



Home Office

# **Country Policy and Information Note**

## Occupied Palestinian Territories: Background information, including actors of protection, and internal relocation

**Version 1.0**

**December 2018**

# Preface

## Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in [the basis of claim](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

## Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment on whether, **in general**:

- A person is reasonably likely to face a real risk of persecution or serious harm
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- Claims are likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

## Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion.

Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

## Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email [the Country Policy and Information Team](#).

## Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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# Assessment

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## 1. Introduction

### 1.1 Basis of claim

1.1.1 Whether in general those at risk of persecution or serious harm from non-state actors are able to seek effective state protection and/or internally relocate within the Occupied Palestinian Territories (OPTs).

### 1.2 Points to note

1.2.1 The West Bank and Gaza have been 'occupied' by Israel since 1967. They are collectively known as the Occupied Palestinian Territories (OPTs).

1.2.2 The West Bank is divided into 3 areas of civil and security control (Areas A, B and C).

1.2.3 The Palestinian Authority (PA), dominated by the political group Fatah, has civil and security control of Area A of the West Bank. Civil and security control of Area B is controlled jointly by the PA and Israel. Area C is controlled by Israel.

1.2.4 Gaza is controlled by Hamas; the PA has limited influence and there is no Israeli presence in Gaza itself.

For further information see [History](#).

1.2.5 Decision makers should also read the Asylum Instruction on [Article 1d of the Refugee Convention on Palestinian Refugees for guidance on handling applicants who are refugees registered with the UN Relief and Works Agency in the Near East \(UNRWA\)](#).

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## 2. Consideration of issues

### 2.1 Assessment of risk

#### a. Refugee Convention

2.1.1 Decision makers must first consider if the person faces persecution for a Refugee Convention reason.

2.1.2 For further information on assessing claims for protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

#### b. Humanitarian protection

2.1.3 Where the person qualifies under the Refugee Convention, decision makers do not need to go on to assess the need for Humanitarian Protection. It is only if the person does **not** qualify under the Refugee Convention that decision makers need to assess the need for protection firstly under Articles 15(a) and (b) of the Qualification Directive/Articles 2 and 3 of the European Convention on Human Rights (ECHR) and, if that is unsuccessful, under Article 15(c) of the Qualification Directive.

2.1.4 For general guidance on Humanitarian Protection (HP), see the [Asylum Instruction on Humanitarian Protection](#).

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## 2.2 Credibility

2.2.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.2.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

2.2.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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## 2.3 Protection

### a. Gaza

2.3.1 Hamas is reported to strictly control all areas of society and to maintain sophisticated internal security systems, and so can generally maintain law and order in Gaza. However, a lack of transparency and reports of arbitrary arrests and other abuses by Hamas' security forces, with impunity being common, may undermine the effectiveness of available protection (see: [Security forces, Gaza](#)).

2.3.2 Hamas maintains an ad hoc judicial system, separate from the PA structures. The legal and judicial system is an amalgamation of British Mandate laws, Islamic law, Ottoman and Egyptian laws, and Israeli military orders, and is subject to political control. Hamas-appointed judges and prosecutors operate de facto courts, which are not recognised by the PA authorities. There are also courts which operate independently of Hamas and are reportedly impartial (see: The [Judiciary](#) and, [Gaza Strip](#)).

2.3.3 The court system generally failed to ensure due process, and civilians are sometimes tried in military courts. The legal system offers little protection against harassment and discrimination for women or LGBT individuals (see: [Security forces](#)).

2.3.4 Hamas may be able to provide protection to residents of Gaza. However, their ability and willingness to provide protection will depend on the particular circumstances of the person, and the facts of the case. The onus is on the person to demonstrate that the Hamas authorities are not willing and able to provide effective protection.

### b. West Bank

2.3.5 The West Bank is divided into three zones, controlled by different authorities. Zone A is controlled by the PA and its security forces, although entry into and out of the area is controlled by the Israelis. Control of zone B is shared between the PA and the Israeli Security Forces. Zone C is controlled by the Israelis. effectively (see: [Security in the West Bank](#)).

2.3.6 The PA has 6 different branches of security force, although the Palestinian Civil Police has primary responsibility for civil and community policing. The PA maintains effective control of the security forces and has mechanisms to investigate and punish corruption and abuses. There is also a functioning court system which generally acts independently and effectively (see: [Security in the West Bank](#)).

2.3.7 The Israelis maintain effective control over their security forces in Zones B and C (see [Security forces](#)).

2.3.8 While there have been reports of abuses by Palestinian and Israeli forces in all three zones, the PA and the Israeli authorities have taken steps to address and reduce these. However, there is some criticism that violations are not adequately investigated, either by the PA security forces, or the Israeli security forces (see [Security forces](#)).

2.3.9 In general, a person fearing non-state agents (including rogue state officials) is likely to be able to obtain effective state protection from the PA in areas under its control. The Israeli Defence Forces may also be able and willing to provide protection from non-state agents in areas under its control. However, each case must be determined on its own facts, with the onus on the person to demonstrate that the authorities are not willing and able to provide effective protection.

2.3.10 For general guidance on protection see Asylum Instructions on [Assessing Credibility and Refugee Status](#) and [Gender Issues in the Asylum Claim](#).

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#### 2.4 Internal relocation

2.4.1 All movement within the OPTs is significantly constrained by a complex system of bureaucratic, administrative and physical barriers, which include permit requirements, security checks and checkpoints. The Wall, built by the Israelis, also represents a significant physical block on freedom of movement (see [Freedom of movement](#)).

2.4.2 The Israeli authorities control and restrict all movement into Israel and the West Bank from the Gaza Strip, and into East Jerusalem. Israeli military incursions, and successive military campaigns by the Israeli Defence Force, combined with the use of force in access-restricted areas can add to the difficulty of entering or exiting, or travelling within the OPTs. In addition, Hamas additionally operate their own restrictions and limitations on movement into and out of Gaza (see [Freedom of movement](#)).

2.4.3 While movement is possible within West Bank and Gaza, given their small physical size but high density of population it may be difficult for a person to avoid a non-state persecutor. However, whether it is reasonable for someone to relocate within either Gaza or the West Bank will depend on the nature of the persecutor's interest, their capabilities and the personal circumstances of the person (see [Freedom of movement](#)).

2.4.4 Internal relocation between the West Bank and Gaza, is likely to be extremely difficult and unreasonable in most cases. However, each case will need to be considered on its individual facts with the onus on the person to demonstrate that they may not be able to relocate.

2.4.5 For further general guidance on internal relocation, see Asylum Instructions on [Assessing Credibility and Refugee Status](#) and [Gender Issues in the Asylum Claim](#).

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## 2.5 Certification

2.5.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

2.5.2 For guidance on certification, see the [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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# Country information

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## 3. Palestinians: The OPTs and the diaspora

3.1.1 The idea of Palestinian identity and state is a relatively recent phenomenon. The Encyclopaedia Britannica (EB) opined:

‘... term Palestinian [is]... used when referring to the Arabs of the former mandated Palestine, excluding Israel. Although the Arabs of Palestine had been creating and developing a Palestinian identity for about 200 years, the idea that Palestinians form a distinct people is relatively recent. The Arabs living in Palestine had never had a separate state. Until the establishment of Israel, the term Palestinian was used by Jews and foreigners to describe the inhabitants of Palestine and had only begun to be used by the Arabs themselves at the turn of the 20th century; at the same time, most saw themselves as part of the larger Arab or Muslim community. The Arabs of Palestine began widely using the term Palestinian starting in the pre-World War I period to indicate the nationalist concept of a Palestinian people. But after 1948—and even more so after 1967—for Palestinians themselves the term came to signify not only a place of origin but, more importantly, a sense of a shared past and future in the form of a Palestinian state.’<sup>1</sup>

3.1.2 However, being a Palestinian, i.e. a person who is from, or a descendent of someone from, ‘Palestine’, and being resident in the OPTs are not always synonymous. Two major conflicts since 1947 have led to large scale displacement within and out of Palestine:

- Around 1.4 million Arabs lived in Palestine in 1947
- When war broke out in 1947-9, approximately a fifth of this population – circa 300,000 to 400,000 – left the territories altogether, mostly for neighbouring countries. Only a handful who went to neighbouring countries at this time were able to obtain citizenship. A further 150,000 remained in Israel.
- The 1967 Israel-Arab war led to over 200,000 Palestinians leaving Gaza and West Bank, mostly to Jordan and Lebanon<sup>2 3</sup>.

3.1.3 As a result of this displacement and subsequent population growth, the global population of Palestinians was estimated in 2015 to be approximately 12.3 million. This was made up of around 4.7 million in the OPTs (less than half the total) but with the majority residing outside of the territories, including 1.4 million in Israel and 5.4 million in other Arab countries<sup>4</sup>. Many Palestinians in Jordan, depending on when they left the OPTs and where they lived, have acquired Jordanian citizenship. Conversely, most persons of Palestinian descent in Lebanon have not acquired Lebanese nationality but

<sup>1</sup> Encyclopaedia Britannica (EB), Palestine, variously updated, [url](#)

<sup>2</sup> EB, Palestine, variously updated, [url](#)

<sup>3</sup> Australian Gov, Department of Foreign Affairs and Trade (DFAT), Thematic Report (p6 and p14), [url](#)

<sup>4</sup> PCBS, Estimated number of Palestinians in the World by country of residence, undated, [url](#)

are UN Relief and Works Agency in the Near East (UNRWA)-registered refugees and / or have been recognised as refugees by the Lebanese government<sup>5</sup> (see also country policy and information note on [Lebanon: Palestinians](#), for further information about Palestinians in that country).

- 3.1.4 Amongst Palestinians in the OPTs and in the diaspora, a large proportion – around 5 million – are refugees registered with the UNRWA. Of these, approximately 1.5million live in UNRWA supported camps<sup>6</sup> <sup>7</sup>.
- 3.1.5 See Geography and UNRWA below for more information about population in and activities of UNRWA. For requirements to enter the OPTs, see Freedom of movement below.

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## 4. History

### 4.1 Overview

- 4.1.1 The [Encyclopaedia Britannica \(EB\)](#) provides a detailed history of 'Palestine' to the present, including explanation of the current political situation. While a useful [profile of the OPTs is available on the BBC website](#), including links to leaders and timeline of key events.
- 4.1.2 The emergence of the OPTs as distinct political entities was preceded by the creation of Israel and the displacement of many Palestinian Arabs within the region and into neighbouring countries:

'...The violent birth of Israel [in 1948] led to a major displacement of the Arab population [in 'Palestine', an area of the eastern Mediterranean comprising modern-day Israel, West Bank and Gaza Strip], who either were driven out by Zionist military forces before May 15, 1948, or by the Israeli army after that date or fled for fear of violence by these forces. Many wealthy merchants and leading urban notables from Jaffa, Tel Aviv, Haifa, and Jerusalem fled to Lebanon, Egypt, and Jordan, while the middle class tended to move to all-Arab towns such as Nablus and Nazareth. The majority of fellahin [Arab peasants] ended up in refugee camps. More than 400 Arab villages disappeared, and Arab life in the coastal cities (especially Jaffa and Haifa) virtually disintegrated. The centre of Palestinian life shifted to the Arab towns of the hilly eastern portion of the region—which was immediately west of the Jordan River and came to be called the West Bank.

'Like everything else in the Arab-Israeli conflict, population figures are hotly disputed. Nearly 1,400,000 Arabs lived in Palestine when the war broke out. Estimates of the number of Arabs displaced from their original homes, villages, and neighbourhoods during the period from December 1947 to January 1949 range from about 520,000 to about 1,000,000; there is general consensus, however, that the actual number was more than 600,000 and likely exceeded 700,000. Some 276,000 moved to the West Bank; by 1949 more than half the pre-war Arab population of Palestine lived in the West

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<sup>5</sup> DFAT, Thematic Report (p6 and p14), [url](#)

<sup>6</sup> PCBS, Number of Registered Palestinian Refugees by Country, End Year 2015, undated, [url](#)

<sup>7</sup> UNRWA, Palestine Refugees, undated, [url](#)

Bank (from 400,000 in 1947 to more than 700,000). Between 160,000 and 190,000 fled to the Gaza Strip. More than one-fifth of Palestinian Arabs left Palestine altogether. About 100,000 of these went to Lebanon, 100,000 to Jordan, between 75,000 and 90,000 to Syria, 7,000 to 10,000 to Egypt, and 4,000 to Iraq.<sup>8</sup>

4.1.3 The same source noted:

'Approximately 150,000 Arabs remained in Israel when the Israeli state was founded. These Israeli Arabs represented about one-eighth of all Palestinians and by 1952 roughly the same proportion of the Israeli population. The majority of them lived in villages in western Galilee. Because much of their land was confiscated, Arabs were forced to abandon agriculture and become unskilled wage labourers, working in Jewish industries and construction companies. As citizens of the State of Israel, in theory they were guaranteed equal religious and civil rights with Jews. In reality, however, until 1966 they lived under a military jurisdiction that imposed severe restrictions on their political options and freedom of movement. Most of them remained politically quiescent, and many accepted Zionist Israel as a reality and sought to ameliorate their circumstances through electoral participation, education, and economic integration.'<sup>9</sup>

4.1.4 Britannica also observed:

'In the Arab-Israeli war of 1967, Israel defeated the combined forces of Egypt, Syria, and Jordan and also overran large tracts of territory, including East Jerusalem, the West Bank (known to Israelis by the biblical names Judaea and Samaria), and Gaza. Israel's victory gave rise to another exodus of Palestinians, with more than 250,000 people fleeing to the eastern bank of the Jordan River. However, roughly 600,000 Palestinians remained in the West Bank and 300,000 in Gaza.'<sup>10</sup>

4.1.5 A House of Commons (HofC) Library briefing paper of 20 March 2017, by Louisa Brooke-Holland and Rob Page, stated 'The West Bank and Gaza have been occupied by Israel since 1967, and are collectively known as the Occupied Palestinian Territories (OPTs). Before the 1967 war, the West Bank was part of Jordan whilst Gaza was part of Egypt. Egypt never claimed permanent sovereignty over Gaza, seeing its administration as temporary pending the creation of a Palestinian state, while Jordan renounced its claim to the West Bank in 1988.'<sup>11</sup>

4.1.6 The BBC, on their Country Profile page, stated:

'The [Palestinian Liberation Organisation, formed in 1964 to represent a number of Palestinian groups and became the dominant Palestinian group. It initially advocated an armed struggle but renounced violence in the late 1980s<sup>12</sup>] PLO under Yasser Arafat gradually won international recognition as the representative of the Palestinian people, culminating in the Oslo Accords with Israel in 1993.

