of having their salary withheld by family members. In addition, women living with relatives are said to be more at risk of sexual and gender-based violence.⁴⁶⁶

3.2.8

(Unaccompanied) minors

At the age of eighteen, a person is of majority age and considered to be competent in the Palestinian Territories. Compulsory education in the Palestinian Territories applies from the ages of six to fifteen.⁴⁶⁷ There are special provisions for Palestinian minors that are arrested by Israeli forces and prosecuted in the Israeli military court. Minors between the ages of twelve to fourteen and between the ages of fourteen and fifteen are viewed differently in terms of legal liability. From the age of sixteen, Palestinian minors are regarded as adults in the Israeli military legal system (see also 3.3.2 and 3.3.4).⁴⁶⁸ According to one source, the age of majority was raised to eighteen in 2011. Despite this, military law does not properly protect minors.⁴⁶⁹ However, another source says that, in practice, minors aged sixteen and seventeen are still regarded as adults in this system.⁴⁷⁰

Marriage age for minors

Child marriages are known to occur in the Palestinian Territories. According to one source, 20% of married women are married before the age of eighteen (as a girl).⁴⁷¹ Since November 2019, the minimum marriage age in the West Bank is eighteen, according to presidential decree. However, this age can be lowered by the Sharia

⁴⁶⁴ Confidential source, 26 January 2022.

⁴⁶⁵ WCLAC, *Access to justice for women victims of violence in Palestine*, 2021, p. 31, 38.

⁴⁶⁶ Confidential source, 24 January 2022.

⁴⁶⁷ UNICEF, *State of Palestine Country report on out-of-school children*, July 2018, p. 10; Confidential source, 10 February 2022.

⁴⁶⁸ DCIP, *No way to treat a child: Palestinian children in the Israeli military detention system*, April 2016, p. 51; Confidential source, 27 January 2022.

⁴⁶⁹ Confidential source, 14 April 2022.

⁴⁷⁰ Confidential source, 27 January 2022.

⁴⁷¹ Confidential source, 24 January 2022.

court in certain situations, such as in the case of pregnancy.⁴⁷² In the past, the minimum marriage age in the West Bank was fifteen for girls and sixteen for boys. In Gaza, the minimum marriage age is seventeen for girls and eighteen for boys. Various laws permit the minimum marriage age to be lowered, but it is not clear how these laws relate to each other. In Gaza, a judge may authorise a marriage for children under the minimum age if these minors have reached puberty and the girl's guardian (*wali*), often the father or grandfather, agrees to the intended marriage. Under the Egyptian Family Rights Law of 1954, the absolute minimum marriage age is nine years old for girls and twelve years old for boys. According to the Chief Islamic Justice (Qadi-Al-Quda) of 1996, this is fifteen years old for girls and sixteen years old for boys. However, aiding a girl under the age of fifteen to get married is punishable under Article 279(2) of the 1960 Criminal Code in the West Bank and Article 182 of the 1936 Criminal Code in Gaza.⁴⁷³ Forced marriages are prohibited in the West Bank. The MoWA defines forced marriage as compelling a woman to marry through the use of temptation, payment or the power that her guardians have over her. There is no such law in force in Gaza. In both regions, however, both partners must grant their permission to legally conclude a marriage.⁴⁷⁴

Supervision and care

One source states that the supervision of unaccompanied minors and the care of these minors is regulated by the Palestinian authorities but that in practice there may be exceptions and individual cases may deviate from the norm. The following information focuses on the situation in the West Bank and Gaza but not East Jerusalem. It is not known how this system works in East Jerusalem.⁴⁷⁵

Guardianship

In the Palestinian Territories, there are two categories of minors without parents: a minor who has lost both parents or a minor who has lost one parent. Orphans of Muslim descent who have lost both parents come under the guardianship of the paternal grandfather. According to one source, Christian courts have different personal status laws that decide on custody for each denomination.⁴⁷⁶ The Personal Status Laws in the Palestinian Territories differentiate guardianship between guardianship (*wilaya*) and custody (*hadana*). *Wilaya* is usually granted to the father and includes the right to make decisions for the child. *Hadana* involves the daily care of the child and is usually granted to the mother until the child reaches a certain age.⁴⁷⁷ Among Muslims, the father is the guardian of his minor children.⁴⁷⁸ Children who lose their mother therefore remain legally under the guardianship of their father.⁴⁷⁹ Palestinian minors without a father are seen as a special kind of orphan.⁴⁸⁰

Divorced women have the right to (*hadana*) custody of their minor children. In the West Bank, this is up to the age of twelve for daughters and the age of ten for sons

⁴⁷² The New Arab, *Palestinian Authority outlaws child marriage in occupied West Bank*, 7 November 2019, consulted on 12 March 2022; UNFPA, *Seeking protection: Survivors of sexual violence and their access to services in Palestine*, February 2020, p. 21.

⁴⁷³ Musawah, *Thematic report on Muslim family law and Muslim women's rights in Palestine*, July 2018, p. 14-15.

⁴⁷⁴ Musawah, *Thematic report on Muslim family law and Muslim women's rights in Palestine*, July 2018, p. 11, 14-15; The Palestinian National Authority Ministry of Women's Affairs *National Strategy to Combat Violence Against Women 2011-2019*, 2011, p. 66.

⁴⁷⁵ Confidential source, 10 February 2022.

⁴⁷⁶ Confidential source, 10 February 2022.

⁴⁷⁷ NRC, *The Shari'a Courts and Personal Status Laws in the Gaza Strip*, January 2011, p. 22; Musawah, *Palestine Overview of Muslim family law and practices*, 21 May 2017, p. 25-27.

⁴⁷⁸ UNDP, *State of Palestine: Gender Justice & the Law*, 2018, p. 20; Confidential source, 1 May 2022.

⁴⁷⁹ Confidential source, 10 February 2022.

⁴⁸⁰ UNRWA, *Gaza situation report 87*, 9 April 2015, consulted on 29 November 2021.

and in Gaza up to the age of eleven for daughters and nine for sons. After puberty, boys can choose which parent they want to live with; girls are then automatically placed under the guardianship of the father. In both the West Bank and Gaza, a divorcee who remarries loses her right to (*hadana*) custody of her children. In 2018, the PA stated that women who have (*hadana*) custody of their children may open a bank account for them, choose/change the children's school and apply for a passport for them.⁴⁸¹

Widows are given (*hadana*) custody of their children with no specific legal minimum age. In the Gaza Strip, this is said to apply to girls until they marry and to boys until the age of eighteen. According to some sources, widows lose custody of their children when they remarry. These children then come under the full guardianship of the paternal grandfather.⁴⁸²

Children who are not placed under the guardianship of close relatives automatically come under the guardianship of the PA (Ministry of Social Development) until they reach the age of majority. If distant relatives can take care of these children, the relatives receive (*hadana*) custody of the children, but the authorities remain legal guardians (guardianship).⁴⁸³ According to one source, in such cases a Sharia court can also appoint a family member as legal guardian.⁴⁸⁴

A government agency (Committee for Orphans) manages all the finances (for example from an inheritance) of minor orphans. According to one source, the preferred course of action is to place the children with relatives, but this often does not take the best interests of the child into account. Due to the social structure of Palestinian society and the governmental structures, it is generally assumed that a child will be cared for by the family or the authorities, according to one source. However, it can happen that a child ends up on the street because of problems between families. Restrictions in relation to registration and freedom of movement between Gaza, the West Bank and East Jerusalem are said to also play a role. As a result, children who come from another region run the risk of becoming stateless because they cannot register in their new place of residence. Minors who are stateless can be granted humanitarian registration from the Israeli authorities, who temporarily suspend their statelessness. When they reach the age of eighteen, they lose this status and become stateless again.⁴⁸⁵

Illegitimate children

Illegitimate children who are abandoned come under the care (*hadana*) and guardianship of the Palestinian authorities. The authorities give the child an identity and the child's religion is decided through the courts. Sometimes this is indicated, for example, by the location where the child was abandoned – for example a church. If there is no indication of the child's religion, the child is considered to be a Muslim and a name is chosen through the Sharia court. According to one source, most of these children are newborns and are adopted by Palestinians. If they are not adopted, they remain under the guardianship of the authorities.⁴⁸⁶

Illegitimate children

⁴⁸¹ UNDP, *State of Palestine: Gender Justice & the Law*, 2018, p. 20; Musawah, *Thematic report on Muslim family law and Muslim women's rights in Palestine*, July 2018, p. 30.

⁴⁸² Confidential source, 10 February 2022; Confidential source, 1 May 2022.

⁴⁸³ Confidential source, 10 February 2022; Confidential source, 1 May 2022.

⁴⁸⁴ Confidential source, 1 May 2022.

⁴⁸⁵ Confidential source, 10 February 2022.

⁴⁸⁶ Confidential source, 10 February 2022.