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<sup>8</sup> EB, Palestine, variously updated, [url](#)

<sup>9</sup> EB, Palestine, variously updated, [url](#)

<sup>10</sup> EB, Palestine, variously updated, [url](#)

<sup>11</sup> House of Commons Library, 'Recent Developments in the OPT' 20 March 2017, [url](#)

<sup>12</sup> EB, Palestine, variously updated, [url](#)

‘These accords established a Palestinian National Authority (PNA - also referred to as the Palestinian Authority, or PA) as an interim body to run parts of Gaza and the West Bank (but not East Jerusalem) pending an agreed solution to the conflict.

‘The PNA functions as an agency of the PLO, which represents Palestinians at international bodies. It is led by a directly-elected president, who appoints a prime minister and government which must have the support of the elected Legislative Council.’<sup>13</sup>

4.1.7 The HofC paper noted that both Gaza and the West Bank ‘...remained under full Israeli control until the mid-1990s, when the Palestinian Authority (PA) was created. The PA controls some areas of the OPTs, but other areas remain under Israeli control.... Fatah and Hamas remain the two main factions in Palestinian politics and are dominant in the West Bank and Gaza Strip respectively.’<sup>14</sup>

4.1.8 The HofC Briefing Paper observed that the Interim Agreement of September 1995 led to the West Bank (excluding Hebron and East Jerusalem) being split into Areas A, B and C. The PA was given full control in Area A, and full control of civil matters in Area B (control of security matters was shared with Israel). In Area C, the Israeli authorities retained full control. At first, a similar approach was taken with Gaza, but in 2005 Israel unilaterally withdrew, leaving it under the control of the PA, aside from a ‘buffer zone’ along the Israeli/Gaza border which comprises 40% of Gaza’s surface area<sup>15</sup>.

4.1.9 The Australian Government’s Department of Foreign Affairs and Trade (DFAT) report of 15 March 2017 stated:

‘Ongoing border disputes between Israel and the Palestinians and Arab countries have led to a series of conflicts and have resulted in further changes to these boundaries.

- ‘During the Six Day War in June 1967, Israel took control of east Jerusalem and the West Bank from Jordan, and the Gaza Strip from Egypt (as well as the Golan Heights from Syria and the Sinai from Egypt (later returned)).
- ‘The First Intifada [revolt; literally ‘shaking off’] between Israel and the Palestinians took place from 1987 to 1993 and concluded with the Oslo Peace Accords which established the Palestinian Authority; an interim body that has a governing mandate over the West Bank and Gaza until a final status outcome is agreed between Israel and the Palestinians.
- ‘Following the Second Intifada (2000 to 2005) Israel unilaterally withdrew from the Gaza Strip in 2006; it had previously had a presence there, which included Israeli settlements.
- ‘In 2007, after a brief civil conflict between Palestinian factions, the Palestinian organisation, Hamas, took control of the Gaza Strip and became its de facto government. As a result, Israel implemented a

<sup>13</sup> BBC: Country profile: Palestinian Territories 7 December 2017 [url](#).

<sup>14</sup> House of Commons Library, ‘Recent Developments in the OPT’ 20 March 2017, [url](#).

<sup>15</sup> House of Commons Library, ‘Recent Developments in the OPT’ 20 March 2017, [url](#).

blockade on Gaza which has been in continuous force since June 2007.<sup>16</sup>

4.1.10 With regard to the security situation, DFAT also noted that 'Recent Israeli military campaigns against Hamas militants, in response to Hamas attacks from Gaza—Operation Cast Lead (December 2008 to January 2009), Operation Pillar of Defence (November 2012), and Operation Protective Edge (July to August 2014)—have caused widespread destruction in the Gaza Strip and resulted in casualties on both sides of the conflict.'<sup>17</sup>

4.1.11 A UN Office for the Co-ordination of Humanitarian Affairs (UNOCHA) report documenting events up to the middle of 2017 noted that there have been 3 periods during which hostilities between Palestinians (in Gaza) and Israeli forces have escalated since 2007:

- December 2008 to January 2009;
- November 2012; and
- June-August 2014 [during which more than 2,100 Palestinians were reportedly killed, along with 66 Israeli soldiers and 7 civilians in Israel. 'The UN says the vast majority of Palestinian deaths are civilian.'<sup>18</sup>] <sup>19</sup>

4.1.12 The HofC briefing as of March 2017 noted:

'Perhaps the most significant development in the OPTs in 2015 and 2016 was the upsurge in violence across the West Bank and Israel. They term 'lone-wolf' has been applied to these attacks: they were characterised by the UK Government as "uncoordinated random stabbing attacks". The Israeli Government has similarly suggested the violence was conducted by "young lone terrorists" who were not operatives of a terror organisation, nor did the violence appear directed by any such organisation.

'Israeli Government analysis of the "wave of terrorism" directed at Israelis from September 2015 to the beginning of 2017 found:

- 47 people killed and 659 (including 4 Palestinians) injured
- 169 stabbing attacks and 104 attempted stabbings
- 133 shootings
- 55 vehicular (ramming) attacks
- 1 vehicle (bus) bombing<sup>20</sup>

4.1.13 Starting in March 2018 (until time of writing in October 2018), Palestinians in Gaza have engaged in weekly protests near the perimeter fences with Israel against 'Israel's 11-year closure of the Gaza Strip and to commemorate the expulsion and flight of hundreds of thousands of Palestinians during Israel's establishment, which Palestinians call the Nakba, or "catastrophe."<sup>21</sup>

<sup>16</sup> DFAT, 'Thematic Report' Section 2 paras 2.1 -5, 15 March 2017 [url](#)

<sup>17</sup> DFAT, 'Thematic Report' (paras 2.1 -5), 15 March 2017 [url](#)

<sup>18</sup> BBC News: 'Gaza Crisis' 1 September 2014 [url](#)

<sup>19</sup> UNOCHA, Occupied Palestinian Territory: Humanitarian facts and figures, December 2017, p6, [url](#)

<sup>20</sup> House of Commons Library, 'Recent Developments in the OPT' (p15), 20 March 2017, [url](#)

<sup>21</sup> HRW, Israel: Apparent war crimes in Gaza, 13 June 2018, [url](#)

4.1.14 The UN Secretary General noted in his report of August 2018 that:

‘... the situation on the ground was characterized by the most significant violence in Gaza since the hostilities of 2014. The situation deteriorated following the start of the “Great March of Return” protests on 30 March 2018, with tens of thousands of Palestinians protesting at or near the perimeter fence between Israel and the Gaza Strip. During the reporting period [September 2017 to August 2018], 194 Palestinians, including 29 children, were killed in Gaza, 59 on 14 May alone, and an additional 13 Palestinians died of wounds sustained that day, the peak of the protests. Hamas and Islamic Jihad have publicly acknowledged that a number of their members were among those killed in the protests and other incidents. According to the Gaza Ministry of Public Health, during the protests, more than 3,700 Palestinians were wounded by live ammunition resulting in life-altering injuries. One Israeli soldier was killed by sniper fire from Gaza, the first such Israeli fatality since 2014, and five Israeli soldiers were injured near the perimeter fence.

‘Among the thousands of peaceful demonstrators, hundreds reportedly attempted to breach the fence, burned tires, threw rocks and fire bombs at Israeli forces or their posts, launched incendiary kites and balloons and laid improvised explosive devices, at least two of which exploded at or near the fence.’<sup>22</sup>

4.1.15 The Secretary General also observed that the 2018 demonstrations have coincided with the ‘most serious escalation [of violence in] Gaza since the war in 2014. On 29 May [2018] alone, reportedly in response to the deaths in Gaza, nearly 200 rockets and mortars rounds were fired from the Gaza Strip towards Israel.... The Israeli Defense Forces responded by striking targets it attributed to both Hamas and the Islamic Jihad, who had claimed joint responsibility for the attacks.’<sup>23</sup>

4.1.16 A map produced by Healthcluster (a conglomerate of Palestinian government, international and local organisations<sup>24</sup>), as of August 2018, provides data about the number of receipt casualties and location in Gaza, as well provide detail about the main urban areas, refugee camps, crossing points between Gaza and Israel / Egypt and hospitals<sup>25</sup>:

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<sup>22</sup> UN Security Council, Report of the Secretary General (paras 11-12), 27 August 2018, [url](#)

<sup>23</sup> UN Security Council, Report of the Secretary General (para 13), 27 August 2018, [url](#)

<sup>24</sup> Healthcluster: What is the Healthcluster, undated, [url](#)

<sup>25</sup> Healthcluster, Gaza Strip – Conflict related casualties, undated, [url](#)

## Gaza Strip - Conflict Related Palestinian Casualties Between 30 March – 13 August 2018



<http://healthclusteropt.org>

### Caseload of casualties related to the conflict

175  
Killed

18,006  
Injured

#### Injuries treated by facility

9,447 Treated  
at hospitals

8,559 Treated & discharged  
at TSPs\*

#### Hospitalized injuries by gender

8,811  
Male

636  
Female

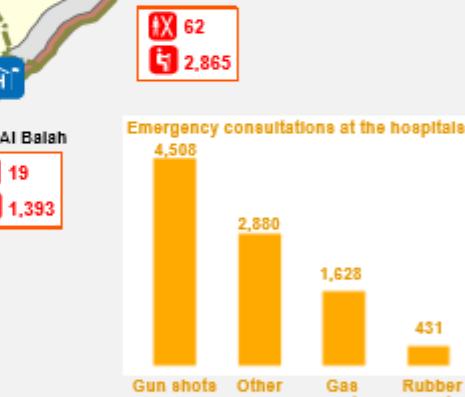
#### Children hospitalized injuries

1,571  
Children

\* Trauma Stabilisation Points (TSPs)



#### Emergency consultations at the hospitals



#### Casualties by Governorate

Deaths  
 Injuries referred to Hospital

#### Crossing Points

Primary Crossing Point  
 Secondary Crossing Point

#### Health Facilities

Main Hospitals  
 MoH Trauma stabilisation point

#### Closed and Restricted Areas

Access permitted on foot  
and for farmers only (100-300 metres)  
 Risk zone (300-1000) metres.

#### Boundaries

Green line  
 Governorate boundary  
 Coast line  
 Bull-up Area  
 Refugee camp

#### Roads

Main road  
 Regional road

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

4.1.17 Israel continues to periodically launch airstrikes in Gaza targeting specific sites in retaliation to the weekly protests, mortar and rocket attacks by Hamas and attacks or killings of Israeli soldiers. The strikes sometimes

resulted in deaths and injuries of tens of individuals<sup>26</sup> <sup>27</sup>. ACLED observed that following international condemnation of its use of force against demonstrators, Israeli forces have begun to use non-lethal airstrikes on Hamas infrastructure to pressure the group to control the border protests that have occurred since March 2018<sup>28</sup>.

4.1.18 In addition to the protests and Israeli retaliatory strikes, there are reports of localised clashes between Palestinians and Israeli forces, and within Palestinian factions. The UN SG noted that between September 2017 and August 2018: ‘Stabbings and shootings by Palestinians targeting Israelis and clashes between Palestinians and Internal Security Forces, also continued to claim lives. Aside from the demonstrations in Gaza, 87 Palestinians were killed throughout the Occupied Palestinian Territory, four were perpetrators or alleged perpetrators of attacks in the West Bank and more than 3,000 Palestinians were injured during the reporting period. Five Israeli civilians and six security forces personnel were killed, and more than 70 Israelis, civilians and security forces personnel were injured.’<sup>29</sup>

4.1.19 Further information about the security situation may be available:

- [UN Secretary General reports](#)
- Reports of the [UN Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967](#)
- [UN OCHA casualties reports](#)
- ACLED [analyses](#) and [dashboard](#) of events

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## 4.2 International recognition of the ‘State of Palestine’

### 4.2.1 DFAT observed:

‘On 29 November 2012, the UN General Assembly upgraded the status of “Palestine” to “non-member observer”. The UN has recognised Mahmoud Abbas, the President of the Palestinian Authority (which currently controls the West Bank), as the head of state of “Palestine” since September 2013. On 30 September 2015, the Palestinian flag was raised at the UN Headquarters in New York for the first time. Australia, among other countries, has not recognised a “State of Palestine”.<sup>30</sup>

### 4.2.2 The HofC Briefing Paper also noted:

‘The OPTs do not presently meet the criteria for statehood under international law. However, this fact does not inhibit other states from granting diplomatic recognition to “Palestine” if they so wish. Out of 193 UN

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<sup>26</sup> The Independent, ‘Gaza conflict: Israeli military carries out dozens of airstrikes...’, 20 July 2018, [url](#); The Telegraph, Violence flares..., 14 July 2018, [url](#); Al Jazeera, Israeli air raids kill Palestinians..., 25 July 2018, [url](#); The Guardian, Terrifying night..., 9 August 2018, [url](#); BBC News, Gaza air strikes..., 9 August 2018, [url](#)

<sup>27</sup> USSD Country Report: Israel, Golan Heights, West Bank & Gaza 2017 20 April 2018 [url](#).

<sup>28</sup> ACLED, Recent non-lethal Israeli airstrikes in Gaza... circa June 2018, [url](#)

<sup>29</sup> UN Security Council, Report of the Secretary General (para 24), 27 August 2018, [url](#)

<sup>30</sup> (DFAT) ‘Thematic Report’ Recent History, paras 2.1 -5, 15 March 2017 [url](#).

Member States, 136 have granted diplomatic recognition to Palestine, though most Western countries have not. However, this is beginning to change. Sweden recognised Palestine on 30 October 2014, and in a number of countries which have not yet recognised Palestine (including the UK), national Parliaments have passed motions (albeit non-binding ones) calling on their governments to do so.<sup>31</sup>

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#### 4.3 Overview of 2017-2018

##### 4.3.1 Human Rights Watch, in their World Report, 2018 (events of 2017) noted:

‘The Israeli government continued to enforce severe and discriminatory restrictions on Palestinians’ human rights; restrict the movement of people and goods into and out of the Gaza Strip; and facilitate the unlawful transfer of Israeli citizens to settlements in the occupied West Bank. Punitive measures taken by the Palestinian Authority (PA) exacerbated the humanitarian crisis in Gaza caused by the closure enforced by Israel. The PA in the West Bank and Hamas in Gaza escalated crackdowns on dissent, arbitrarily arresting critics, and abusing those in their custody…

‘Israel operates a two-tiered system in the West Bank that provides preferential treatment to Israeli settlers while imposing harsh conditions on Palestinians. While settlements expanded in 2017, Israeli authorities destroyed 381 homes and other property, forcibly displacing 588 people as of November 6, [2017] in the West Bank, including East Jerusalem, as part of discriminatory practices that reject almost all building permit applications submitted by Palestinians.

‘Israel continued to maintain its decade-long effective closure of Gaza, exacerbated by Egypt’s keeping its own border with Gaza largely sealed, and to impose restrictions that limit supply of electricity and water, restrict access to medical care and educational and economic opportunity, and perpetuate poverty. Approximately 70 per cent of Gaza’s 1.9 million people rely on humanitarian assistance.’<sup>32</sup>

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## 5. Geography and demography

### 5.1 Population and areas of political administration

#### 5.1.1 The DFAT report of 15 March 2017 noted:

‘The Palestinian Territories are divided into two geographical areas; the West Bank and the Gaza Strip. The West Bank is approximately 5,860 square kilometres in area and has a population of 2.7 million (not including approximately 500,000 Israeli settlers residing in the West Bank and east Jerusalem). The West Bank is landlocked and lies between Israel and Jordan. The Gaza Strip is approximately 360 square kilometres and has a young and growing population of 1.8 million, with over 70 per cent of the

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<sup>31</sup> House of Commons Library, ‘Recent Developments in the OPT’ 20 March 2017. [url](#).

<sup>32</sup> HRW: Israel & Palestine Events of 2017 [url](#).

population under 29 years of age. The Gaza Strip lies between Israel, Egypt and the Mediterranean Sea.

‘The Oslo Peace Accords divided the West Bank into three areas. Area A comprises 18 per cent of the West Bank and is under Palestinian Authority civil and security control. Area B comprises 21 per cent of the West Bank and is under Palestinian Authority civil administration and Israeli security control. Area C, comprising the remaining 61 per cent, is under Israeli civil and security control.

‘Israel and the Palestinian Territories both claim Jerusalem as their capital. Prior to 1967, the city was divided into west Jerusalem (under Israeli control) and east Jerusalem (under Jordanian control). Israel now has civil and security control of all of Jerusalem after taking control of east Jerusalem in 1967 and formalising its annexation by law in 1980. Palestinians in Jerusalem have a special residency permit, issued by Israeli authorities, which allows them to work and reside there...’<sup>33</sup>

5.1.2 The HofC briefing provided more detail about the division and control of Jerusalem and Hebron, which geographically sit in the West Bank:

‘For a range of complex socio-political reasons, neither Hebron nor East Jerusalem were included in Area A, B or C. Whilst East Jerusalem is part of the West Bank (unlike West Jerusalem, which is part of Israel), Israel has – ever since 1967 – chosen to regard all of Jerusalem as a part of its own territory. It therefore remains under full Israeli control. The city of Hebron, meanwhile, has since 1997 been divided into two areas, known as H1 and H2. H2 is under full Israeli control and contains a number of “restricted areas” where the activities of Palestinians are heavily constrained. On many streets in these areas, Palestinian vehicles are prohibited; some streets are off limits to all Palestinians, including pedestrians.’<sup>34</sup>

5.1.3 A UNOCHA, February 2011, map showing the zones of the West Bank<sup>35</sup> :

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<sup>33</sup> (DFAT) ‘Thematic Report’ Recent History, paras 2.1 -5, 15 March 2017 [url](#).

<sup>34</sup> House of Commons Library, Recent Developments in the OPTs (p9) ,20 March 2017, [url](#).

<sup>35</sup> Al Jazeera America, Maps: The occupation of the West Bank, 7 July 2014 [url](#)



United Nations Office for the Coordination of Humanitarian Affairs  
**occupied Palestinian territory**  
**West Bank: Area C Map**

February 2011



5.1.4 DFAT described the breakdown of various political units in the OPTs:

‘The Palestinian Territories are divided into 16 governorates, led by Governors; 11 in the West Bank (Nablus, Qalqilya, Tubas, Salfit, Tulkarm, Jenin, Jericho, Ramallah, Bethlehem, Hebron and Jerusalem) and five in the Gaza Strip (North Gaza, Gaza City, Deir el-Balah, Khan Yunis and Rafah). The governorates are supervised by the Ministry of the Interior. The Governors are directly appointed by the President of the PA and they are responsible for the police force within their jurisdiction and the delivery of some state services such as health and education.

‘The governorates are further divided into municipalities, each administered by a Mayor. Municipalities are supervised by the Ministry of Local Government. There are 141 municipalities (116 in the West Bank and 25 in the Gaza Strip). Mayors are responsible for the delivery of key infrastructure such as public markets, local transport, water, electricity, sewerage, waste management and a range of other areas such as town planning, construction licensing and health monitoring.

‘Municipalities contain villages. Villages are administered by a village council, of which there are 275 across the Palestinian Territories.’<sup>36</sup>

5.1.5 For maps of the OPTs see:

- House of Commons briefing, pages 8 and 9
- [UN OCHA maps](#)

5.1.6 For more data about populations and other statistics, see the [Palestinian Central Bureau of Statistics](#).

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## 5.2 Ethnicity and languages

5.2.1 The DFAT report stated:

‘Palestinian Arabs are the majority ethnic group in the Palestinian Territories, making up essentially all of the population in the Gaza Strip and the majority of the population in the West Bank. The remainder of the population in the West Bank are Bedouin (not including Israeli settlers). The official language of the Palestinian Territories is Arabic, but English is widely used in official communication. Hebrew is also spoken by many Palestinians in the West Bank....<sup>37</sup>

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## 5.3 Religion

5.3.1 The DFAT report noted:

‘In principle, Palestinian society describes itself as secular but Article 4 of the Palestinian Basic Law states that Islam (Sunni) is the official religion while maintaining ‘respect for the sanctity of all other divine religions’. Article 18 guarantees ‘freedom of belief, worship and the performance of religious functions, provided public order or public morals are not violated’.

<sup>36</sup> DFAT, ‘Thematic Report’ (paras 2.38-2.39), 15 March 2017 [url](#)

<sup>37</sup> (DFAT) ‘Thematic Report’ Recent History, paras 2.1 -5, 15 March 2017 [url](#)

'Ninety-eight per cent of people living in the Palestinian Territories (excluding Israeli settlers) identify as Sunni Muslim. Although Shia were present in small numbers in historical Palestine (pre-1948), today there are very few; Shia today are generally recent converts residing in Gaza who cite political alignment with Lebanon's Hezbollah and Iran as reasons for their conversion. Christianity is the main minority religion practiced in the Palestinian Territories. Relations between Muslims and Christians are generally harmonious, with each group preferring to focus on their shared identity as Palestinians rather than their religious differences. There is no official data on the presence of atheists or agnostics in the Palestinian Territories. Palestinians are required to include their religion on their identification cards.

'The principles of Islamic Sharia are dominant in the legislation of the Palestinian Territories. Personal status laws, which govern marriage, divorce, child support and inheritance, are based wholly on religious laws; Sharia applies for Muslims and Christians apply the established laws of their respective ecclesiastical systems.'<sup>38</sup>

5.3.2 For more information about religious groups see the [USSD International Religious Freedom report for 2017](#).

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#### 5.4 Societal and family structures

5.4.1 A review of Palestinian social structure posted on MePeace.org, stated:

'Palestinian society was historically tribal and familial in nature and is based on a system of clans and 'notable families'. They share similar extended familial attributes, behavioural obligations (especially on males), informal networks, and honour-shame cultural systems...'

'Of the three clan-like structures in Palestinian society, actual tribes are the least politically and socially important. Here, tribes refer to descendants of nomadic and semi-nomadic Bedouin populations...'

'Tribes in Gaza are organized into six tribal confederations, or saffs, with each confederation made up of at least a dozen individual tribes (asha'ira). The tribal confederations in Gaza are the Hayawat, Tarabeen, Tayaha, Ijbara, Azazma, and Jahalin. Tribes in the West Bank are more geographically isolated and are based primarily in the hill country to the east of Hebron. There are scatterings of small tribes east of Jerusalem and on the western flank of the Jordan Valley as well. Not coincidentally, tribes in the West Bank are located in territory that has historically not been suitable for agricultural production.'<sup>39</sup>

5.4.2 The review noted the importance of clans, stating:

'The clan structure in Palestine is far more consequential than the Bedouin tribes, and has become even more important since the breakdown of the Palestinian Authority structures during the second uprising, or intifada al-Aqsa, beginning in 2000. A clan, or hamula (plural: hama'il), will consist of at

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<sup>38</sup> DFAT 'Thematic Report' (paras 3.3 – 3.5), 15 March 2017 [url](#)

<sup>39</sup> MePeace.org – 'Palestinian Tribes, Clans and Notable Families' Posted 31 May 2009 [url](#).

least several extended families (a'ila) claiming a shared ancestry, and linked through the father's male line. Each extended family will generally include male first and second cousins, the women they marry, and the children of that union. Female children who marry outside of the hamula (and their children) then belong to the other hamula. Their nasab, or "relationship in law", will bind them to a new hamula...

'Clans have served several historical functions that have contributed to their survival in the modern period. First, clans are a source of individual and family security. Outsiders will think twice before attacking a member of a clan, particularly a powerful hamula, knowing that revenge (tha'ir) will be taken. Where states are strong and can reliably protect citizens, clans weaken; where states are weak, clans are strong. This has become the central reason why Palestinian clans have flourished both under Israeli occupation and under conditions of PA breakdown...

'The economic justification for clan organization has now shifted from shared cultivation of mush'a lands to shared financial wellbeing in desperate economic times. Numerous clans have, in recent years, established foundations, NGOs, or other institutional tools to jointly manage finances and investments across the hamula. Particularly in Gaza, such clan-based management and distribution of wealth has been essential to the survival of individual households where employment is scarce and savings often non-existent...

'A third continuing impetus for the strength of Palestinian clans besides security and economic rationales is social: clans provide an important source of spouses in a society where half of all marriages are to cousins, and more broadly, a trusted network for all social occasions.

'The formal cement that ties together clan members is a mithaq al-sharaf, or code of honour, which is binding on all male members. The mithaq is often a formal written agreement, pages long, that ties together all the disparate families that constitute the hamula. They pledge not only their loyalty to each other but agree that an attack, (physical or honour based) on one member constitutes an attack on all members of the hamula. Given that Palestinian society shares the honour-shame social system common to Mediterranean countries, individual members cannot easily violate this code without dishonouring themselves and their families. It is a powerful social glue, especially in the absence of a functioning state that can provide public security. Absent such a state, the code of vendetta and revenge often becomes dominant.'<sup>40</sup>

#### 5.4.3 The third sub-grouping of Palestinian society is the notable family. The review described this...

'... clan-like grouping in Palestine in the urban elite notable family, a social formation typical throughout the Arab lands of the Ottoman Empire. Many of the most well-known and prominent Palestinian families come from this notable, or a'yan, social class: Husayni, Nashashibi, Dajani, Abd al-Hadi, Tuqan, Nabulsi, Khoury, Tamimi, Khatib, Ja'bari, Masri, Kan'an, Shaq'a, Barghouthi, Shawwa, Rayyes, and others. These are extended families that

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<sup>40</sup> MePeace.org – 'Palestinian Tribes, Clans and Notable Families' Posted 31 May 2009 [url](#).

dominated Palestinian politics until the 1980s and are still relatively prominent today.

'Most notable families aligned with Fatah politically with the establishment of the Palestinian Authority in 1994. In addition, some notable families were independent politically, but assumed a mainstream nationalist posture consistent with Fatah's ideology under the Oslo accords. Notable families have an interest in stability and a relatively effective state as only under these circumstances can notables use their superior skills sets (education and resources) to maximum advantage.'<sup>41</sup>

5.4.4 For a regional list of tribes, clans and notable families, see the article referenced above.<sup>42</sup>

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## 6. Economy

### 6.1 Overview

6.1.1 The Australian DFAT report summarised its assessment of the economic situation in the OPTs, including Gaza:

'The Palestinian economy is volatile. It is heavily reliant on foreign aid, vulnerable to spikes in conflict and is directly affected by the political situation at any given time. Overall, the Palestinian Territories are classified by the World Bank as lower middle-income with a GDP of USD12.7 billion and a [gross national income] GNI per capita of USD3,060. The UNDP's Human Development Index ranked the Palestinian Territories 113 out of 188 countries in 2015, placing it in the 'medium human development' category. The International Monetary Fund (IMF) reported that growth across the Palestinian Territories in 2016 was around 3.3 per cent...'