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Care of minors

There are institutions for minors in the Palestinian Territories. Orphans who cannot be placed with relatives and children born out of wedlock can be cared for in these institutions. According to one source, there are around thirteen institutions in the Palestinian Territories for different ages of children. There is said to be one institution for children up to the age of six. For older children, besides institutions that provide only accommodation there are also institutions that provide education in addition to accommodation. The source did not know what the conditions were like in these institutions.⁴⁸⁸

Organisations

According to one source, the care of abandoned minors/orphans is a domestic matter that is managed by the Palestinian authorities. A number of domestic religious organisations and churches are said to be active in this system and to run institutions.⁴⁸⁹ For example, the Palestinian NGO Al-Amal Orphan Society runs an orphanage in Gaza. In Gaza, the Wajd program (Qatar Fund for Development) provides assistance in the form of psychosocial support, education, health care and training to more than 2,165 orphans and fatherless children and their mothers.⁴⁹⁰ In addition, other organisations and NGOs, such as Islamic Relief, Interpal, Orphans in Need, Skt Welfare, Muslim Global Relief, Zakat Foundation, UPA and Palestine Children Relief Fund (PCRF), provide relief (including clothing, food and medicine) to orphans in the Palestinian Territories.⁴⁹¹

International organisations are said to be active only in providing assistance to children who need specific protection due to violent incidents.⁴⁹² The organisation SOS Children's Villages has been active in the Palestinian Territories since 1968. The organisation's head office is located in Bethlehem. Its activities consist of providing care (healthcare and education) to children, supporting vulnerable families in order to keep them together, placing children with temporary foster parents (SOS families) and providing temporary care for children in an Interim Care Centre where children can stay until they return to their families. There are two SOS children's villages: one in Rafah (Gaza Strip) and one in Bethlehem (West Bank). SOS children's villages reached almost 4,000 children and young people and 705 families in 2020.⁴⁹³

⁴⁸⁷ Confidential source, 10 February 2022.

⁴⁸⁸ Confidential source, 10 February 2022.

⁴⁸⁹ Confidential source, 10 February 2022.

⁴⁹⁰ The Independent, *Gaza's children - resilient or traumatized*, 15 January 2022, consulted on 17 January 2022;

⁴⁹¹ Islamic Relief, *International charity launches campaign to change lives of Palestinian orphans*, 5 February 2018, consulted on 29 November 2021; Palestine Children's Relief Fund (PCRF), *Annual report 2020*, 2020, p. 26.

⁴⁹² Confidential source, 10 February 2022.

⁴⁹³ SOS Children's Villages Palestine, *Annual Report 2020*, 2020, p. 16-17.

3.3 Oversight and legal protection

3.3.1 Judicial process

Reporting a crime

Palestinians can report a crime at a police station and by telephone. The public prosecutor determines whether it is necessary to subsequently record the report in writing. Certain crimes, such as gender-based violence, can only be reported by the victim.⁴⁹⁴ According to one source, crimes that are reported are generally taken seriously and processed. There is a chance that reports of some crimes, such as gender-based violence, will not be taken seriously. In some cases, women are sent back to their families when they report a crime at a police station. Reports of crimes are generally processed promptly at the start of the process. This source says that the problem lies more with the length of the court case; due to limited capacity, rulings are said to take a long time. The source adds that rulings of court cases dating from 2020 had still not been made by early 2022, partly due to the backlog caused by the coronavirus pandemic.⁴⁹⁵

In court cases against political opponents or critics, extensions and the lack of witnesses are said to work to the advantage of the public prosecutor. For example, they can investigate new evidence or assess the trial based on the lack of witnesses.⁴⁹⁶ According to some sources, people cannot seek protection from other (higher) authorities if the police are in default unless they have influential contacts higher up.⁴⁹⁷ Political opponents or critics of the PA or Hamas are said not to have access to such contacts. NGOs or international organisations cannot help people to obtain protection but they can provide certain services such as legal aid and representation. One source says that legal aid does not begin immediately after arrest but usually only after a court case has started.⁴⁹⁸

Protection

According to a public opinion poll held in December 2021, 51% of Palestinians in the West Bank and 79% of Palestinians in Gaza perceive the security situation as safe.⁴⁹⁹ The protection of civilians by the authorities, according to sources, is said to depend on the incident and on the individual it concerns. Political opponents, critics of the authorities and LGBTI people cannot count on protection, and women can also face discrimination when trying to obtain protection.⁵⁰⁰ According to one source, having certain contacts helps to obtain protection but this occurs on a case-by-case basis. There is said to be no protection for people who have problems with leaders in the authorities.⁵⁰¹ According to one source, when Palestinians have problems with the (de facto) authorities, they cannot resettle from Gaza to the West Bank or vice versa without the permission of the Israeli authorities. In practice, settlement from Gaza to the West Bank or vice versa is not possible, according to the source. Palestinians who are seen as a threat to national security are usually detained by the Palestinian authorities. The source was not aware of any cases of nationals being expelled from the Palestinian Territories.⁵⁰² According to two sources, the Palestinian

⁴⁹⁴ Confidential source, 23 February 2022.

⁴⁹⁵ Confidential source, 3 February 2022.

⁴⁹⁶ Confidential source, 3 February 2022.

⁴⁹⁷ Confidential source, 3 February 2022; Confidential source, 3 February 2022.

⁴⁹⁸ Confidential source, 3 February 2022.

⁴⁹⁹ Palestinian Center for Policy and Survey Research, *Public Opinion Poll No (82)*, 14 December 2021, p. 4, 10.

⁵⁰⁰ Confidential source, 3 February 2022; Confidential source, 3 February 2022.

⁵⁰¹ Confidential source, 3 February 2022.

⁵⁰² Confidential source, 3 February 2022.

authorities cannot protect their nationals from detention by the Israeli authorities or mediate for their release.⁵⁰³

According to one source, in the West Bank, the PA is unable to provide protection if there are problems involving armed groups, family feuds or violence in refugee camps. In Area B (see also 1.3.3) of the West Bank, people are said to receive no government welfare, neither from the PA nor from Israel, which means they risk not having access to an ambulance, police or the fire service, for example.⁵⁰⁴

3.3.2 *Arrests, custody and detentions*

Palestinians face illegal detention by both the Palestinian and Israeli security services.⁵⁰⁵ In 2020, the Palestinian organisation Al-Haq registered hundreds of violations by the PA and the 'de facto' [Hamas] authorities in Gaza, including unlawful detention, unfair trials, mistreatment, physical assault, torture, unlawful confiscation of property, violations of the right to freedom of expression and inhumane prison conditions.⁵⁰⁶ According to B'Tselem, at the end of September 2020 4,184 Palestinian 'security' detainees and convicted prisoners from the Palestinian Territories were being held in Israeli prisons for security violations. The Israeli Prison Service (IPS) sees this group as criminal offenders. In addition, there were 545 Palestinians detained in Israeli prisons because they were found to be in Israel illegally.⁵⁰⁷ Organisation Addameer⁵⁰⁸ referred to a total of 4,650 political prisoners at the end of 2021 and five hundred people in administrative detention, which means that people are being held without charge and/or the intervention of the police, court or other government body.⁵⁰⁹ In principle, this detention period can be imposed for a maximum period of six months and can be extended. It is not clear how often it can be extended.⁵¹⁰

Administrative detainees fall under the jurisdiction of the IPS and are held in the following prisons along with regular detainees: Ofer Prison south of Ramallah, Ketziot Prison (also called Ansar or Negev) in the Negev desert and Megiddo Prison on the road between Jenin and Haifa.⁵¹¹ Individuals can spend years in administrative detention. This happened to Mohammed El Halabi, an employee of American relief organisation World Vision in Gaza. He is suspected of passing relief funds to Hamas and has been in administrative detention since 2016.⁵¹² This example is intended to illustrate these types of cases and is by no means an isolated incident.

Access to a lawyer in the West Bank

⁵⁰³ Confidential source, 27 January 2022; Confidential source, 3 February 2022.

⁵⁰⁴ Confidential source, 7 February 2022.

⁵⁰⁵ Human Rights Watch, *Abusive System: Failures of Criminal Justice in Gaza*, September 2012, p. 17; Freedom House, *West Bank: Freedom in the World 2021 Country Report*, consulted on 2 November 2021; The New York Times, *Critic's Death Puts Focus on Palestinian Authority's Authoritarianism*, 7 July 2021, consulted on 27 July 2021.

⁵⁰⁶ Al-Haq, *Al-Haq Field Report on Human Rights Violations in 2020*, 2020, p. 20-21.

⁵⁰⁷ B'Tselem, *Statistics on Palestinians in the custody of the Israeli security forces*, 24 November 2021, consulted on 4 March 2022.

⁵⁰⁸ Addameer is one of the six organisations suspected of having terrorist links by the Israeli authorities in October 2021. On 19 September 2019, this organisation's office in Ramallah was raided and the authorities confiscated laptops, hard drives and other equipment. Addameer, *Annual Report 2019*, 2019, p. 9.

⁵⁰⁹ Addameer, *Prisoners Statistics*, 7 November 2021, consulted on 10 December 2021.

⁵¹⁰ Addameer, *Administrative detainees*, December 2019, consulted on 10 December 2021.

⁵¹¹ Addameer, *Administrative detainees*, December 2019, consulted on 10 December 2021.

⁵¹² The Guardian, *Israel under pressure to conclude flawed case against aid worker*, 28 February 2022, consulted on 12 March 2022.