'The economy in Gaza is closed and stagnant due to Israel's blockade and the international community's economic sanctions against Hamas. Gaza's 5.5 per cent growth rate in 2016 was heavily dependent on the reconstruction activity following the 2014 conflict. The poverty rate in Gaza was 39 per cent in 2014, which was over double the poverty rate of the West Bank. Almost 80 per cent of Gaza's population is dependent on aid. According to the IMF, real GDP in Gaza is unlikely to reach pre-2014 conflict levels before 2018.'

'The movement of people and goods in and out of Gaza is restricted by Israel and Egypt due to security concerns and has reduced economic activity and livelihoods. Israel's maritime blockade of Gaza has affected the fishing industry, which was traditionally a key source of income. Gaza's fishing boats are restricted from venturing beyond six nautical miles (11.1 kilometres) from the shoreline, heavily constraining commercial fishing. Access to external markets and the flow of economic goods in and out of the West Bank through Israel is also restricted. Under the Protocol on Economic Relations (also known as the Paris Protocol), signed by Israel and the Palestinian Territories following the Oslo Accords, Israel collects revenues

<sup>41</sup> MePeace.org – 'Palestinian Tribes, Clans and Notable Families' Posted 31 May 2009 [url](#)

<sup>42</sup> MePeace.org – 'Palestinian Tribes, Clans and Notable Families' Posted 31 May 2009 [url](#)

(including import taxes and value added tax) on behalf of the Palestinian Authority and transfers them on a monthly basis. In the first quarter of 2015 Israel withheld all transfers and according to the World Bank, the Palestinian Authority loses USD285 million annually under the arrangement.<sup>43</sup>

6.1.2 The UN report, 'Gaza Ten Years Later', noted:

'In addition to the impact of the violent Hamas takeover and ensuing Israeli measures imposed in 2007, three rounds of armed hostilities between Israel and Hamas – with the most devastating round in 2014 – have dealt repeated blows to the Gazan economy and damaged essential infrastructure. As a result, the past three years have been focused mainly on the reconstruction of conflict-damages, drawing attention away from the desperate needs that Gaza faced even before the conflict in 2014. Huge reconstruction needs triggered an easing in imports of construction material to Gaza, particularly through the temporary Gaza Reconstruction Mechanism (GRM), but access to material necessary to allow the Gazan economy to recover and expand remains highly restricted.

'Despite the warnings issued by the UN in 2012, Gaza has continued on its trajectory of de-development, in many cases even faster than the UN had originally projected. Ongoing humanitarian assistance and international service delivery, especially through UNRWA's services, are helping slow this descent, but the downward direction remains clear.'<sup>44</sup>

6.1.3 The DFAT Report noted 'The Palestinian Authority has faced accusations of corruption and embezzlement of public funds. The Palestinian Territories are not included in Transparency International's (TI) Corruption Perception Index but TI's Global Corruption Barometer for 2016 focused on the Middle East and North Africa region and included survey results from the Palestinian Territories. Seventy per cent of people surveyed in the Palestinian Territories felt that corruption had increased in the past 12 months, but only 13 per cent of Palestinians reported paying a bribe for access to public services, compared to the regional average of 30 per cent. The Palestinian Authority has an Anti-Corruption Commission and the Coalition for Integrity and Accountability (a group of Palestinian NGOs), works closely with TI to monitor and report corruption issues. Neither body has enforcement powers.'<sup>45</sup>

6.1.4 The UN Special Coordinator for the Middle East Peace Process (UNSCO) identified that the key constraints for Palestinian social and economic development were the continuing Israeli occupation and the unresolved Israeli-Palestinian conflict. To this was added restrictions on freedom of movement, restricted access to water, energy, natural resources, financial capital, and the ongoing Palestinian internal political divisions<sup>46</sup>.

6.1.5 In 2018, the World Bank reported:

'The lack of progress towards peace and reconciliation creates an unsustainable economic situation. Donor support has significantly declined,

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<sup>43</sup> DFAT, 'Thematic Report' Economic Overview, paras 2.11-2.15 March 2017, [url](#)

<sup>44</sup> United Nations: 'Gaza Ten Years Later' chap. 2 July 2017 [url](#).

<sup>45</sup> DFAT 'Thematic Report' Recent History, paras 2.15, 15 March 2017 [url](#).

<sup>46</sup> OSCME: 'Report to the Ad Hoc Liaison Committee' 18 September2017 [url](#).

and a financing gap persists despite the PA's fiscal performance having improved in 2017. The Palestinian internal polity remains divided between Gaza and the West Bank, with grave uncertainty about the reconciliation process.

'Initial recovery from the 2014 war in Gaza has ended a short-lived growth spurt resulting in the deterioration of economic conditions. A recent liquidity squeeze in Gaza has led to a rapid collapse in humanitarian conditions, including access to medical treatment, electricity, and clean water.

Unemployment is at high at 27 percent. Only 41 percent of those ages 15 to 29 are active in the labour market. Despite a low participation rate, unemployment amongst this category reached a staggering 60 percent in Gaza. The West Bank and Gaza ranked 114th out of 190 economies in the 2018 Doing Business report—26 spots better from the 2017 ranking (140th).'<sup>47</sup>

6.1.6 Human Rights Watch reported that restrictions on the movement of people and goods into and out of the Gaza Strip, along with restrictions on the supply of electricity, water, access to medical, educational and economic opportunities, together with expropriation of private Palestinian land, and preferential treatment for Israeli settlers, all contribute to depression of the economy in the Gaza Strip and the West Bank<sup>48</sup>.

6.1.7 The World Bank's economic outlook for the West Bank and Gaza, 2018 stated:

'The economic outlook for the Palestinian territories is worrying with GDP growth expected to decline to 2.5 percent in 2018 from 2.7 percent in 2017. Under a baseline scenario that assumes persistence of the Israeli restrictions and the internal divide between the West Bank and Gaza, real GDP growth of the Palestinian economy is projected to decline to 2.3% over the next two years. This modest growth implies a decline in real per capita income and an increase in unemployment.'<sup>49</sup>

6.1.8 More information about the socio-economic situation can be found on the websites of:

- [The World Bank](#)
- [International Monetary Fund](#)
- CIA World Factbook - [West Bank](#) and [Gaza Strip](#)

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## 6.2 Employment

6.2.1 DFAT report noted:

'Unemployment, especially youth unemployment, is high and rising. According to the World Bank, the overall unemployment rate in 2016 was 27 per cent, an increase from 25 per cent in 2015. The unemployment rate in the West Bank is 17 per cent. In Gaza, overall unemployment is 41 per cent

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<sup>47</sup> World Bank: West Bank & Gaza April 2018 [url](#).

<sup>48</sup> HRW: World Report 2018 – Israel and Palestine 18 January 2018 [url](#).

<sup>49</sup> World Bank: West Bank & Gaza April 2018 [url](#).

and the youth unemployment rate is 65 per cent. Across the Palestinian Territories labour force participation is 45.7 per cent and women's participation in the workforce is low at 15.4 per cent.

'Restrictions on freedom of movement and goods impact on Palestinian employment opportunities. Palestinian 'day workers' move in and out of Israel, both legally and illegally, each day seeking work, mostly in construction. Access to this employment is unreliable and fluctuates depending on the security situation... There are few protections for day workers, especially illegal ones who receive low pay and no safety insurance. The Palestinian Authority provides healthcare, social insurance and pensions for legal Palestinian day workers but is dependent on Israel to transfer these overheads, which are deducted by Israel from the salaries of Palestinian workers.

'DFAT assesses that high unemployment, poverty and a lack of economic opportunity are significant motivating factors behind outward migration from the Palestinian Territories.'<sup>50</sup>

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## 7. Healthcare

### 7.1.1 DFAT reported that

'According to the World Bank, life expectancy in the Palestinian Territories is 73 years. The infant mortality rate is 21 per 1,000 births and all births are attended by a skilled health worker. According to the Palestinian Central Bureau of Statistics, the fertility rate in 2013 was 3.7 in the West Bank and 4.5 in Gaza. In comparison, the 2014 fertility rate in Australia was 1.9.

'The health sector in both the West Bank and the Gaza Strip is overstretched, with inadequate physical infrastructure and severe shortages of essential medication, especially in Gaza. Health services are provided by the Palestinian Authority, NGOs, private clinics and UNRWA. UNRWA manages 22 primary health facilities in Gaza and 42 in the West Bank and provides support for family planning, mental health and physical rehabilitation for victims of conflict. The UNRWA Environmental Health programme also controls the quality of drinking water and provides sanitation services to prevent disease outbreak.

'In 2012 UNRWA published a report predicting that Gaza will become an unliveable place by 2020 based on several factors that continue to remain of concern, including the rising population and declining access to water, sanitation and electricity. During January 2016, there were blackouts of up to 20 hours per day in Gaza due to deteriorating electricity supply. Malnutrition rates among children under five is on the rise, especially in Gaza where the rate between 2000 and 2010 increased by 60 per cent.

'Specialised care, for example cancer treatment, is limited in the Palestinian Territories. In some cases, Israeli authorities issue permits to enter Israel for humanitarian reasons, which include health emergencies. The Palestinian Authority Ministry of Health is able to refer patients to six specialty hospitals

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<sup>50</sup> DFAT, Thematic Report (paras 2.23-2.25), 15 March 2017 [url](#)

in the East Jerusalem Hospital Network provided Israeli humanitarian entry permits are obtained. It is difficult to travel to Israel or other countries to access specialised care.

‘Medical systems can be overwhelmed during periods of increased hostility. The World Health Organization (WHO) reported that in October 2015, during the wave of stabbing attacks in the West Bank and east Jerusalem, 3,500 people required treatment after Israeli authorities released tear gas on crowds and medical access to victims was hampered: 32 Palestinian Red Crescent Society ambulances were attacked and damaged while paramedics attempted to evacuate injured people.’<sup>51</sup>

7.1.2 The UN Special Rapporteur (UNSR) on the OPTs observed in his report of June 2018:

‘... [the political and geographical] fragmentation [of the OPTs]... splinters the delivery of Palestinian health services and deforms the social determinants of health throughout the Occupied Palestinian Territory. Because the Occupied Palestinian Territory lacks any reliable frontier with a neighbouring country, Israel completely controls the Palestinians’ external freedom of movement as well.

‘In the West Bank, health care is primarily delivered by the Palestinian Authority and UNRWA, while in Gaza, the governing authority and UNRWA are the principal providers of health services. Palestinian private health providers and Palestinian and international non-governmental organizations also play an important role in health delivery. Nonetheless, the extensive control exercised by the Israeli occupation over the daily lives and movements of the Palestinian population decisively and adversely affects the health services and health outcomes in those areas. In East Jerusalem, where the Israeli health-care system is available to the resident Palestinians, their standard of living and their access to health services is considerably inferior to that enjoyed by Jewish Israeli residents.’<sup>52</sup>

7.1.3 For information about the healthcare system see:

- The [World Health Organisation report, Right to health 2017](#)
- [Healthcluster website](#)
- [State of Palestine Ministry of Health – database of mental health and psychosocial support organisations](#)

7.1.4 See also UNWRA below for information about health services provided by that organisation to UNRWA-registered refugees.

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## 8. UNWRA

### 8.1 Overview

8.1.1 The UN Works and Relief Agency for Palestine Refugees in the Near East (UNWRA) website stated:

<sup>51</sup> DFAT, Thematic Report (paras 2.16-2.20), 15 March 2017 [url](#)

<sup>52</sup> UNSR, Human rights report 2017 (paras 34-35), 14 June 2018, [url](#)

‘Following the 1948 Arab-Israeli conflict, UNRWA was established by United Nations General Assembly Resolution 302 (IV) of 8 December 1949 to carry out direct relief and works programmes for Palestine refugees. The Agency began operations on 1 May 1950.

‘In the absence of a solution to the Palestine refugee problem, the General Assembly has repeatedly renewed UNRWA’s mandate, most recently extending it until 30 June 2017.’<sup>53</sup>

#### 8.1.2 The DFAT report noted:

‘The UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) provides economic, health and education support to around five million Palestinian refugees in the West Bank and the Gaza Strip and in neighbouring countries with large Palestinian refugee communities; Syria, Lebanon and Jordan. In the West Bank, there are 774,167 registered refugees, a quarter of whom live in one of the 19 camps administered by UNRWA in the West Bank. In the Gaza Strip, 70 per cent of the population are registered refugees. The eight camps administered by UNRWA in the Gaza Strip house around half a million of Gaza’s 1,258,559 refugees and have some of the highest population densities in the world.’<sup>54</sup>

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### 8.2 UNWRA funding

8.2.1 The UNWRA website stated: ‘UNRWA is funded almost entirely by voluntary contributions, mostly from government donors. The Agency is also generously supported by the European Union, regional governments and sister UN Agencies. Our partners and supporters also include community-based organizations, international NGOs, small local tech companies and large multinationals.’<sup>55</sup>

8.2.2 The New York Times reported that the US was the top donor country to UNWRA<sup>56</sup>, providing approximately a third of its approximate US\$1.2 billion budget in 2017<sup>57</sup>. The NYT also noted in January 2018 that the US administration intended to block further US funding to UNWRA until the Palestinian authorities agreed to ‘come back to the negotiating table’<sup>58</sup>. On 31 August 2018, the US State Department announced that:

‘The Administration has carefully reviewed the issue and determined that the United States will not make additional contributions to UNRWA. When we made a U.S. contribution of [US]\$60 million in January [2018], we made it clear that the United States was no longer willing to shoulder the very disproportionate share of the burden of UNRWA’s costs that we had assumed for many years. Several countries, including Jordan, Egypt,

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<sup>53</sup> UNWRA: ‘Palestinian Refugees’, undated, [url](#).

<sup>54</sup> DFAT ‘Thematic Report’ Recent History, paras 2.1 -5, 15 March 2017 [url](#)

<sup>55</sup> UNWRA, Our partners, undated, [url](#)

<sup>56</sup> New York Times, What is UNWRA..., 3 January 2018 [url](#)

<sup>57</sup> UNWRA, Overall donor ranking, undated, [url](#)

<sup>58</sup> New York Times: What is UNWRA..., 3 January 2018 [url](#)

Sweden, Qatar, and the UAE have shown leadership in addressing this problem, but the overall international response has not been sufficient.<sup>59</sup>

8.2.3 The UN Secretary General noted in his report of 26 August 2018 (prior to the US announcement) that:

‘The precarious financial situation of UNRWA remains of serious concern. On 15 March 2018, the Ministers for Foreign Affairs of Egypt, Jordan and Sweden co-chaired an extraordinary ministerial conference to provide sufficient, predictable and sustained funding to UNRWA, reaffirming support for its mandate and for overcoming the Agency’s unprecedented shortfall of [US]\$446 million. Despite recent crucial contributions, the shortfall remains at [US]\$217 million. I have warned that failing to address its funding shortfall will not only have serious humanitarian and developmental consequences, but also implications for regional stability. I call on all Member States to further support UNRWA in this regard.’<sup>60</sup>

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### 8.3 UNWRA-registered Palestinian refugees

8.3.1 The UNWRA website stated:

‘Palestine refugees are defined as “persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict.”

‘UNRWA services are available to all those living in its area of operations who meet this definition, who are registered with the Agency and who need assistance. The descendants of Palestine refugee males, including adopted children, are also eligible for registration. When the Agency began operations in 1950, it was responding to the needs of about 750,000 Palestine refugees. Today, some 5 million Palestine refugees [across the Middle East region] are eligible for UNRWA services’.<sup>61</sup>

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### 8.4 The role of UNWRA

8.4.1 UNWRA provides services and funding for those registered as Palestinian refugees in the Gaza Strip and the West Bank. Most of the population of the Gaza Strip receives aid from UNWRA. The agency acts effectively as a de facto government there, responsible for the majority of schools, health care facilities and some public services<sup>62</sup>.

8.4.2 The UNWRA website stated:

‘The West Bank is home to nearly 775,000 registered refugees, around a quarter of whom live in 19 camps. Most of the others live in West Bank towns and villages. Some camps are located next to major towns and others are in rural areas.

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<sup>59</sup> US State Department, On US Assistance to UNWRA, 31 August 2018, [url](#)

<sup>60</sup> UN Security Council, Report of the Secretary General (para 41), 26 August 2018, [url](#)

<sup>61</sup> UNWRA: ‘Palestinian Refugees’ [url](#).

<sup>62</sup> New York Times: ‘What is UNWRA’ Date of Report 3 January 2018 [url](#).

'While the West Bank has the largest number of recognized Palestine refugee camps in the five UNWRA fields, the largest of them, Balata, has a population similar to that of the smallest camp in Gaza...

- '809,738 registered Palestine refugees
- '19 camps
- '96 schools, with 48,956 pupils
- '2 vocational and technical training centres
- '43 primary health centres
- '15 community rehabilitation centres
- '19 women's programme centres'<sup>63</sup>

#### 8.4.3 The UNWRA website also provided the following about its activities in Gaza:

'The Gaza Strip is home to a population of approximately 1.9 million people, including 1.3 million Palestine refugees...

'Years of conflict and blockade have left 80 per cent of the population dependent on international assistance... The number of Palestine refugees relying on UNRWA for food aid has increased from fewer than 80,000 in 2000 to almost one million today.

'Over half a million Palestine refugees in Gaza live in the eight recognized Palestine refugee camps, which have one of the highest population densities in the world.

'Operating through approximately 12,500 staff in over 300 installations across the Gaza Strip, UNRWA delivers education, health and mental health care, relief and social services, microcredit and emergency assistance to registered Palestine refugees.

'On 7 July 2014, a humanitarian emergency was declared by UNRWA in the Gaza Strip, following a severe escalation in hostilities, involving intense Israeli aerial and navy bombardment and Palestinian rocket fire... UNRWA mounted an extraordinary response during the 50 days of hostilities which highlighted its unique position as the largest UN organization in the Gaza Strip and the only UN Agency that undertakes direct implementation.

'The human, social and economic costs of the last hostilities are sit [sic] against a backdrop of a society already torn by wide-spread poverty, frustration and anger, heightening vulnerability and political instability... In recent years, UNRWA has made significant improvements to its services in Gaza, such as its schools of excellence and excellent health services initiatives. It also better targets its assistance to the poorest of the poor through the implementation of a proxy-means tested poverty survey.

UNRWA continues to:

- 'Improve the academic achievement, behaviour and values of school students

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<sup>63</sup> UNWRA, 'Where we work', West Bank, December 2016, [url](#)

- ‘Construct desperately needed infrastructure, including schools and shelters
- ‘Improve the quality and targeting of its food and cash assistance to the poorest of the poor
- ‘Promote gender equality and human rights for all
- ‘Nurture entrepreneurship by supporting the private sector’<sup>64</sup>.

8.4.4 The website also provided the following data about its activities in Gaza:

‘1.3 million registered refugees out of 1.9 million total population (approximately 70 per cent)

‘8 refugee camps

‘Almost 12,500 staff

‘267 schools for over 262,000 students

‘21 health centres

‘16 relief and social services offices

‘3 micro-finance offices

‘12 food distribution centres for almost one million beneficiaries’<sup>65</sup>

8.4.5 More information about UNRWA’s activities in the OPTs is available on its website.

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## 9. Political system

9.1 Constitution

9.1.1 Palestine does not have a formal Constitution<sup>66</sup>. However, the Palestinian Basic Law is recognised as serving as a de facto constitution<sup>67</sup>.

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9.2 Political process

9.2.1 DFAT observed:

‘In theory, the Palestinian Territories has a mixed presidential and parliamentary political system. In practice, the governance system is complex and has changed several times since 1949. Some governance mechanisms are currently suspended; the Palestinian Basic Law provides for democratic elections, but a Palestinian Legislative Council election has not been held since 2006 (according to Article Four of the 2007 Elections Law they should be held every four years). The Palestinian governance system is also unique in that it has very limited control of land, water and

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<sup>64</sup> UNRWA, ‘Where we work’, Gaza Strip, 31 October 2016, [url](#)

<sup>65</sup> UNRWA, ‘Where we work’, Gaza Strip, 31 October 2016, [url](#)

<sup>66</sup> The Palestinian Basic Law: 2003 18 March 2003, [url](#).

<sup>67</sup> The Palestinian Basic Law: 2005 Amendment to the Basic Law, undated, [url](#)

markets. The Palestinian Basic Law is the de facto constitution of the Palestinian Territories....’<sup>68</sup>

9.2.2 DFAT also noted that:

‘The main political body in the Palestinian Territories is the Palestinian Authority (also referred to as the Palestinian National Authority), which was established by the Oslo Accords in 1994 and acts as an interim body with a restricted mandate in the West Bank and Gaza (however, the PA has not controlled Gaza since 2007). The PA cannot undertake final status negotiations... and does not control borders, currency or natural resources but does conduct some foreign relations.

‘The President of the PA (Abbas) is directly elected by Palestinians living in the Palestinian Territories (in theory, both the West Bank and Gaza, but Presidential elections have not taken place in the Palestinian Territories since 2005 and Abbas has held the position since then). The President exercises executive powers. The President appoints the Attorney General, promulgates laws, and can issue decrees which have the force of law under Article 43 of Palestinian Basic Law. The President also appoints the Prime Minister. Article 36 of the 2005 amendment to the Palestinian Basic Law limits the presidency of the PA to four years, and no more than two consecutive terms (noting however that elections have not been held recently).

‘The current Prime Minister is Dr Rami Hamdallah. The Prime Minister forms, manages and presides over a Council of Ministers (maximum of 24 ministers) charged with devising and implementing general policies, preparing the budget and implementing laws, and maintaining public order and internal security. Traditionally ministers have been from or closely linked to Fatah.’<sup>69</sup>

9.2.3 The USSD report for 2017 noted: ‘Although PA laws apply in the Gaza Strip, the PA did not have authority there. While the PA deployed personnel at Gaza’s border crossings in November [2017], Hamas continued to exercise de facto control of security and other matters.’<sup>70</sup>

9.2.4 Freedom House noted, in their World Report covering events in 2017, that the West Bank is under Israeli military occupation and is subject to the partial jurisdiction of the Palestinian Authority (PA), which is operating under an expired presidential mandate and has no functioning legislature... The PA itself has grown more authoritarian, engaging in crackdowns on the media and human rights activists who criticize its rule..<sup>71</sup> The same source observed that: ‘The PA lacks an elected executive and legislature, and its ability to implement policy decisions is limited in practice by direct Israeli military control over much of the West Bank, including the movement and travel of PA officials, staff, and related personnel and contractors. Israel periodically withholds the transfer of tax revenues to the PA.’<sup>72</sup>

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<sup>68</sup> DFAT, Thematic Report (para 2.26), March 2017, [url](#)

<sup>69</sup> DFAT, Thematic Report (paras 2.30-32), March 2017, [url](#)

<sup>70</sup> USSD Country Report: Israel, Golan Heights, West Bank & Gaza 2017 20 April 2018 [url](#).

<sup>71</sup> Freedom House, (FH) World Report 2018 – West Bank, January 2018, [url](#).

<sup>72</sup> FH, World Report 2018 – West Bank, January 2018, [url](#).

## 10. Political organisations and parties

### 10.1 Palestinian Liberation Organisation

#### 10.1.1 DFAT observed:

'The Palestine Liberation Organization (PLO) is an umbrella institution that represents all Palestinians, encompassing those that live in the Palestinian Territories and those that are living as migrants and refugees abroad. It was founded in 1964 and therefore pre-dates the Oslo Accords. The PLO is the highest decision-making body and legislative authority for all Palestinians and serves as the Palestinian national movement. It represents the 'State of Palestine' at the United Nations. In practice, there is significant overlap between the leadership and membership of the PLO and the Oslo Accords institutions outlined above (the PA and the PLC). For example, the current Chairman of the PLO, Mahmoud Abbas, is also President of the PA, the PLC, and the leader of Fatah. The PLO consists of various Palestinian factions including the pre-eminent Fatah party and a number of other factions such as the Popular Front for the Liberation of Palestine (PFLP), and the Democratic Front for the Liberation of Palestine (DFLP). It does not include Islamist militant factions such as Hamas or the Palestinian Islamic Jihad (PIJ). The PLO has a history of militancy and terrorism, but it renounced terrorism in 1988.'<sup>73</sup>

### 10.2 Fatah and Hamas

#### 10.2.1 The two main political factions in the OPTs are Fatah (the dominant party within the Palestine Liberation Front) and Hamas. Fatah and Hamas are both committed to ending the occupation but have different political agendas. Fatah supports the internationally backed two-state solution; Hamas refuses to recognise the State of Israel<sup>74</sup>.

#### 10.2.2 DFAT reported that:

'Fatah (Harakat al-tahrir al-watani al-Filastini—English: Palestinian National Liberation Movement) is a socialist, secular political party that was established by Yasser Arafat in 1959 and was led by him until his death in 2004. The current leader of Fatah, Mahmoud Abbas (Abu Mazen), is also the President of the Palestinian Authority... these dual roles give him considerable control and influence. Fatah has experienced periods of significant internal disunity since Abbas came to power in 2004. Fatah is the largest faction in the PA and Fatah's Central Committee, the party's highest decision-making body, is therefore a significant influence in the PA. The Central Committee is elected by General Conference, the first of which was held in 1963, and the latest (seventh) General Conference was held in 2016, at which President Abbas was re-elected as the Chairman of the Central Committee.'<sup>75</sup>

<sup>73</sup> DFAT, Thematic Report (paras 2.34-5), 15 March 2017 [url](#)

<sup>74</sup> House of Commons Library, 'Recent Developments...' 20 March 2017. [url](#).

<sup>75</sup> DFAT, Thematic Report (paras 2.2274-5), 15 March 2017 [url](#)

### 10.2.3 The same report also noted

'Hamas (Harakat al-Muqawamah al-Islamiyyah—English: Islamic Resistance Movement), an Islamist organisation and political party founded in 1987 as an offshoot of the Egyptian Muslim Brotherhood, won an outright majority of seats in Palestinian Legislative Council... elections in January 2006.