Suspects have legal access to a lawyer under Article 12 of the PLO Penal Procedure Law but this access is not always granted. After arrest, under the 2001 Palestinian Penal Code that is in force in the West Bank, Palestinian police may detain a person for 24 hours without allowing access to a lawyer. After this, the person may be held in custody for another 48 hours before being brought to court. Then the court can extend the pre-trial detention period by fifteen days. A higher court may also extend a detention order by an additional 45 days up to a maximum of six months. In military courts, under Palestinian Revolutionary Penal Procedure Law No. 79 of 1979, a person may be detained without charge for a period of fifteen days, which may be extended for a total of 45 days. This applies when a suspect is believed to represent a threat to society or there is a risk that the suspect will destroy evidence or flee the Palestinian Territories. Detainees/suspects can be held without charge for up to six months under Article 88 of the Revolutionary Penal Procedure Law for crimes against the security of the Palestinian revolution.⁵¹³ According to one source, political opponents and critics of the authorities do not have immediate access to a lawyer (see also 3.3.1).⁵¹⁴

Access to a lawyer in Gaza

In Gaza, the judiciary is said to assign a lawyer to people who cannot afford one themselves. The bar association is said to also help in certain cases. Because the number of suspects and detainees in Gaza is not publicly known, it is not clear whether there are enough lawyers in Gaza to cover all the criminal cases. According to one source, judges and court employees must be supporters of Hamas if they want to work in the judiciary. Lawyers who are critical of Hamas or who support Fatah are at risk of intimidation, prosecution and torture. Lawyers sometimes have to deal with cases where their clients cannot be reached or their detention location is not clear – for example because their clients are being detained by the security services. The military court in Gaza is legally obliged to assign a lawyer to persons who are not legally represented.⁵¹⁵

Access to a lawyer in Israel

Most Palestinians in Israeli prisons are being detained on suspicion of endangering security. They have access to a lawyer who is registered in Israel. It can take up to ninety days after arrest for a person to be given access to a lawyer (see also the following section). This period can also be extended.⁵¹⁶

Access to a lawyer for minors

Minors in the West Bank are at risk of detention in Israeli prisons. According to one source, this is almost non-existent in Gaza. There are hardly any arrests of Palestinians by Israeli troops in Gaza. When this does happen, detainees are usually released after a few hours (see also 1.4.1).⁵¹⁷ Palestinian minors arrested by Israeli forces are usually suspected of throwing stones, an offence that carries a sentence of ten to twenty years in detention under Israeli military law. It is not clear what the different lengths of punishment are based upon. These minors are tried by the Israeli military court. Depending on their age, minors must appear before a military court within 24 to 72 hours of arrest. Their appearance in court is often the first

⁵¹³ Human Rights Watch, *Abusive System: Failures of Criminal Justice in Gaza*, September 2012, p. 15.

⁵¹⁴ Confidential source, 3 February 2022.

⁵¹⁵ Human Rights Watch, *Abusive System: Failures of Criminal Justice in Gaza*, September 2012, p. 8-11, 13.

⁵¹⁶ Confidential source, 2 February 2022.

⁵¹⁷ Confidential source, 27 January 2022.

time minors see a lawyer or their family.⁵¹⁸ According to one source, children can be detained for several hours without charge and the period of detention can be extended to twice the legal length. This requires a judge to extend the pre-trial detention. In some cases, children are denied access to a lawyer and face charges without legal representation.⁵¹⁹ Minors are often questioned without the presence of a lawyer or parental guardian.⁵²⁰ One source says that over the past two years there has been an increase in cases of children being interrogated before being granted access to a lawyer.⁵²¹ This happened even though, prior to an interrogation, the lawyer of a minor must be notified of this in advance. Under Israeli military law, however, access to a lawyer may be refused for up to ninety days if this is beneficial to the interrogation or the security situation.⁵²² The interpretation of the security situation is not clear.

Minors can be interrogated at a police station or in a prison.⁵²³ Palestinian minors who have been interrogated say that they were not informed during detention that they were entitled to have access to a lawyer. The majority of respondents said that they had not spoken to a lawyer before the interrogation. In some cases, minors were asked to supply the phone number of a lawyer and failure to provide this number was construed as surrendering the right to a lawyer.⁵²⁴

According to one source, lawyers are notified by telephone by the Israeli police that a minor has been arrested and that an interrogation will take place. This source also says that the interrogation often begins before a lawyer can reach the place of detention.⁵²⁵ Minors usually only see a lawyer for the first time a few minutes before appearing in a military court. Two family members may be present at the trial. These relatives do have eye contact but no physical or direct verbal contact with the suspect. To avoid a longer legal process, court cases usually end with a settlement. Suspects are often asked to sign an admission of guilt in a document written only in Hebrew.⁵²⁶ Of the 297 cases conducted by lawyers for Defence for Children International Palestine (DCIP) between 2012 and 2015, 295 ended in a settlement.⁵²⁷ According to one source, 99% of cases still ended in a settlement and this course of action was said to be the fastest way to have a child released from detention.⁵²⁸ It is not clear whether a settlement is possible in cases involving repeat offences.

⁵¹⁸ Punishable by military order 1651. DCIP, *No way to treat a child: Palestinian children in the Israeli military detention system*, April 2016, p. 2; Hamoked, *Childhood in Chains: The detention and interrogation of Palestinian Teenagers in the West Bank*, April 2018, p. 1-2.

⁵¹⁹ Confidential source, 27 January 2022.

⁵²⁰ Hamoked, *Childhood in Chains: The detention and interrogation of Palestinian Teenagers in the West Bank*, April 2018, p. 1-2; Freedom House, *West Bank: Freedom in the World 2021 Country Report*, consulted on 2 November 2021.

⁵²¹ Confidential source, 27 January 2022.

⁵²² According to the Security Provisions (Amendment No. 10) (Judea and Samaria) (No. 1676), 5781-2011, 27 September

2011. Now section 136c in Security Provisions. See also Department of Justice, Note 13, section 19 and Security Provisions, sections 56-59. B'Tselem, *Minors in Jeopardy, Violations of the Rights of Palestinian Minors by Israel's Military Courts*, March 2018, p. 21.

⁵²³ B'Tselem, *Minors in Jeopardy, Violations of the Rights of Palestinian Minors by Israel's Military Courts*, March 2018, p. 32.

⁵²⁴ B'Tselem, *Minors in Jeopardy, Violations of the Rights of Palestinian Minors by Israel's Military Courts*, March 2018, p. 8-9, 34; Hamoked, *Childhood in Chains: The detention and interrogation of Palestinian Teenagers in the West Bank*, April 2018, p. 4.

⁵²⁵ Confidential source, 27 January 2022.

⁵²⁶ B'Tselem, *Minors in Jeopardy, Violations of the Rights of Palestinian Minors by Israel's Military Courts*, March 2018, p. 8-9, 34; Hamoked, *Childhood in Chains: The detention and interrogation of Palestinian Teenagers in the West Bank*, April 2018, p. 5.

⁵²⁷ B'Tselem, *Minors in Jeopardy, Violations of the Rights of Palestinian Minors by Israel's Military Courts*, March 2018, p. 8-9, 34.

⁵²⁸ Confidential source, 27 January 2022.

Minors are also at risk of arrest during night-time raids (even when they are staying at home or with relatives).⁵²⁹ A source says that mothers in the West Bank often keep their children indoors for fear of arrest by Israeli troops. This is also said to be having an impact on the freedom of movement of mothers in the West Bank.⁵³⁰

Help from organisations

Families of minors are often not told where their children are being held. They must contact the Red Cross and the Palestinian Prisoners' Society to find out if and where a child is being held. Other organisations such as Defence for Children International Palestine (DCIP), Addameer⁵³¹ and the PA Commission of Detainees and Ex-detainees Affairs can also notify families of arrested minors and provide legal assistance and representation.⁵³² According to one source, DCIP handles around a third of the cases for minors.⁵³³ Organisation Addameer provides legal aid and representation for Palestinian detainees in both Israeli and Palestinian prisons. In 2019, Addameer helped 89 families with legal advice, provided legal representation for 67 inmates in Palestinian prisons and arranged representation in 683 court cases in the Israeli justice system. Addameer also provides training to Palestinians in the West Bank and Jerusalem in order to raise awareness about the rights of detainees and about the Israeli military justice system. In 2019, fifty inmates in Israeli prisons were said not to have had access to a lawyer. Organisation Addameer was not allowed to report on this between September and December 2019 due to censorship by Israeli courts.⁵³⁴

Prison conditions

Addameer says that mainly journalists, activists and students are at risk of detention by the PA. Offences and torture are said to take place in PA prisons. It is not clear which types of offences this involves. Addameer says that it is difficult to visit and monitor PA detention centres and prisons.⁵³⁵ According to one source, the PA is known to be guilty of torture in the prisons in Jericho and Nablus.⁵³⁶ There is very little information available about the situation in Palestinian prisons. As a result, in this country of origin information report it is not possible to paint a clear picture of the situation in these prisons.

Palestinian prisoners and Palestinian administrative detainees in Israeli prisons are restricted in terms of their right to education and medical assistance, communication with family and receiving visitors. Addameer said inmates are at risk of solitary confinement, may be kept in isolation and are denied access to the cafeteria where additional food and other products can be purchased. Besides medical neglect, most prisons are said not to meet international standards in relation to overcrowding, personal hygiene facilities and climate control. For example, there were also problems with insects and vermin in the prisons. Palestinian detainees in Israeli

⁵²⁹ Hamoked, *Childhood in Chains: The detention and interrogation of Palestinian Teenagers in the West Bank*, April 2018, p. 2-3; Hamoked, *Under Cover of Darkness: Night arrests of Palestinian minors*, by Israeli Security Forces in the West Bank, October 2020; Confidential source, 26 January 2022.

⁵³⁰ Confidential source, 26 January 2022.

⁵³¹ Addameer, de *Prisoner Support and Human Rights Association*, is a Palestinian NGO that helps Palestinian political prisoners in Israeli and Palestine prisons.

⁵³² B'Tselem, *Minors in Jeopardy, Violations of the Rights of Palestinian Minors by Israel's Military Courts*, March 2018, p. 8-9, 34; Hamoked, *Childhood in Chains: The detention and interrogation of Palestinian Teenagers in the West Bank*, April 2018, p. 7; Confidential source, 27 January 2022.

⁵³³ Confidential source, 27 January 2022.

⁵³⁴ Addameer, *Annual Report 2019*, 2019, p. 6, 9, 11, 13.

⁵³⁵ Addameer, *Annual Report 2019*, 2019, p. 17.

⁵³⁶ Confidential source, 3 February 2022.

prisons are only permitted to study at the Israeli open university and are not allowed access to Arab universities for security reasons.⁵³⁷

According to one source, inmates in Israeli prisons are not keeping medical care and court appointments because they are afraid of the inhumane transport conditions. The travel time for this type of transport is supposed to be several hours but in practice it takes one to two days for detainees. Detainees are said to be held in a cage with no air circulation or access to a toilet and the lights are kept on all night.⁵³⁸

According to the Palestinian Prisoners Society (PPS), 72 Palestinian prisoners are said to have died of medical neglect in Israeli prisons since 1967.⁵³⁹ One source says that during the reporting period, women in administrative detention in Israeli prisons were at high risk of contracting the coronavirus due to poor safety and health regulations.⁵⁴⁰

Hunger strikes

Hunger strikes are used by convicted Palestinian prisoners and detainees to demand their release from administrative detention or to draw attention to the poor living conditions in Israeli prisons. In April 2019, hundreds of inmates went on hunger strike to protest against violations of their basic rights, including the use of public telephones and conditions for family visits. A further group of around fifty administrative detainees went on hunger strike against their prolonged pre-trial detention without charge.⁵⁴¹ In 2021, a number of inmates in Israeli prisons went on hunger strike to demand their release after a lengthy period in administrative detention.⁵⁴² On 22 November 2021, it was announced that two people from this group, Kayed al-Fasfous and Ayyad al-Hreimi, would be released. Fasfous was released on 5 December 2021, and an agreement was made in early January 2022 to release another detainee, Hisham abu Hawash. In solidarity with Abu Hawash, who was on hunger strike, around five hundred Palestinian prisoners in administrative detention had initiated a boycott by failing to appear before the Israeli military court. Other detainees who remained on hunger strike included Loai al-Ashkar and Nidal Balout. The prolonged hunger strike has had lasting effects on the medical condition of former detainee Maher al-Akhras, who was released after his hunger strike. Over the past two years, at least eleven people are said to have gone on hunger strike to demand their release.⁵⁴³ On 24 February, Miqdad Qawasmi was released after a 113-day hunger strike.⁵⁴⁴ It is not clear how many people have actually been released. In March 2022, thousands of Palestinian prisoners went on

⁵³⁷ Addameer, *Key Issues: Isolation, Restrictions on family visits*, July 2017, consulted on 10 December 2021; Addameer, *Key Issues: Medical Negligence*, July 2016, consulted on 10 December 2021; Addameer, *Administrative detainees*, December 2019, consulted on 10 December 2021.

⁵³⁸ Confidential source, 2 February 2022.

⁵³⁹ Al Jazeera, *Palestinian prisoner from Gaza dies in Israeli custody*, 18 November 2021, consulted on 19 November 2019.

⁵⁴⁰ Confidential source, 26 January 2022.

⁵⁴¹ Addameer, *Annual Report 2019*, 2019, p. 6; Confidential source, 2 February 2022.

⁵⁴² BBC Monitoring, *Palestinians rally behind prisoners on hunger strike in Israel*, 5 November 2021, consulted on 6 November 2021.

⁵⁴³ BBC Monitoring, *Palestinian prisoners on hunger strike reach release deal*, 23 November 2021, consulted on 24 November 2021; The Independent, *Israel return ex-prisoner weeks after ending hunger strike*, 5 December 2021, consulted on 6 December 2021; The Independent, *Palestinians freed after hunger strikes have lifelong damage*, 10 December 2021, consulted on 10 December 2021; The New York Times, *Palestinian Prisoner's Hunger Strike Leads to Deal for Release*, 4 January 2022, consulted on 5 January 2022; Al Jazeera, *Palestinian prisoners launch boycott of Israeli military courts*, 4 January 2022, consulted on 5 January 2022.

⁵⁴⁴ Al Jazeera, *'Love for a free life': Why Palestinian prisoners hunger strike*, 10 March 2022, consulted on 11 March 2022.

hunger strike in Israeli prisons in protest against worsening living conditions since the escape of six Palestinian prisoners from an Israeli prison in 2021.⁵⁴⁵

Minors

According to DCIP, between 500 to 700 Palestinian children between the ages of twelve and seventeen are held in Israeli military detention centres every year. It is not clear how long children usually remain in detention.⁵⁴⁶ In 2019 and 2020, there were no more girls in military detention.⁵⁴⁷ According to one source, 41 children have been held in administrative detention since 2015.⁵⁴⁸ In 2019 and 2020, approximately one to four children were held in Israeli administrative detention each month.⁵⁴⁹ In 2021, this was six children and in 2022 four children. Administrative detention for minors can be imposed for up to six months but can be extended indefinitely by a military prosecutor with the permission of a judge.⁵⁵⁰ Between January 2016 and December 2019, 1,957 Palestinian children were detained by the Palestinian authorities. DCIP reports that in 72% of the 61 cases they investigated in the West Bank between January and July 2020, children had experienced ill-treatment. This varied from physical and psychological violence to poor living conditions. According to the 2016 Juvenile Protection Law, the Palestinian juvenile police force has jurisdiction over Palestinian minors. However, minors have also been arrested by other authorities, such as the Preventative Security Forces. DCIP says that the rights of children going through the juvenile police process are almost never violated.⁵⁵¹

Abuse and torture are widespread in Israeli military detention centres. In 2013, the Committee on the Rights of the Child stated that Palestinian children arrested by Israeli forces were being subjected to degrading treatment and torture.⁵⁵² The organisation Military Court Watch has said that not enough improvements have been made in the Israeli military system for minors since 2013.⁵⁵³ The organisation *Hamoked* says that during interrogation, minors were exposed to physical and mental torture such as isolation, sleep and food deprivation, threats and physical violence.⁵⁵⁴ According to one source, minors are more at risk of ill-treatment and torture at the start of the process, especially during arrest and interrogation. Interrogation includes physical and psychological pressure, threats and solitary confinement. Children are not allowed to have visitors during the first three months of detention. During the entire detention period, children are not allowed to have telephone conversations with family members.⁵⁵⁵

In 2015, DCIP said that the minors' section at Givon Prison operated by the Israel Prison Service was not adhering to the minimum standards. Cells were overcrowded,

⁵⁴⁵ Middle East Eye, *Palestinian prisoners to go on hunger strike against Israel's punitive measures*, 1 March 2022, consulted on 12 April 2022.

⁵⁴⁶ DCIP, *Military detention: Number of Palestinian Children (12-17) in Israeli Military Detention*, 2 October 2020, consulted on 25 November 2021. See also **Error! Hyperlink reference not valid.**

⁵⁴⁷ DCIP, *Military detention: Number of Palestinian Girls in Israeli Military Detention*, 2 October 2020, consulted on 25 November 2021. See also **Error! Hyperlink reference not valid.**

⁵⁴⁸ Confidential source, 27 January 2022.

⁵⁴⁹ DCIP, *Military detention: Number of Palestinian Children (12-17) in Israeli Administrative Detention*, 2 October 2020, consulted on 25 November 2021. See also **Error! Hyperlink reference not valid.**

⁵⁵⁰ According to the same source, the military officer in question is required by law to announce a ruling to impose administrative detention in writing and sign that ruling with his/her name. According to the source, these rulings have only been signed with initials in recent times. Confidential source, 27 January 2022.

⁵⁵¹ DCIP, *Juvenile Justice*, consulted on 26 April 2022. See also **Error! Hyperlink reference not valid.**

⁵⁵² DCIP, *No way to treat a child: Palestinian children in the Israeli military detention system*, April 2016, p. 2; Tone Anderson, IKON, *When the boys return*, 2012.

⁵⁵³ Military Court Watch, *The UNICEF Report – 9 years on*, 31 March 2022, consulted on 15 April 2022.

⁵⁵⁴ *Hamoked*, *Childhood in Chains: The detention and interrogation of Palestinian Teenagers in the West Bank*, April 2018, p. 10.

⁵⁵⁵ Confidential source, 27 January 2022.

the building had no proper heating or showering facilities and children complained about insufficient food and its poor quality.⁵⁵⁶ In a 2018 study by B'Tselem, in one case a minor said that he was kept in a two-by-three-metre cell during Israeli military detention. This cell could hold a maximum of fifteen boys, sleeping on bunk beds. There was one toilet, each bed had a mattress and a blanket, there was a television and there were books and games in the room. Detainees were given two meals a day. They could also buy packaged food in a canteen. The doors of the cell opened every half hour so that they could go to an outdoor area to take part in sports, for example.⁵⁵⁷ According to one source, education in prisons consists only of language and maths lessons and all minor detainees receive the same education, regardless of their age and their class at school. In addition, the curriculum is not consistent with Palestinian education. For this reason, many children leave school when they are released after a period of detention.⁵⁵⁸

3.3.3 *The death penalty*

The death penalty can be imposed in the West Bank for seventeen different offences under the Jordanian Criminal Code of 1951. In Gaza, the death penalty can be imposed for fifteen different offences under the Criminal Code under Egyptian law. The death penalty can also be imposed according to the 1979 PLO Revolutionary Penal Code, which includes forty-two different offences recognised as criminal offences in Palestinian military courts.⁵⁵⁹ Another source says that it involves 45 different offences in the Revolutionary Penal Code. In addition, according to the 1936 Criminal Code of the British Mandate, the death penalty can also be imposed for fifteen offences. Most of the offences under the various legislations relate to political crimes.⁵⁶⁰ Until 2003, the PLO Revolutionary Penal Code was also used by special courts in the PA. In June 2005, Palestinian President Mahmoud Abbas announced that all persons who had been sentenced to death by this court were entitled to a new and fair trial. Eleven detainees were granted a new trial under this arrangement.⁵⁶¹

In the West Bank, courts handed down 72 death sentences from 1995 to September 2021. Executions were actually carried out in fifteen cases, the last of which took place in 2005. The death penalty has been imposed 130 times in Gaza since 2008. Twenty-five executions were actually carried out, including some during the reporting period of this country of origin report. Some prisoners were sentenced in absentia. In most cases, death sentences are imposed by military courts.⁵⁶² Although the Palestinian Territories have signed the International Covenant on Civil and Political Rights, it is not possible for an individual to ask for a pardon on the

⁵⁵⁶ DCIP, *No way to treat a child: Palestinian children in the Israeli military detention system*, April 2016, p. 2.