Following failed attempts at a Fatah-Hamas power-sharing government, Hamas violently took control of the Gaza Strip in 2007 and became the de facto authority in Gaza. Hamas' political leader is Khaled Mashal, who is currently exiled and living in Qatar. The Australian Government lists Hamas as a terrorist organisation.<sup>76</sup> The UK has also listed Hamas as a proscribed terrorist organisation since March 2001.<sup>77</sup>

### 10.2.4 Fatah and Hamas have previously attempted to reconcile their differences, with DFAT observing that:

'Fatah-Hamas reconciliation remains the subject of much speculation and debate. In May 2011 and again in May 2014, the two factions signed agreements for a transitional, technocratic (independent) government to be formed. The most recent national consensus government of 2014 collapsed in late 2015. In January 2017, Fatah and Hamas announced they would again attempt to form a national unity government and hold elections for the Palestinian National Council (see paragraph 2.36) but no timeline was set.'<sup>78</sup>

### 10.2.5 The UN Secretary General noted in his report of August 2018:

'On 12 October 2017, Palestinian factions signed an agreement, facilitated by Egypt, to allow the return of the Palestinian Government to Gaza, which could lead to reconciliation. The Gaza crossings were nominally handed over to the Palestinian Authority on 1 November, and public-sector employees recruited by the Palestinian Authority prior to 2007 registered in preparation for the establishment of a unified work force. Obstacles arose in subsequent talks, however, including over questions related to the full empowerment of the Palestinian Government in Gaza, the integration of public sector employees and the collection of revenue in Gaza. The process was also seriously challenged on 13 March 2018, when the convoy of Palestinian Authority Prime Minister Rami Hamdallah came under attack by the detonation of a roadside bomb in Gaza, which, lightly injured six people.'<sup>79</sup>

### 10.2.6 For information about political rights, including freedom of expression and assembly see:

- [DFAT report 2017](#)
- [USSD human rights report for 2017](#)
- [Freedom House's reports for 2017 \(West Bank and Gaza Strips\)](#)
- Refworld searches – '[Freedom of expression](#)' and '[Freedom of assembly and association](#)'

<sup>76</sup> DFAT, Thematic Report (paras 2.28), 15 March 2017 [url](#)

<sup>77</sup> Home Office: 'Proscribed Terrorist Organisations' 22 December 2017 [url](#)

<sup>78</sup> DFAT, Thematic Report (paras 2.29), 15 March 2017 [url](#)

<sup>79</sup> UN Security Council, SG Report (para 10), [url](#)

## 11. Security forces

### 11.1 West Bank

11.1.1 There are six separate PA security forces operating in the West Bank: the Palestinian Civil Police, the Palestinian National Security Force, the Military Intelligence Agency, the General Intelligence Service, the Preventive Security Organisation and the Presidential Guard. These security forces cooperate closely with the Israeli authorities to maintain peace and order in the West Bank.<sup>80</sup>

11.1.2 The Palestinian Civil Police has approximately 8000 officers, of whom 315 are women. Residents in Area C reportedly do not feel the PCP could provide protection to them, given their lack of jurisdiction in the Israeli-controlled area. Also, the Palestinian National Security Force, which has approximately 25,000 members, only has autonomy in Area A, limited involvement in Area B, and no role in Area C. This undermines its ability to provide protection for Palestinians.<sup>81</sup>

11.1.3 The USSD human rights report for 2017 noted that

'West Bank Palestinian population centres mostly fall into Area A, as defined by the Oslo-era agreements. In Area A, which contains 55 percent of the Palestinian population on approximately 18 percent of West Bank land, the PA has formal responsibility for security and civil control. Nevertheless, since the Second Intifada in 2002, Israeli security forces have regularly conducted security operations in Area A, often without coordinating with the [PA Security Force] PASF. These incursions, which increased at the outbreak of violence beginning in 2015, continued throughout the year. PA officials claimed Israeli incursions in Area A increased to approximately 50 per week in September. The PA has civil control, and the PA and Israel maintain joint security control of Area B territory in the West Bank, which contains 41 percent of the population on approximately 21 percent of the land. Israel retains full civil and security control of Area C, which comprises approximately 4 percent of the Palestinian population and 61 percent of the land of the West Bank. Approximately 400,000 Israelis live in Area C Israeli settlements.

'Six PA security forces operate in the West Bank. Several are under the PA Ministry of Interior's operational control and follow the prime minister's guidance. The Palestinian Civil Police have primary responsibility for civil and community policing. The National Security Force conducts gendarmerie-style security operations in circumstances that exceed the capabilities of the civil police. The Military Intelligence Agency handles intelligence and criminal matters involving PASF personnel, including accusations of abuse and corruption; it can refer cases to court. The General Intelligence Service is responsible for external intelligence gathering and operations. The Preventive Security Organization is responsible for internal intelligence gathering and investigations related to internal security cases (for example,

<sup>80</sup> (DFAT) Thematic Report Recent History, paras 2.1 -5, 15 March 2017 [url](#).

<sup>81</sup> (DFAT) Thematic Report Recent History, paras 2.1 -5, 15 March 2017 [url](#).

antiterrorism, weapons violations, and money laundering). The Presidential Guard protects facilities and provides dignitary protection. The [Independent Commission on Human Rights] ICHR continued to report accusations of abuse and torture at the hands of the PASF.

‘The PA maintained effective control over its security forces and has mechanisms to investigate and punish abuse and corruption’.<sup>82</sup>

#### 11.1.4 The USSD report for 2017 also noted:

‘The [Independent Commission on Human Rights] ICHR continued serving as the PA’s ombudsperson and human rights commission. The ICHR issued monthly and annual reports on human rights violations within PA-controlled areas; the ICHR also issued formal recommendations to the PA. The ICHR was generally independent but faced resource shortages that limited its ability to work effectively. Local and international human rights NGOs cooperated with the ICHR.’<sup>83</sup>

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### 11.2 Gaza Strip

- 11.2.1 Hamas maintains sophisticated internal security systems, and so can generally maintain law and order in Gaza. However, it does not operate in a transparent way, which makes it difficult to accurately assess its ability to provide protection<sup>84</sup>.
- 11.2.2 The UN Special Coordinator for the Middle East Peace Process warned in May 2018 that Gaza is facing a potential humanitarian and security crisis, due to a combination of factors, including an increase in illicit arms, militant activity by Hamas, the lack of control of Gaza by the Palestinian Government, and the restrictive closure regime<sup>85</sup>.
- 11.2.3 The USSD observed that: ‘In the Gaza Strip, Hamas forces exercised de facto control. Press and NGO reports suggested Hamas enforced strict control across all sectors of society. Impunity remained a problem. There were numerous instances when Hamas forces failed to prevent or deter violence, such as rocket attacks into Israel by rival Salafist groups.’<sup>86</sup>

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### 11.3 Human rights violations

- 11.3.1 Amnesty reported that during 2017, torture and other ill-treatment of detainees remained common and was committed with impunity by Palestinian police and security forces in the West Bank, and by Hamas police and security forces in Gaza. The Independent Commission for Human Rights (ICHR), Palestine’s national human rights institution, received hundreds of allegations of torture and other ill-treatment of detainees held in

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<sup>82</sup> USSD Country Report: Israel, Golan Heights, West Bank & Gaza 2017 20 April 2018 [url](#).

<sup>83</sup> USSD Country Report: Israel, Golan Heights, West Bank & Gaza 2017 20 April 2018 [url](#).

<sup>84</sup> DFAT, Thematic Report (para 2.1 -5), 15 March 2017, [url](#).

<sup>85</sup> UN News, “Gaza is on the brink...” warns UN envoy’, 30 May 2018, [url](#).

<sup>86</sup> USSD Country Report: Israel, Golan Heights, West Bank & Gaza 2017 20 April 2018 [url](#).

the West Bank and Gaza.<sup>87</sup> The USSD, Freedom House and Human Rights Watch also noted incidents of arbitrary arrest and detention, and ill-treatment including torture by the security forces including Israeli forces, in Gaza and the West Bank<sup>88 89 90 91</sup>.

11.3.2 However, DFAT observed that: 'DFAT assesses that reports of torture are consistent and plausible but is not aware of any evidence that suggests that torture is systematically or routinely undertaken by Palestinian authorities. People claiming to be victims of torture have limited avenues for seeking redress. They may also be reluctant to report the abuse for fear of further punishment.'<sup>92</sup>

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#### 11.4 Protection

##### 11.4.1 DFAT observed:

'DFAT assesses there is no law or government policy which hinders access to state protection on the basis of religion or ethnicity. Any citizen can exercise avenues of redress through the police, judiciary or the Independent Commission of Human Rights. In practice, these avenues may be limited given the variable influence of the PA in the different areas of the West Bank; the inability of Hamas to control all state functions in the Gaza Strip; and the reluctance of people to access state protection, given the overarching political and security situation.'<sup>93</sup>

11.4.2 The USSD Report covering 2017 noted that the PA and Israeli authorities took steps to address impunity or reduce abuses, but there were criticisms both did not adequately pursue investigations and disciplinary actions related to violations. Impunity was a major problem under Hamas<sup>94</sup>.

##### 11.4.3 The UN 'Gaza Ten Years Later' report stated:

'As the occupying power, Israel has obligations to the population and in particular to facilitate rapid and unimpeded passage of humanitarian relief for civilians in need.

'Provisions of international law relating to the conduct of hostilities are also relevant within the context of Gaza and must be respected by all parties to the conflict, including Hamas and other Palestinian armed groups. In particular, all parties have to respect the principles of distinction, proportionality and precaution...

'However, almost three years after the 2014 escalation in hostilities, serious concerns persist regarding the degree of accountability by the Israeli authorities and the absence of investigations by Palestinian authorities

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<sup>87</sup> Amnesty International: Palestine (State of) 2017-2018 22 February 2018 [url](#).

<sup>88</sup> USSD Country Report: Israel, Golan Heights, West Bank & Gaza 2017 20 April 2018, [url](#).

<sup>89</sup> HRW, Israel & Palestine 2017, January 2018, [url](#).

<sup>90</sup> FH, Freedom in the World 2018, West Bank, January 2018, [url](#)

<sup>91</sup> FH, Freedom in the World 2018, Gaza Strip, January 2018, [url](#)

<sup>92</sup> DFAT, Thematic Report (para 4.6), March 2017, [url](#)

<sup>93</sup> DFAT, Thematic Report (para 4.6), March 2017, [url](#)

<sup>94</sup> USSD Country Report: Israel, Golan Heights, West Bank & Gaza 2017 20 April 2018 [url](#).

concerning alleged violations of international humanitarian law and international human rights law, including allegations of war crimes.<sup>95</sup>

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## 12. Judiciary

### 12.1 Overview

12.1.1 The DFAT report notes that the judiciary in the OPTs is nominally independent, and individuals are given the right to a fair trial according to the Palestinian Basic Law. In practice, the judiciary has limited control over its own jurisdiction due to Israeli restrictions. Sharia law, ecclesiastical laws (Christian and Islamic) and inherited Jordanian, Ottoman and British laws are also included, and apply to personal status laws.<sup>96</sup>

12.1.2 The USSD report for 2017 noted:

'Israeli law provides for an independent judiciary, and the government generally respected Israeli civil courts' independence and impartiality. The ISF tried Palestinian residents of the West Bank accused of security offenses (ranging from rock throwing to membership in a terrorist organization to incitement) in Israeli military courts, which some NGOs claimed were inadequate and unfair. Israeli law defines security offenses to include any offense committed under circumstances that might raise a suspicion of harm to Israel's security and which the ISF believes may link to terrorist activity.'<sup>97</sup>

12.1.3 The DFAT Report assessed that the application of Palestinian law is generally effective and independent, except in highly politicised cases, but that it is undermined and constrained by Israeli-imposed barriers to freedom of movement, and Israeli civil and administrative restrictions<sup>98</sup>.

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### 12.2 West Bank

12.2.1 The West Bank has 37 courts, which are divided into Magistrates Courts, Courts of First Instance and Courts of Appeal. Over these is the High Judicial Council, which is a group of senior judges established in 2002 to oversee and improve the independence of the judicial system, and to propose judges, who are subsequently appointed by the President of the Palestinian Authority. The judiciary includes female judges and lawyers in the civil system, in addition to two female judges in the Sharia system. Free legal representation is available for those who cannot afford legal fees, but only in criminal cases, during the trial phase<sup>99</sup>.

12.2.2 The USSD report noted

'The PA basic law provides for an independent judiciary. The PA generally respected the judicial independence and impartiality of the High Judicial Council and maintained authority over most court operations in the West

<sup>95</sup> United Nations: 'Gaza Ten Years Later', chap. 7, July 2017, [url](#).

<sup>96</sup> DFAT, Thematic Report (para 4.6), March 2017, [url](#)

<sup>97</sup> USSD Country Report: Israel, Golan Heights, West Bank & Gaza 2017 20 April 2018 [url](#).

<sup>98</sup> DFAT, Thematic Report (para 5.8), March 2017, [url](#)

<sup>99</sup> DFAT, Thematic Report (para 5.6-7), March 2017, [url](#)

Bank. PA-affiliated prosecutors and judges stated that ISF prohibitions on movement in the West Bank, including Israeli restrictions on the PA's ability to transport detainees and collect witnesses, hampered their ability to dispense justice.

'Since 2011 the PA has mandated that Palestinian civilians appear before civilian courts. PA security services continued to pressure PA military justice court personnel to detain West Bank civilians charged with state security violations.

'The PA civil, magistrate, and religious courts handle civil suits in the West Bank and provide an independent and impartial judiciary in most matters. There were unconfirmed reports of various Palestinian political factions' attempting to influence PA judicial decisions. Palestinians have the right to file suits against the PA but rarely did so. Seldom-used administrative remedies are available in addition to judicial remedies. PA authorities did not always execute court orders.'<sup>100</sup>

#### 12.2.3 The Freedom House report covering events in 2018 noted:

'The PA judicial system is partly independent. The legal framework in the West Bank derives from Ottoman, British Mandate, and Jordanian law; Israeli law and military orders; and the PA's Basic Law and ordinary legislation. The PA courts are administered by the High Judicial Council, which consists of Supreme Court judges, the heads of appellate courts, the attorney general, and the deputy justice minister. Enforcement of judicial decisions is impeded by PA noncompliance as well as lack of Palestinian jurisdiction in so-called Area C, a portion of the West Bank—covering 60 percent of its territory but a small share of its Palestinian population—where the Israeli military exerts exclusive control. Israeli settlers are subject to the independent Israeli civilian courts. Palestinians can appeal Israeli military orders and actions before the Israeli Supreme Court.'<sup>101</sup>

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### 12.3 Gaza Strip

#### 12.3.1 In Gaza, Hamas acknowledges the Palestinian Basic Law, and the legal treaties signed up by the Palestinian Authority. It does not always apply them in practice<sup>102</sup>.