⁵⁵⁷ B'Tselem, *Minors in Jeopardy, Violations of the Rights of Palestinian Minors by Israel's Military Courts*, March 2018, p. 34.

⁵⁵⁸ Confidential source, 27 January 2022.

⁵⁵⁹ B'Tselem, *Death Penalty in the Palestinian Authority and Under Hamas Control*, 16 October 2013, consulted on 27 October 2021.

⁵⁶⁰ Palestinian Centre for Human Rights, *On World Day against the death penalty, death penalty is not a solution, only an illusion of deterrence to avoid liability*, 10 October 2020, consulted on 3 March 2022.

⁵⁶¹ B'Tselem, *Death Penalty in the Palestinian Authority and Under Hamas Control*, 16 October 2013, consulted on 27 October 2021.

⁵⁶² B'Tselem, *Death Penalty in the Palestinian Authority and Under Hamas Control*, 16 October 2013, consulted on 27 October 2021; B'Tselem, *Statistics on the death penalty in the Palestinian Authority and under Hamas control in Gaza*, 13 September 2021, consulted on 27 October 2021; UN, *EU and UN Human Rights Office in Palestine mark the World Day Against the Death Penalty – Press Release*, 10 October 2021, consulted on 12 March 2022.

basis of this treaty. Pardons could be granted, however, by the Palestinian president.⁵⁶³

3.3.4

Ill-treatment and torture

According to some sources, Palestinian security forces in the West Bank and Gaza use violence and torture against detainees. Violence against civilians was also used during enforcement activities, killing civilians or injuring them so seriously that they required hospital treatment (see also PA critic Nizar Banat 3.2.1). Government officials or persons belonging to groups considered to be the (de facto) authorities are generally not prosecuted or punished if they are the perpetrators or suspects of acts such as torture, serious ill-treatment and rape. The PA has indicated that it will launch an investigation into these types of crimes but Amnesty says that these crimes are not being effectively investigated.⁵⁶⁴ According to one source, it is difficult to provide evidence of these violent offences. It is claimed that the PA asks individuals who complain about such offences to submit a medical report listing their injuries. However, this report must be drawn up immediately after the offence has been committed. In practice, it would not be possible to have such a report drawn up immediately. If it comes to a trial, suspects are often not sentenced or are simply transferred to another facility.⁵⁶⁵ In the recent trial of the fourteen security officers suspected of the death of Palestinian activist Nizar Banat, who was a critic of the PA, sums of money/damages were offered as compensation. Banat's family refused this money, fearing it would lead to lesser sentences for the perpetrators.⁵⁶⁶ The verdict has not yet been pronounced. During the reporting period, the trial was adjourned until 18 May 2022.⁵⁶⁷

According to HRW, the PA received 346 complaints of wrongful arrest and assault between January 2018 and March 2019. Most of the cases involve violence perpetrated by the police. Of the cases that were investigated, violations were detected in 48 cases. The Hamas authorities said that they had received 47 complaints of wrongful arrest and torture during the same period. Of the eight cases investigated, seven were subject to administrative sanctions, including transfer and detention without trial for a maximum period of one month. One case was referred to the military court but a verdict has not yet been pronounced.⁵⁶⁸

The Al Haq organisation stated in 2020 that although law enforcement agencies claim that the perpetrators of torture and ill-treatment are being punished, there are no clear/reliable figures available on what is happening with these cases. Victims are also not able to obtain compensation for torture and ill-treatment under Palestinian

⁵⁶³ UN, *OHCHR Condemns in the strongest terms the execution of three men in Gaza – UNOG Press Briefing Note (Excerpts)*, 7 April 2017, consulted on 3 March 2022; Palestinian Centre for Human Rights, *On World Day against the death penalty, death penalty is not a solution, only an illusion of deterrence to avoid liability*, 10 October 2020, consulted on 3 March 2022.

⁵⁶⁴ Human Rights Watch, *Abusive System: Failures of Criminal Justice in Gaza*, September 2012, p. 18-19; Human Rights Watch, *Two Authorities, One Way, Zero Dissent: Arbitrary Arrest and Torture under the Palestinian Authority and Hamas*, 23 October 2018, consulted on 20 December 2021; Amnesty International, *Report: State of Palestine*, 2020, consulted on 27 October 2021; Al Haq, *Prevention of Torture: Monitoring, Documentation and means of Confrontation*, 2020.

⁵⁶⁵ Confidential source, 3 February 2022.

⁵⁶⁶ Al Jazeera, *Nizar Banat family to seek international justice 'if necessary'*, 24 October 2021, consulted on 27 October 2021.

⁵⁶⁷ Lawyers for Justice, *Trial postponed for those accused of killing activist Nizar Banat*, 13 February 2022, consulted on 13 February 2022; Lawyers for Justice, *Trial postponed for those accused of killing activist Nizar Banat*, 11 April 2022, consulted on 12 April 2022.

⁵⁶⁸ Human Rights Watch, *Palestine: No letup in arbitrary arrests, torture*, 29 May 2019, consulted on 20 December 2021.

law according to the PA-ratified Convention against Torture (CAT) and the Optional Protocol to the CAT (OPCAT).⁵⁶⁹

There have also been reports of incidents of physical and psychological torture in Israeli prisons.⁵⁷⁰ According to one source, most cases of serious ill-treatment and torture are said to take place during questioning/interrogation after arrest. Tactics used during interrogations include sleep deprivation, being forced to maintain stressful positions for a long period, sexual harassment and threats, such as threatening to revoke the work or travel permits of family members.⁵⁷¹ In 2019, Addameer conducted 129 prison visits in seventeen Israeli prisons and detention centres. During those visits, it documented 73 cases of torture and ill-treatment and 23 cases of medical neglect of prisoners. In 2019, Israeli forces are said to have raided Al-Naqqab, Rimon and Ofer prisons several times, firing gas and sonic bombs and bullets. Hundreds of prisoners are said to have been beaten and inspected naked.⁵⁷²

3.3.5 *Disappearances and kidnappings*

According to Amnesty, there are no widespread disappearances in the Palestinian Territories. However, the PA and Hamas are said to have been involved in numerous disappearances over the past twenty years.⁵⁷³ There are still hundreds of missing persons who disappeared during the wars between Israel and the Palestinians.⁵⁷⁴ One source says that during the reporting period political opponents and critics of the PA went missing for several days before their arrest was announced.⁵⁷⁵

3.3.6 *Extrajudicial executions and killings*

According to the B'Tselem database, from 2000 to the end of 2021, more than 10,000 Palestinians – almost 2,200 of them minors – died as a result of attacks by Israeli security forces and Israeli civilians. Almost 1,300 Israelis, 139 of them minors, have died in Palestinian attacks since 2000.⁵⁷⁶ The B'Tselem organisation has indicated that, based on its own investigation into the sixteen Palestinians who died in 2020 in the West Bank as a result of violence by Israeli troops, in eleven cases there was no clear threat that justified the violence.⁵⁷⁷

The following examples (which are by no means exhaustive) serve as illustrations of cases in which the Palestinian authorities, media or other organisations have referred to extrajudicial executions and killings.

Al Jazeera has reported extrajudicial killings of Palestinians by Israeli soldiers. For example, the death of Ahmed Erekat at a checkpoint between Jerusalem and Bethlehem in June 2020 was said to be unlawful because, although he posed no threat, Israeli soldiers fired on him and then refused to grant him access to first

⁵⁶⁹ Al Haq, *Prevention of Torture: Monitoring, Documentation and means of Confrontation*, 2020, p. 59-61; Al Haq, *National Preventive Mechanism against Torture and Ill-Treatment*, 16 August 2018, consulted on 12 March 2022.

⁵⁷⁰ PCATI, *Documenting torture while providing legal aid: a handbook for lawyers*, June 2016, p. 9; Confidential source, 2 February 2022.

⁵⁷¹ Confidential source, 2 February 2022.

⁵⁷² Addameer, *Annual Report 2019*, 2019, p. 6.

⁵⁷³ Amnesty International, *Neither dead nor alive*, August 2018, consulted on 23 November 2021.

⁵⁷⁴ Al Jazeera, *Gone but not forgotten: The case of missing Palestinians*, 12 June 2018, consulted on 23 November 2021.

⁵⁷⁵ Confidential source, 3 February 2022.

⁵⁷⁶ B'Tselem, *Fatalities: All Data*, consulted 24 November 2021. See also **Error! Hyperlink reference not valid.**

⁵⁷⁷ Al Jazeera, *Killing of Palestinian man by Israel an 'extrajudicial execution'*, 24 February 2021, consulted on 23 November 2021.

aid.⁵⁷⁸ The UN OHCHR in the Palestinian Territories spoke out against the extrajudicial killing of Palestinian Mohammad Salima/Sleemah, who stabbed an Orthodox Jewish man in East Jerusalem in early December 2021 and was then shot and killed by Israeli police while he was already lying on the ground.⁵⁷⁹ On 14 and 15 February 2022, a Palestinian minor in Jenin and a nineteen-year-old Palestinian man in Ramallah were shot dead by Israeli forces in the West Bank. This occurred when violence broke out in Jenin between Palestinians and Israeli troops when the troops started demolishing a building. In the Ramallah case, the nineteen-year-old Palestinian man was shot by Israeli troops as Palestinian youths were throwing stones at these troops.⁵⁸⁰ On 1 March 2022, a Palestinian man was shot dead by Israeli forces while being pursued near Bethlehem. It was not clear why the man was regarded as a suspect. The PA called it an execution.⁵⁸¹

3.3.7 *'Blood feuds and honour-related violence'*⁵⁸²

One source says that violence and feuds between families, often with ties to organised crime, are prevalent in the Palestinian Territories. Another source says that the PA has no control over these armed (family) groups.⁵⁸³ According to another source, there were no known criminal cases of feuds in the Palestinian Territories.⁵⁸⁴ It is not known whether Hamas has control over armed (family) groups when it involves violence and feuds between families. One source said that Hamas tries to maintain control over other groups in Gaza if it feels they could otherwise damage Hamas's position of power (see also 3.2.1).⁵⁸⁵

International organisations often speak of (sexual and) gender-based violence – (S)GBV⁵⁸⁶ – of which femicide (the killing of women and girls) is an extreme form, rather than of honour-based violence. The WCLAC has said that cases of gender violence are difficult to investigate because femicide is not registered under this heading or because the cause of death is never investigated. The latter is said to happen especially in Gaza. The following information relates to various cases of SGBV.

(Sexual and) gender-based violence

⁵⁷⁸ Al Jazeera, Killing of Palestinian man by Israel an 'extrajudicial execution', 24 February 2021, consulted on 23 November 2021.

⁵⁷⁹ Facebook, UN Human Rights – Palestine, 4 December 2021, consulted on 6 December 2021; Al Jazeera, *Palestinians, rights group condemn Jerusalem 'execution'*, 5 December 2021, consulted on 6 December 2021.

⁵⁸⁰ OCHA OPT, *Protection of Civilians Report 8-21 February 2022*, 28 February 2022, consulted on 1 March 2022.

⁵⁸¹ BBC Monitoring, *Briefing: Israeli army kills Palestinian in West Bank chase*, 2 March 2022, consulted on 3 March 2022.

⁵⁸² A 'blood feud' is defined as a (long-term) feud between social groups (such as families), in which various acts of violence, including murder, can take place in the context of retaliatory actions. Violence spurred on by an 'honour motive' is associated with certain social and gender norms in a community. For this reason, international organisations often include 'honour-based violence' under the heading of (sexual and) gender-based violence.

⁵⁸³ Confidential source, 7 February 2022.

⁵⁸⁴ Confidential source, 22 February 2022.

⁵⁸⁵ Confidential source, 3 February 2022.

⁵⁸⁶ SGBV is an umbrella term that refers to practices based on gender norms and unequal power relations that are performed against people's will or that curtail their personal freedom. This includes physical, emotional, psychological and sexual threats and violence, such as violence in the home (domestic violence), forced marriage, female genital mutilation (FGM) and honour-related violence. Menaal Munshey, *Access to SGBV Protection Services for Syrian and Palestinian Refugees in Lebanon*, United Nations University Policy Report, 2018, p. 1, 6, 25; UN Women, *An Assessment of GBV Services in Gaza*, September 2017, p. 12; Razan Wazwaz, Oxfam Views and Voices, *On the path the end violence against women: supporting civil society to combat GBV in the occupied Palestinian Territory*, 18 December 2020; UNFPA, *Gender-based violence*, consulted on 4 March 2022. See also **Error! Hyperlink reference not valid.**

According to the UN Special Rapporteur on Violence against Women, the number of Palestinian women killed in the context of honour-related violence has increased in recent years. The WCLAC says that the Palestinian Central Bureau of Statistics (PCBS) conducted research into gender-based violence (GBV) in 2005, 2011 and 2019. It reported that in 2019, 29% of (currently or previously) married women have been subjected to some kind of violence by their partner. The percentage in Gaza (38%) was higher than in the West Bank (24%). Government agencies in the Family Protection Units of the Palestinian Civil Police (PCP), the Prosecution Office and the Ministry of Women's Affairs and Social Development are also said to publish data on GBV and femicide. The WCLAC attributes the high suicide rate among women and girls compared to men to 'involuntary' suicides, as they are the result of family and/or social and cultural pressure.⁵⁸⁷ According to one source, reports of gender-based violence came increased during the corona outbreak. For a long time, organisations could only offer psychosocial help by telephone or record cases.⁵⁸⁸

Femicide

According to the WCLAC, nineteen women in the West Bank and eighteen women in Gaza died as a result of gender-based violence in 2019. The WCLAC recorded a total of 149 femicide cases between 2015 and 2020. The highest percentage of femicide was recorded during the lockdown periods in 2020 (25% of all cases).⁵⁸⁹ In 2021, 26 cases of femicide had been registered by the end of November.⁵⁹⁰ According to one source, this number had risen to 34 at the end of 2021.⁵⁹¹

Legislation

Various sources say that women and girls are not sufficiently protected – both legally and in practice – against sexual and gender-based violence, including honour-based violence and femicide. Women did not report abuse partly for fear of damaging their reputation.⁵⁹² It is said that the authorities have also failed to investigate the root cause of killings classified as femicide or gender-based violence. According to the WCLAC, this is contributing to a culture of impunity.⁵⁹³ Palestinian women are also said to experience problems when reporting these crimes in areas under Israeli jurisdiction.⁵⁹⁴ In the Palestinian Territories, religious groups are tried differently according to Personal Status Laws. For Muslims, this is done through Islamic courts and for Christians through ecclesiastical courts.⁵⁹⁵

⁵⁸⁷ Human Rights Council, *Report of the Special Rapporteur on violence against women, its causes and consequences, on her mission to the Occupied Palestinian Territory/State of Palestine*, 12 July 2017, p. 6; UNDP, *State of Palestine: Gender Justice & the Law*, 2018, p. 24; Amnesty International, *Report: State of Palestine*, 2020, consulted on 15 November 2021; WCLAC and Al-Muntada, *Femicide in the Palestinian Society*, April 2021, 3-5.

⁵⁸⁸ Confidential source, 26 January 2022.

⁵⁸⁹ WCLAC and Al-Muntada, *Femicide in the Palestinian Society*, April 2021, p. 3.

⁵⁹⁰ Al Jazeera, *Palestine: Femicide highlights need for domestic violence law*, 29 November 2021, consulted on 30 November 2021.

⁵⁹¹ Confidential source, 26 January 2022.

⁵⁹² Human Rights Council, *Report of the Special Rapporteur on violence against women, its causes and consequences, on her mission to the Occupied Palestinian Territory/State of Palestine*, 12 July 2017, p. 6; Amnesty International, *Report: State of Palestine*, 2020, consulted on 15 November 2021; WCLAC and Al-Muntada, *Femicide in the Palestinian Society*, April 2021, p. 5.

⁵⁹³ Human Rights Council, *Report of the Special Rapporteur on violence against women, its causes and consequences, on her mission to the Occupied Palestinian Territory/State of Palestine*, 12 July 2017, p. 6; Amnesty International, *Report: State of Palestine*, 2020, consulted on 15 November 2021; WCLAC and Al-Muntada, *Femicide in the Palestinian Society*, April 2021, p. 5.

⁵⁹⁴ Human Rights Council, *Report of the Special Rapporteur on violence against women, its causes and consequences, on her mission to the Occupied Palestinian Territory/State of Palestine*, 12 July 2017, p. 6; Amnesty International, *Report: State of Palestine*, 2020, consulted on 15 November 2021; WCLAC and Al-Muntada, *Femicide in the Palestinian Society*, April 2021, p. 2.