#### 12.3.2 The USSD Report noted that Hamas-appointed prosecutors and judges operated courts in the Gaza Strip, although the PA considered them illegal. No women served as criminal prosecutors in the Gaza Strip<sup>103</sup>

#### 12.3.3 The same report observed that:

'In the Gaza Strip, Hamas-appointed prosecutors and judges operated de facto courts which the PA considered illegal.

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<sup>100</sup> USSD Country Report: Israel, Golan Heights, West Bank & Gaza 2017 20 April 2018 [url](#).

<sup>101</sup> FH, Freedom in the World – West Bank 2018, January 2018 [url](#)

<sup>102</sup> DFAT, Thematic Report (para 5.5), March 2017, [url](#)

<sup>103</sup> USSD Country Report: Israel, Golan Heights, West Bank & Gaza 2017 20 April 2018 [url](#).

'Gaza residents can file civil suits. Unofficial, anecdotal reports claimed some Gaza courts operated independently of the Hamas government and were at times impartial. HRW reported Hamas internal security regularly tried civil cases in military courts.'<sup>104</sup>

12.3.4 HRW, reporting on events in 2017, noted that 'Gaza's civilian authorities executed three men in April convicted of collaboration with Israel and three men in May convicted of killing a Hamas leader after trials rife with due process violations, including reliance on confessions in a system where coercion and torture are prevalent.'<sup>105</sup>

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## 13. Media

13.1.1 The BBC News website reported:

'Television is the main source for news and information in the Palestinian areas.

'The media environment reflects the rivalry between Fatah, which controls the West Bank, and Hamas, which controls the Gaza Strip.

'The key broadcasting outlets are the Palestinian Authority's PBC and Hamas's Al-Aqsa Media Network, each of which runs TV and radio stations.

'There are dozens of private broadcasters. Pan-Arab satellite TVs, including Qatar's Al-Jazeera, are popular.

'Newspapers include pro-Palestinian Authority titles and a pro-Hamas daily.

"Interrogations and detention without any charge are part of the price that journalists pay for the political rivalry between Fatah and Hamas," says Reporters Without Borders (World Press Freedom Index, 2017).

'It says "political tension combined with harassment by the Israeli authorities complicates the work of Palestinian journalists so much that many of them censor themselves".

'Internet World Stats website puts online penetration at just over 61%, around 3 million users.

'Mobile internet access is provided by operators Jawwal and Wataniya. Services require Israeli approval; 3G was introduced in the West Bank in early 2018 but not in the Gaza Strip, and 4G is yet to be rolled out.'<sup>106</sup>

13.1.2 Further information about the media environment and freedom expression (see Political system above) see:

- [USSD human rights report for 2017](#)
- [Reporters with Borders - Palestine](#)
- [DFAT report 2017](#)
- Freedom House – [Freedom in of the Press 2017](#)

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<sup>104</sup> USSD Country Report: Israel, Golan Heights, West Bank & Gaza 2017 20 April 2018 [url](#).

<sup>105</sup> HRW: Israel & Palestine 2017 [url](#).

<sup>106</sup> BBC News, Palestinian territories profile – media, 30 January 2018, [url](#)

- Refworld search – [‘Freedom of expression’](#)

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## 14. Civil society

### 14.1.1 The Civil Society monitor in April 2018 observed:

‘Unfortunately, the continuing effects of Israeli occupation, combined with the degradation of Palestinian institutions of state since the formation of the [Palestinian National Authority] PNA, have resulted in the uneven and arbitrary application of the Palestinian NGO law (and indeed a decline in the rule of law generally). The split between Fatah and Hamas that took place in the wake of the 2006 parliamentary elections resulted in a de facto separation between the West Bank and the Gaza Strip. Arbitrary punitive acts, including the forced dissolution of NGOs or replacement of their boards, have reportedly been undertaken against Hamas-affiliated NGOs in the West Bank and against Fatah-affiliated NGOs in the Gaza Strip.

‘Although Hamas and Fatah signed a reconciliation agreement in April 2014 and formed a unified government, manifestations of the division between the two sides continue to adversely affect Palestinian NGOs. Along with continued restrictions on their activities, this has led to a decline in NGOs’ ability to provide vital services that benefit society in general and marginalized groups in particular.’<sup>107</sup>

### 14.1.2 The same source noted that NGOs have to register with the Department of the Ministry of Interior (MOI) and that there were, according to the MOI, in 2016 3,600 registered NGOs (2,800 in the West Bank and 800 in Gaza)<sup>108</sup>.

### 14.1.3 The USSD noted that in 2017

‘Palestinian human rights groups and international organizations generally operated without PA restriction in the West Bank, and PA officials cooperated with their efforts to monitor the PA’s human rights practices. Several PA security services, including General Intelligence and the Palestinian Civil Police, appointed official liaisons who worked with human rights groups.

‘Israeli and Palestinian human rights NGOs, including B’Tselem, Rabbis for Human Rights, and Breaking the Silence, operating in East Jerusalem, the West Bank, and Gaza reported harassment from Israeli settlers and anonymous sources. NGOs reported continued telephonic harassment following widespread publication of a video naming and vilifying activists or supporters of four NGOs that reported on Palestinian human rights issues. B’Tselem, Rabbis for Human Rights, and Breaking the Silence reported some of their employees were subject to intimidation, death threats, or physical assault...

‘In Gaza, Hamas routinely harassed civil society groups, including by dissolving and closing peaceful organizations. Gaza-based NGOs reported that Hamas representatives appeared at their offices to seek tax payments,

<sup>107</sup> ICNL, Civic Freedom Monitor: Palestine, April 2018, [url](#)

<sup>108</sup> ICNL, Civic Freedom Monitor: Palestine, April 2018, [url](#)

demand beneficiary lists and salary information, and summon NGO representatives to police stations for questioning.<sup>109</sup>

14.1.4 The same source also noted:

‘PA and Israeli officials generally cooperated with and permitted visits by representatives of the United Nations and organizations such as the ICRC, although there were numerous reports Israeli authorities blocked the delivery of humanitarian aid, especially to Gaza. There were numerous reports Hamas harassed members of international organizations...

‘... The [Independent Commission on Human Rights] ICHR continued serving as the PA’s ombudsperson and human rights commission. The ICHR issued monthly and annual reports on human rights violations within PA-controlled areas; the ICHR also issued formal recommendations to the PA. The ICHR was generally independent but faced resource shortages that limited its ability to work effectively. Local and international human rights NGOs cooperated with the ICHR.<sup>110</sup>

14.1.5 Further information about the media environment and freedom expression (see Political system above) see:

- [USSD human rights report for 2017](#)
- [DFAT report 2017](#)
- Freedom House, Freedom in of the World 2018: [West Bank](#) and [Gaza Strip](#)
- Refworld search – ‘[Freedom of expression](#)’

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## 15. Women

15.1.1 According to the USSD report, women in the West Bank and Gaza are subject to discrimination on the basis of their gender:

‘While PA law provides for equality of the sexes, it discriminates against women. Women can inherit, but not as much as men. Men may marry more than one wife. Women may add conditions to marriage contracts to protect their interests in the event of divorce and child custody disputes, but rarely did so. Local officials sometimes advised such women to leave their communities to avoid harassment.

‘Hamas enforced a conservative interpretation of Islam in Gaza that discriminated against women. Authorities generally prohibited public mixing of the sexes. Plainclothes officers routinely stopped, separated, and questioned couples to determine if they were married. In Gaza premarital sex was considered a crime punishable by imprisonment. Hamas’s “morality police” punished women for behaviour they deemed inappropriate such as riding motorcycles, smoking cigarettes or water pipes, leaving their hair uncovered, and dressing “inappropriately” in Western-style or close-fitting

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<sup>109</sup> USSD Country Report: Israel, Golan Heights, West Bank & Gaza 2017 20 April 2018 [url](#)

<sup>110</sup> USSD Country Report: Israel, Golan Heights, West Bank & Gaza 2017 20 April 2018 [url](#)

clothing such as jeans or T-shirts. Women in refugee camps in Gaza stated they felt unsafe using public bathing and latrine facilities.

'PA labour law states that work is the right of every capable citizen; however, it regulates the work of women, preventing them from employment in dangerous occupations.

'According to press and NGO reports, in some instances teachers in Hamas-run schools in Gaza sent girls home for not wearing conservative attire, although enforcement was not systematic.'<sup>111</sup>

15.1.2 For information about the position and treatment of women, see

- [USSD human rights report for 2017](#)
- [DFAT OPTs report 2017](#)
- [UN Women – Palestine: Facts and Figures: Ending Violence against Women](#)
- [OECD's Gender Index – Palestine Authority](#) (pre-2014 material)
- Refworld searches by topic: '[Women's rights](#)' and '[Gender discrimination](#)'

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## 16. Children

### 16.1 Overview

16.1.1 The people of the OPTs are overwhelmingly young. In the most recent census undertaken in 2017, preliminary results indicate that 47% of the population are under 17, while around 71% are under 29<sup>112</sup>.

16.1.2 UNOCHA opined that:

'The protracted humanitarian protection crisis in occupied Palestinian territory has had a devastating impact on the well-being, physical security and future of girls and boys. Restrictions and conflict-related violence have left children with a deep sense of insecurity for their future, while family coping mechanisms and community resilience are weakened by the closure regime, conflict and deprivation'<sup>113</sup>.

16.1.3 For further information about child rights and treatment of children see:

- [USSD human rights report for 2017](#)
- [UN Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967](#)
- [UNOCHA – Palestine, Children](#)
- Refworld search '[Children's rights](#)'

16.1.4 For information about support services provided by UNRWA, see UNRWA above.

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<sup>111</sup> USSD Country Report: Israel, Golan Heights, West Bank & Gaza 2017 20 April 2018 [url](#).

<sup>112</sup> PCBS, Preliminary results of census 2017 (p12), February 2018, [url](#)

<sup>113</sup> UN OCHA, Children, undated, [url](#)

## 16.2 Education

### 16.2.1 The DFAT report observed:

'Palestinians are highly educated. The adult literacy rate is 96 per cent and for 15 to 24-year olds it is 99 per cent. Under Article 24 of Palestinian Basic Law, public primary school education, covering ten years of schooling, is free and compulsory. Public secondary education is also free but not compulsory. The gross enrolment ratio at the primary education level is 95 per cent, at the secondary education level it is 82 per cent and at the tertiary education level it is 44 per cent. There are 49 mostly public tertiary education institutions in the Palestinian Territories and a small number of NGO-run and private institutions. The language of instruction is Arabic, but English is also taught widely in Palestinian schools.

'UNRWA manages 245 schools in Gaza, delivering education to 232,504 students. In the West Bank UNRWA manages 97 schools for 50,566 students. In both areas, UNRWA follows the curriculum of the Palestinian Authority. UNRWA schools are widely viewed as delivering high quality education. According to the US Department of State, UNRWA schools do not experience any interference from the Palestinian Authority in the West Bank or from Hamas in the Gaza Strip.'<sup>114</sup>

### 16.2.2 See section on UNRWA and the [UNRWA website](#) more information about its provision of schooling to registered refugees.

## 17. Freedom of movement

### 17.1 Overview

#### 17.1.1 Human Rights Watch, in their World Report of 2018, covering events in 2017, noted that Israel continued to maintain 'onerous restrictions' on the freedom of movement of Palestinians<sup>115</sup>.

#### 17.1.2 The United Nations Special Coordinator for the Middle East Peace Process published his report to the Ad Hoc Liaison Committee in Brussels on 20 March 2018. It commented on the movement and access restrictions within the OPT and emphasised the negative impact of these on every aspect of life for Palestinian people. The report particularly noted the undermining of livelihoods, lack of access to farming lands, separation of families, and increased dependency on humanitarian aid<sup>116</sup>.

#### 17.1.3 The USSD report for 2017 noted:

'The PA basic law provides for freedom of movement, but the PA at times effectively restricted freedom of movement into Israel for Gazans by declining to make referrals to Israeli authorities on their behalf. Between April and June [2017], the PA Ministry of Health decreased the number of referrals it issued to Gazan residents in need of medical care in Israel.

<sup>114</sup> DFAT, Thematic Report (para 2.21), March 2017, [url](#)

<sup>115</sup> HRW: World Report – Israel & Palestine – 2018 'Events of 2017' [url](#).

<sup>116</sup> UN OSC for the Middle East: Report - Ad Hoc Liaison Committee – 20 March 2018 [url](#).

Following the death of three infants unable to leave Gaza for medical care, the PA reversed its permit cuts. The PA basic law does not specify regulations regarding foreign travel, emigration, or repatriation.

‘Until the PA deployed personnel to Gaza’s border crossings on November 1 and Hamas authorities departed the crossings, Hamas authorities restricted some foreign travel into and out of Gaza and required exit permits for Palestinians departing through the Gaza-Israel Erez crossing. Hamas closed the Erez crossing for a week in March/April, stranding international aid workers inside Gaza. Hamas also prevented some Palestinians from exiting Gaza for reasons related to the purpose of their travel or to coerce payment of taxes and fines. There were some reports unmarried women faced restrictions on their travel out of Gaza.

‘The [Israeli Security Forces] ISF regularly imposed significant restrictions on Palestinians’ movement within the West Bank, into and out of Gaza, and foreign travel. At times, the ISF increased restrictions on the movement of Palestinians citing security justifications.’