⁵⁹⁵ Freedom House, *Freedom in the World 2021: West Bank*, consulted on 12 November 2021

According to one source, women are discriminated against under the current legislation, such as criminal law and the Personal Status Laws.⁵⁹⁶ Although an amendment to the law in 2018 (law number 5) was said to counteract the reduction in convictions for honour-related violence, sources say that this was scarcely noticeable in practice. Judges are said to have a conservative attitude towards social and cultural gender roles, according to the WCLAC.⁵⁹⁷ A UNDP report states that legislative amendments from 2011 and 2018 to reduce punishment for honour-related violence were implemented in the West Bank but not in Gaza. Judges can still reduce sentences based on Articles 99 and 100 of the (Jordan) Penal Code and on Palestinian legislation according to which victims can pardon perpetrators. In the latter case, a reduction of the sentence was said to take place based on Article 99 of law number 5 of 2018. Following a 2018 amendment, however, this pardon does not apply to serious crimes such as the murder of women and children.⁵⁹⁸

According to the WCLAC, women seeking justice in the judicial system were discriminated against and often withdrew at the beginning of a court case because of social pressures or a loss of trust in the justice system.⁵⁹⁹ Several civil society organisations that champion women's rights, including WCLAC, have been trying for years to pass a draft law, the *Family Protection Bill*. This law is aimed at combatting violence against women and children.⁶⁰⁰

According to Freedom House and Human Rights Watch, after the death of Palestinian woman Israa Ghrayeb in August 2019 more attention was paid to sexual and gender-based violence among the Palestinian population. In this particular case, three male relatives were suspected of murdering Ghrayeb. The crime was allegedly committed after Ghrayeb posted a photo of herself and her fiancé online. After a protest in Ramallah, where protesters called for an investigation into the cause of Ghrayeb's death, the PA revealed that she had died of injuries sustained during a physical attack. Under Article 330 of the Criminal Code, three persons were charged with involuntary manslaughter with a maximum sentence of five years' detention but had not yet been tried in 2020.⁶⁰¹ The murder of Sabreen Yasser Khweira in November 2021 also raised awareness in Palestinian society about the need for better legislation in relation to gender-based violence. Her husband, Amer Rabee, was arrested by PA police and charged with her murder. It is not known how this case has progressed.⁶⁰²

Alternative solutions

It is not clear whether there are alternative solutions to prevent violent incidents, such as murder – in 'matters of blood and honour' – and whether the authorities are also involved in developing such solutions. During the reporting period, one example came to light of an informal agreement after an incident of SGBV violence had taken place. Amnesty cites the example of Razan Moqbel, who was murdered by her fiancé in Ramallah on 28 July 2020, after which alternative arrangements were not prevented by the authorities. In this case, the husband-to-be was arrested by the

⁵⁹⁶ Confidential source, 26 January 2022.

⁵⁹⁷ Freedom House, *Freedom in the World 2021: West Bank*, consulted on 12 November 2021; WCLAC and Al-Muntada, *Femicide in the Palestinian Society*, April 2021, p. 2.

⁵⁹⁸ UNDP, *State of Palestine: Gender Justice & the Law*, 2018, p. 9.

⁵⁹⁹ WCLAC and Al-Muntada, *Femicide in the Palestinian Society*, April 2021, p. 7.

⁶⁰⁰ Al Jazeera, *Palestine: Femicide highlights need for domestic violence law*, 29 November 2021, consulted on 30 November 2021; Confidential source, 26 January 2022.

⁶⁰¹ Human Rights Watch, *The Deadly Toll for Palestinian Women*, 19 September 2019, consulted on 24 February 2022; Freedom House, *Freedom in the World 2021: West Bank*, consulted on 12 November 2021.

⁶⁰² Al Jazeera, *Palestine: Femicide highlights need for domestic violence law*, 29 November 2021, consulted on 30 November 2021.

Palestinian security services (it is not clear which) and the prosecution instigated a court action against him. On 3 August 2021, the families of the victim and the perpetrator agreed to withdraw the charges in exchange for a sum of NIS 487,000 (EUR 140,440⁶⁰³). According to Amnesty, the Palestinian authorities had not yet responded to this arrangement.⁶⁰⁴

3.3.8

Corruption

According to various sources, citizens regard government corruption as a major problem in the Palestinian Territories.⁶⁰⁵ In recent years, the PA has been accused of embezzling public and development funds, cronyism and favouritism.⁶⁰⁶ In Gaza, residents are said to doubt whether government agencies are independent. However, among respondents in Gaza the perception of corruption in Gaza was lower than that in the West Bank.⁶⁰⁷ In a December 2021 poll, respondents said they believed there was corruption inside PA institutions (84%) as well as inside Hamas institutions (69%).⁶⁰⁸ A report by Transparency International (TI) states that 51% of Palestinians polled have little or no trust in the government, 52% trust the justice system and 59% trust the police.⁶⁰⁹ In the PA, there is an Anti-Corruption Commission that is responsible for implementing the anti-corruption strategy. The majority of the people surveyed are said to be unaware of the existence of this commission.⁶¹⁰ A survey by the Coalition for Accountability and Integrity (AMAN Coalition), the office of TI in the Palestinian Territories, states that 63% of the Palestinian respondents believe that the level of corruption in PA institutions had increased in 2021. Respondents referred to the system of *wasta* (use of personal contacts) to access public services and nepotism as the most common types of corruption. This was particularly the case in Gaza. More than half of those surveyed believe that reporting corruption puts them at risk of retaliation. They also believe that there is a lack of adequate protection for whistleblowers or witnesses. It was not clear who would be responsible for these retaliatory actions.⁶¹¹

According to one source, in 2021 the PA was accused of keeping some of the corona vaccines for its own use, of concluding a controversial vaccine deal with Israel and of sending corona vaccines to Jordan although very few Palestinians had been vaccinated (see also PA critic Nizar Banat 3.1.1).⁶¹²

⁶⁰³ Exchange rate on 13 April 2022.

⁶⁰⁴ Amnesty International, *Report: State of Palestine*, 2020, consulted on 15 November 2021.

⁶⁰⁵ Transparency International, *Global Corruption Barometer Middle East & North Africa 2019 Citizens' Views and Experiences of Corruption*, December 2019, p. 13-15; Freedom House, *Freedom in the World 2021: West Bank*, 2021, consulted on 10 January 2022.

⁶⁰⁶ Al Shabaka, *Corruption in Palestine: A self-enforcing system*, 18 August 2015, consulted on 11 January 2022; Council on Foreign Relations, *Corruption in the Palestinian Authority*, 5 April 2018, consulted on 11 January 2022.

⁶⁰⁷ Aman Transparency Palestine, *Public Opinion Poll: The State of corruption and Anti-corruption in Palestine in 2021 Executive summary*, 2021, p. 2-3.

⁶⁰⁸ Palestinian Center for Policy and Survey Research, *Public Opinion Poll No (82)*, 14 December 2021, p. 4.

⁶⁰⁹ Transparency International, *Global Corruption Barometer Middle East & North Africa 2019 Citizens' Views and Experiences of Corruption*, December 2019, p. 13-15.

⁶¹⁰ Freedom House, *Freedom in the World 2021: West Bank*, 2021, consulted on 10 January 2022.

⁶¹¹ Aman Transparency Palestine, *Public Opinion Poll: The State of corruption and Anti-corruption in Palestine in 2021 Executive summary*, 2021, p. 3-4.

⁶¹² The New York Times, *Activist Dies in Palestinian Authority's Custody, Inciting Widespread Outrage*, 24 June 2021, consulted on 22 February 2022; Amnesty International, *Dood van Palestijnse activist in hechtenis moet transparent en effectief worden onderzocht*, 25 June 2021, consulted on 22 February 2022; NPR, *Palestinians dissidents rally against corruption in the Palestinian Authority*, 10 December 2021, consulted on 11 January 2022.

4 Refugees and displaced persons

4.1 Refugee flows

Palestinians who were displaced during the 1948 and 1967 conflicts and who reside inside Israel's borders are not dealt with in this report. Displaced persons from these conflicts (and their descendants) who fled what is now Israel to the Palestinian Territories are often registered as refugees with UNRWA, but this is not always the case according to the Badil organisation. The displaced persons from these conflicts who became displaced inside the Palestinian Territories are internally displaced persons. This mostly involves Palestinians displaced by the 1967 conflict.⁶¹³ This group also includes persons who became refugees in 1948 and are therefore both refugees and internally displaced persons.⁶¹⁴ Most of the Palestinian refugees from these refugee flows who fled abroad were given shelter in Jordan (2,307,011), Lebanon (479,537) and Syria (568,730). These numbers relate to the current population, including descendants. The numbers do not include the non-refugees who are registered with UNRWA.⁶¹⁵

Many Palestinians are registered as refugees with UNRWA. At the end of 2020, in the Palestinian Territories there were 871,537 registered refugees in the West Bank and 1,476,706 registered refugees in Gaza. This is the group that fled what is now Israel and that resides in the Palestinian Territories. This number is increasing due to the birth and registration of descendants of the original group.⁶¹⁶ There are nineteen official refugee camps in the West Bank and eight in Gaza.⁶¹⁷ The total population of the West Bank was almost 3 million in July 2021 and of Gaza almost 2.1 million (see also 2.4).

4.2 Internally displaced persons

Most people were displaced in the past decade as a result of offensives on Gaza (2012, 2014 and 2021) and evictions and house demolitions in the West Bank and East Jerusalem (2016, 2019). Before that, people were also displaced by the construction of the Israeli wall around the West Bank. According to the Internal Displacement Monitoring Centre (IDMC), conflict and violence had displaced new groups in the Palestinian Territories by 2020, leaving a total of 131,000 internally displaced persons due to disasters. Natural disasters, such as wildfires and floods, created dozens of internally displaced persons in 2021.⁶¹⁸ Most internally displaced persons are not registered and generally live among the rest of the population in the Palestinian Territories in rented housing or with relatives/host families.⁶¹⁹ Estimates of the number of internally displaced persons differ. The Badil organisation says that the group of persons who have been internally displaced since 1967, including their descendants in the Palestinian Territories, numbered around 344,599 people in 2018. According to the IDCM, the group of internally displaced persons numbered 243,000 people in 2019.⁶²⁰

⁶¹³ Badil, Q&A: *What you need to know about Palestinian Refugees and Internally Displaced Persons*, May 2011, p. 5-8.

⁶¹⁴ Badil, *Survey of Palestinian Refugees and Internally Displaced Persons 2016-2018 Volume IX*, 2018, p. 21.

⁶¹⁵ UNRWA, *UNRWA in figures as of 31 December 2020*, 2021, p. 1.

⁶¹⁶ UNRWA, *UNRWA in figures as of 31 December 2020*, 2021, p. 1.

⁶¹⁷ UNRWA, *Fields of Operations*, 1 January 2017.

⁶¹⁸ IDMC, *Palestine*, 2021, consulted on 3 January 2022.

⁶¹⁹ Confidential source, 24 January 2022; Confidential source, 2 February 2022.

⁶²⁰ IDMC, *Internal Displacement in the Middle East and North Africa Region 2010-2019*, p. 43; Badil, *Survey of Palestinian Refugees and Internally Displaced Persons 2016-2018 Volume IX*, 2018, p. 23, 48-49.

Gaza Strip

In Gaza, around 8,250 displaced persons were said to be staying with host families or in rental properties in August 2021.⁶²¹ According to one source, displaced persons in Gaza are often temporarily displaced due to escalations of violence or flooding. Most of the homes destroyed in 2014 have been rebuilt. The homes destroyed by the escalation of violence in May 2021 have not yet been rebuilt. After receiving temporary shelter in UNRWA schools, people are said to be renting houses themselves or living with relatives (see also 1.3.3).⁶²²

West Bank and East Jerusalem

317 Palestinians are believed to have been displaced by evictions in East Jerusalem in 2021.⁶²³ According to one source, people in East Jerusalem who are evicted usually cannot find a new home in Jerusalem due to the high housing/rental prices. They sometimes stay with family first, but usually end up in the West Bank or in the Kufr 'Aqab district, which officially belongs to Jerusalem but is actually behind the wall, just like the West Bank. This district is known for its poor living conditions. Also in the West Bank, people are at risk of being displaced because of evictions and the demolition of houses due to the development and expansion of construction projects, including those of Israeli settlers, or because they do not have building permits (see also Chapter 1, Evictions section). It also happens that people become temporarily displaced and are obliged to leave their homes from several days to a few months when they are close to military fire zones and the Israeli army is conducting exercises.⁶²⁴ It is not known whether temporary shelter is arranged for these persons. The data in VN OCHA's Demolition and displacement in the West Bank database does not include these temporarily displaced persons. According to one source, there is a technical reason for this and it does not constitute a legal provision with regard to this group.⁶²⁵ Another source says that this group does not have access to (temporary) shelter.⁶²⁶

The following examples are illustrative but are by no means exhaustive. In July 2021, approximately 65 people – including 35 children – from the (sedentary) Bedouin community of Humsa al-Baqai'a in the Jordan Valley were displaced due to evictions in the West Bank and East Jerusalem by Israeli forces. A group of international aid organisations is said to have helped all the internally displaced persons in this group.⁶²⁷ According to one source, some people in this group are still trying to return to their land to tend to their livestock (mostly goats and sheep). Organisations are only permitted to provide emergency aid in Area C and East Jerusalem and sustainable aid is only permitted in Area A and in approximately 1% of Area C. Internally displaced persons, including those who have been displaced multiple times, often end up in Area A, according to one source.⁶²⁸ In the period from October to December 2021, dozens of people were displaced due to the destruction of houses by Israeli troops. These buildings are often built without Israeli

⁶²¹ OCHA, *oPT Situation Report no. 9*, August 2021, consulted on 7 January 2022.

⁶²² Confidential source, 2 February 2022.

⁶²³ Al Jazeera, *Sheikh Jarrah: Palestinian family faces forced displacement*, 5 January 2021, consulted on 7 January 2022.

⁶²⁴ Confidential source, 2 February 2022; OCHA oPt, *Protection of Civilians Report 8-21 February 2022*, 28 February 2022, consulted on 1 March 2022.

⁶²⁵ Confidential source, 21 March 2022; OCHA oPt, *Data on demolition and displacement in the West Bank*, consulted on 11 April 2022. See also **Error! Hyperlink reference not valid.**

⁶²⁶ Confidential source, 14 April 2022.

⁶²⁷ Al Jazeera, *Palestinian community in West Bank demolished for seventh time*, 7 July 2021, consulted on 7 January 2022.

⁶²⁸ Confidential source, 2 February 2022.

planning permission because it is difficult for Palestinians to obtain this permission (see also 3.1.4). Due to the destruction and evictions, people were forced to leave the area and thousands of people were denied access to water, farmland and schools. This happened in the Bedouin community in Hammamat al Malah-Al Meiteh in the Jordan Valley, Hebron, Nablus, Bethlehem, Khibet Atuf (area C) and Sur Bahir (area A) and in East Jerusalem.⁶²⁹

⁶²⁹ OCHA, oPT Situation Report 19 Oct - 1 Nov 2021, November 2021, consulted on 7 January 2021; OCHA, *Protection of Civilians Report 16 November – 6 December 2021*, December 2021, consulted on 7 January 2022; OCHA, *Protection of Civilians Report, 7-20 December 2021*, December 2021, consulted on 7 January 2022.

5 Palestinians returning to their homeland

Palestinians from the Palestinian Territories who are voluntarily or forcibly returning to Gaza travel through Israel and Jordan or through Egypt. Israel has control over who returns through Israel and whether these persons are permitted to settle in the Palestinian Territories. Egypt has control over who can return to Gaza via Egypt. There were no known cases of the forced return of Palestinians to Gaza, according to one source.⁶³⁰ Israel does not recognise the right of Palestinian refugees to return to Israel inside the 1948 borders. It is not known whether there were any cases of forced or voluntary return to the West Bank.

5.1 Re-entry

To re-enter the Palestinian Territories, a Palestinian must have an identity card issued by Israel after 1995. With an identity card issued before 1995, the person concerned must have left the Palestinian Territories after 1995 in order to be able to return. The Israeli authorities are said to have control over whether a person can return and live in the Palestinian Territories.⁶³¹ It is not clear on which basis the Israeli authorities determine whether or not a person is permitted to settle in the Palestinian Territories after returning from abroad. Palestinians who want to return to Gaza face a number of obstacles. In addition to an identity card issued by Israel, they must also be in possession of an Israeli and Jordanian travel permit to enter Gaza via Jordan and Israel.⁶³² According to one source, a Palestinian who has left can also return to Gaza via the Rafah border crossing. The Israeli authorities only permit persons to return via the border crossing by which they left Gaza. The Rafah border crossing can sometimes be closed and the Egyptian authorities may refuse to allow people to cross the border for security reasons. To enter or leave Egypt as a transit country from or to Gaza, persons from Gaza do not require an Egyptian visa (see also 1.4.4). Palestinians returning to Gaza with an expired travel permit may encounter difficulties when applying for a new travel permit.⁶³³

⁶³⁰ Confidential source, 3 February 2022.

⁶³¹ Immigration and Refugee Board of Canada, *Israel and Palestine: Whether a Palestinian who has lived outside of the Occupied Palestinian Territory (OPT) for a number of years can return to reside in the OPT; whether the returnee requires an Israeli-issued identity card and whether it is possible to obtain the card from abroad; whether someone born in Gaza faces particular challenges returning to the OPT*, 26 April 2016, consulted on 1 February 2022.

⁶³² Immigration and Refugee Board of Canada, *Israel and Palestine: Whether a Palestinian who has lived outside of the Occupied Palestinian Territory (OPT) for a number of years can return to reside in the OPT; whether the returnee requires an Israeli-issued identity card and whether it is possible to obtain the card from abroad; whether someone born in Gaza faces particular challenges returning to the OPT*, 26 April 2016, consulted on 1 February 2022.

⁶³³ Confidential source, 24 January 2022.

6 Appendices

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- , *'I'd rather die in the West Bank': LGBTQ Palestinians find no safety in Israel*, 17 September 2021. See also **Error! Hyperlink reference not valid.**
- 7amleh, The Arab Center for the Advancement of Social Media, *The Attacks on Palestinian Digital Rights, Progress report*, May 6-19, 2021.
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- , *Prevention of Torture: Monitoring, Documentation and means of Confrontation*, 2020.
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6.2 List of abbreviations

AMAN – Coalition for Accountability and Integrity
 AI/Amnesty – Amnesty International
 CEDAW – Convention on the Elimination of All Forms of Discrimination against Women

CLA – Coordination Liaison Administration
COGAT – Israeli Coordinator of Government Activities in the Territories
DCIP – Defense for Children International Palestine
ECL – Electronic Crimes Law
FPU – Family Protection Units
FH – Freedom House
GAPAR – General Administration for Palestine Arab Refugees
HRW – Human Rights Watch
ICRC – International Committee of the Red Cross
IDF – Israeli Defence Forces
IDMC – Internal Displacement Monitoring Centre
IHCR – Independent Commission for Human Rights
ILO – International Labour Organisation
IOM – International Organisation for Migration
IPS – Israeli Prison Service
LGBTI – Lesbian, Homosexual, Bisexual, Transgender, Intersexual
MoWA – Ministry of Women’s Affairs
OCHA – United Nations Office for the Coordination of Humanitarian Affairs
PASF – Palestinian Authority Special Forces
PCAC – Palestinian Civil Affairs Committee
PCBS – Palestinian Central Bureau of Statistics
PCHR – Palestinian Centre for Human Rights
PSL – Personal Status Laws
PLO – Palestinian Liberation Organisation (Palestijnse Bevrijdingsorganisatie)
PPS – Palestinian Prisoners Society
RSF – World Press Freedom Index van Reporters Without Borders
SGBV – Sexual and Gender Based Violence
TI – Transparency International
UNDP – United Nations Development Programme
UNHCR – United Nations High Commissioner for Refugees
UNICEF – United Nations Children’s Emergency Fund
UNRWA – United Nations Relief Works Agency for Palestinian Refugees
USDoS- United States Department of State
UN – United Nations
WCLAC – Women’s Centre for Legal Aid and Counselling

6.3 Map of the Palestinian Territories



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