‘A key barrier to Palestinian movement was the security barrier that divides the majority of the West Bank from Israel, most parts of East Jerusalem, and some parts of the West Bank. The barrier runs up to 11 miles (18 kilometres) east of the Green Line in some places, isolating an estimated 25,000 West Bank Palestinians living in communities west of the barrier from the remainder of the West Bank. Other significant barriers to Palestinian movement included internal ISF road closures and Israeli restrictions on the movement of Palestinian persons and goods into and out of the West Bank and Gaza Strip. Israeli restrictions on movement affected virtually all aspects of Palestinian life, including access to places of worship, employment, agricultural lands, schools, and hospitals, as well as the conduct of journalism and humanitarian and NGO activities.

‘Additional restrictions on Palestinian activities and development in Area C zones of the West Bank included Israeli confiscation of post-demolition assistance. Such restrictions affected both non-refugees and refugees.’<sup>117</sup>

#### 17.1.4 DFAT observed that:

‘Israel maintains tight control of the Palestinian Population Registry and the residency status of all Palestinians; for example, there are separate permits that clearly denote if an individual is from Gaza or from the West Bank. It is not legally or physically possible to move between the West Bank and the Gaza Strip, except in exceptional circumstances. There are also severe restrictions on movement within the West Bank ... In general, there is a shortage of accommodation in the Palestinian Territories. In the West Bank, it is difficult to obtain building permits, especially in areas that have large Israeli settlements. The destruction in Gaza following the 2014 conflict has resulted in massive housing shortages and reconstruction will take years. DFAT assesses that there are significant barriers to relocation between Gaza and the West Bank and within the West Bank and in most instances, relocation would not be possible.’<sup>118</sup>

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<sup>117</sup> USSD Country Report: Israel, Golan Heights, West Bank & Gaza 2017 20 April 2018 [url](#).

<sup>118</sup> DFAT, Thematic Report (para 5.9), March 2017, [url](#)

17.1.5 The UN OCHA report on the humanitarian situation of December 2017 observed:

‘Citing security considerations, Israel restricts Palestinian movement within the oPt, including between the Gaza Strip and the West Bank, through a combination of physical obstacles (such as the Barrier and checkpoints) and bureaucratic constraints (particularly permits, and the designation of areas as restricted or closed). While the restrictions on Gaza have continued, the volume of produce entering and leaving Gaza has risen significantly since the 2014 hostilities. The number of Palestinians allowed to leave Gaza by the Israeli authorities, also increased after the 2014 hostilities, but has been again in decline since the second half of 2016. The isolation of Gaza has also been exacerbated since 2014 by Egypt’s closure of the Rafah crossing.’<sup>119</sup>

17.1.6 Entry into the OPTs, including via seaports, is controlled by Israel<sup>120</sup>. The US State Department noted in its guidance for US nationals that:

‘The Government of Israel administers immigration and security controls at its international land crossings with Jordan into the West Bank and Israel; with Egypt, Lebanon and Syria; and at Israel’s airports and seaports. A separate network of security checkpoints and crossings operated by Israeli authorities regulates the movement of people and goods from Israel and Jerusalem into the West Bank and Gaza... All persons seeking to enter or depart Israel, the West Bank, or Gaza are subject to immigration and security screening, including prolonged questioning and physical searches, and may be denied entry or exit.’<sup>121</sup>

17.1.7 Both voluntary and involuntary returnees to the OPTs are required to be approved by Israel, since the Israeli authorities control both the exit and entry points and the Palestinian Population Registry<sup>122</sup>. Jordanian and Egyptian authorities (for Allenby Bridge and Rafah Crossing respectively) would generally have to obtain Israel’s approval before allowing returns through their own borders with the OPT. The Rafah Crossing into Egypt is closed most of the time but does open on occasions. The Allenby Bridge Crossing into Jordan is strictly controlled by the Israeli authorities. In addition, the Jordanian authorities at times enforce restrictions preventing Gazans from crossing the bridge<sup>123</sup>.

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## 17.2 Gaza Strip

17.2.1 DFAT observed that:

‘Palestinians residing in the Gaza Strip all face a more stringent process to enter Israel [than those travelling from the West Bank – see below], based on similar criteria to those outlined, along with individual security evaluations, the security evaluations of members of their family, and a review of the overarching security, political and strategic interests of the State of Israel.

<sup>119</sup> UN OCHA, OPT: Humanitarian facts and figures, circa December 2017, p6, [url](#)

<sup>120</sup> FCO: Foreign travel advice, OPT, Entry requirements 5 October 2018 [url](#).

<sup>121</sup> USSD, Passports and travel info, Israel, West Bank and Gaza, updated 14 May 2018 [url](#).

<sup>122</sup> (DFAT) ‘Thematic Report’ Recent History, paras 5.10, 15 March 2017 [url](#).

<sup>123</sup> (DFAT) ‘Thematic Report’ Recent History, paras 2.50-51, 15 March 2017 [url](#).

There are tight quotas on the number of Gazans allowed into Israel and age restrictions are enforced; DFAT understands that male Gazans aged between 12 and 35 are unlikely to be approved. For the month of Ramadan in 2016, men above 45 years of age did not require a permit to attend prayers at Haram al-Sharif/Temple Mount in Jerusalem, but men aged between 35 and 45 required a permit and men aged 12 to 35 were not allowed entry.

‘There are only two crossings between the Gaza Strip and Israel. Erez crossing is open for passenger traffic entering Israel between 7.30am and 3.00pm each day, and for passenger traffic exiting Israel from 7.30am to 7.00pm each day. Kherem Shalom crossing is open for transportation of goods from 7.00am to 4.00pm on Sunday to Thursday.

‘Rafah is the only crossing between the Gaza Strip and Egypt. Following the overthrow of Hamas’ close ally, Mohammed Morsi, in July 2013 the new Egyptian administration, under the leadership of President Abdel Fatal el-Sisi, implemented restrictions on the movement of Gazans into Egypt through Rafah. As a result, the Rafah crossing has mostly been closed since mid-2013 and movement in and out of Gaza is very difficult for most Gazans. Nonetheless many residents continue to seek opportunities to exit Gaza, including for access to specialised health care and employment. In the first half of 2016 the Rafah crossing was only open for 11 days, with a monthly average of 1,896 exits and entries, compared to 40,816 crossings on average per month in the first half of 2013. There are currently thousands of Palestinians registered with UNHCR as humanitarian cases waiting to leave Gaza through Rafah. Israel sometimes permits Gaza residents to travel abroad through the Erez crossing and then the Allenby Bridge crossing into Jordan: in the first half of 2016 an average of 243 Gazans per month exited this way. However, Jordan has also been known to enforce restrictions that prevent Gazans from crossing the Allenby Bridge.

‘Some residents of Gaza use informal means to exit and enter Gaza. An illegal tunnel system is used to smuggle people and goods in and out of the Gaza Strip to Egypt. The volume of this traffic is difficult to measure given that it is done covertly. Israeli and Egyptian authorities are actively engaged in finding and destroying the tunnel system.’<sup>124</sup>

#### 17.2.2 The UNHCR’s assessment of the humanitarian situation in Gaza as of February 2018, based on a range of sources, observed:

‘Travel to and from the Gaza Strip is subject to severe restrictions and is only possible via the territory’s two land crossing points, namely the Erez Crossing and the Rafah Crossing. As a result, very few Gazans are able to travel outside of the Gaza Strip. Most Palestinians in the Gaza Strip remain unable to access the remainder of the occupied Palestinian territory (oPt) and other parts of the world, with only a minority eligible for exit permits via Israel.

‘The “Erez” Crossing (Beit Hanoun in Arabic), controlled by Israel, is located between Israel and the Gaza Strip on the northern border of the Strip and serves mainly as a point of passage for people travelling between the Gaza

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<sup>124</sup> DFAT, Thematic Report (para 2.48 to 2.51), March 2017, [url](#)

Strip and Israel as well as those seeking to reach the West Bank or third countries. The “Rafah” Crossing is located at the southern end of the Gaza Strip bordering Egypt and controlled by Egyptian authorities. While it is the Israeli and Egyptian authorities who are primarily controlling movements at their respective border crossings, the Hamas administration in the Gaza Strip reportedly also restricted travel to and from the territory in some cases.

‘Movement restrictions from the Gaza Strip to enter Israel, including to pass to other parts of the occupied Palestinian territory, have been in place since the early 1990s; however, following Hamas’ takeover of the Gaza Strip in June 2007, Israeli authorities reportedly intensified measures to restrict the movement of Palestinians to and from the Gaza Strip via the Erez Crossing. The situation has reportedly been compounded by the restrictions imposed since June 2013 by the Egyptian authorities at the Rafah Crossing, which, due to the restrictions on the Israeli-controlled Erez Crossing, had become the primary crossing point used by Palestinians in the Gaza Strip.

‘On 1 November 2017, and in line with the Palestinian reconciliation agreement reached on 12 October, the Hamas authorities handed over control of the Gaza Strip’s side of the Erez, Kerem Shalom and Rafah crossings to the Palestinian Authority. However, at the time of writing, the reconciliation agreement has not yet had a positive impact on Palestinians’ ability to exit/enter the Gaza Strip via Erez and Rafah Crossings.’<sup>125</sup>

#### 17.2.3 The UNHCR also reported:

‘Since mid-2013, severe restrictions on the movement of people have reportedly been imposed by Egyptian authorities on the Rafah Crossing. Following a deterioration of the security situation in the northern Sinai since October 2014, the border has reportedly remained mostly closed. As with Erez, only people of specific categories, including medical patients, religious pilgrims, foreign residents and foreign visa holders, including students, can register on a waiting list held by the authorities in the Gaza Strip pending reopening of the crossing. Individuals seeking to be prioritized to leave the Gaza Strip to Egypt during one of the rare openings of the border have reportedly been asked to pay large sums to brokers and border officials. Gaza Strip residents approved for travel by the authorities in Gaza do not require a visa to enter Egypt.

‘Between April and July 2017, the border crossing was reportedly completely closed for exit from the Gaza Strip... Since the handover of control from Hamas to the Palestinian Authority on 1 November 2017, the crossing has reportedly only been temporarily opened on a few occasions and limited to urgent humanitarian cases.

‘Palestinians reportedly do not require a visa in order to return to the Gaza Strip via Egypt. However, in order to avoid liabilities, airlines reportedly only allow Palestinians from the Gaza Strip to board a plane to Egypt if there is a scheduled opening of the Rafah Crossing. Palestinians who arrive in Egypt from a third country en route back to the Gaza Strip reportedly risk being held at Cairo Airport until the Rafah Crossing is opened. Palestinians travelling via Egypt to/from the Gaza Strip are reportedly escorted from Cairo

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<sup>125</sup> UNHCR, COI on situation in the Gaza Strip... (p22), information up to 23 February 2018, [url](#)

Airport to the Rafah Crossing and vice versa. Egypt reportedly denies entry to the Gaza Strip for Palestinians who do not hold a Palestinian identity card or passport indicating his/her residency in the Gaza Strip, which requires the individual's inclusion in the Israeli-administered population registry.<sup>126</sup>

17.2.4 The UNHCR report also noted that:

'As a result of the sustained near-closure of the Rafah Crossing, significant numbers of Palestinians reportedly remain stranded on both sides of the border, including many with urgent medical needs seeking medical care outside the Gaza Strip...

'According to reports, the security situation in Egypt's Northern Sinai, including in and around Rafah, has deteriorated over the past years due to a growing insurgency. Civilians have reportedly been caught up in violence from both sides, including in attacks by extremist groups (such as suicide, car bomb and mortar attacks, abductions and assassinations) and counterinsurgency operations conducted by the Egyptian security forces, which reportedly entail the use of artillery and airstrikes, arrest campaigns, extrajudicial killings, and the razing of homes along the border with the Gaza Strip. ISIS is suspected of having staged one of the deadliest attacks in the peninsula's history, when at least 305 people were killed and over 120 were wounded in a Sufi mosque during Friday prayers in northern Sinai on 24 November 2017. Traveling to/from the Gaza Strip through the North Sinai is reportedly also hampered by curfews, road closures and frequent checkpoints run by Egyptian security forces or non-state armed actors. Attacks by armed groups on civilians travelling in the northern Sinai have also been reported. On some occasions, women have reportedly been harassed and threatened with punishment by extremist armed groups for travelling without the company of a male relative and for not complying with Islamic dress codes.'<sup>127</sup>

17.2.5 However, data for 2018 collected by UNOCHA indicates that, however, during the course of the year an increasing number of people have been being allowed out of and into Gaza through the Rafa crossing point (20,000 entries; 36,000 exits between January to August 2018 as compared to 12,000 exits and entries in the same period in 2017)). The Rafah crossing was also open more often, on 111 out of 242 days in 2018 compared to 36 days out of a possible 329 in 2017<sup>128</sup>.

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### 17.3 West Bank

17.3.1 Freedom House, in their Freedom in the World report 2018, covering events in 2017, West Bank, stated:

'Israeli checkpoints, roadblocks, travel permits, and other restrictions continue to seriously constrain freedom of movement, stunt trade, and limit Palestinian access to jobs, hospitals, and schools.

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<sup>126</sup> UNHCR, COI on situation in the Gaza Strip... (ps25-27), information up to 23 February 2018, [url](#)

<sup>127</sup> UNHCR, COI on situation in the Gaza Strip... (ps26-27), information up to 23 February 2018, [url](#)

<sup>128</sup> UNOCHA, Gaza crossings: movement of people and goods [interactive page], undated, [url](#)

‘The Israeli separation barrier, 85 percent of which lies in West Bank territory and which was declared illegal in 2004 by the International Court of Justice, continues to divide families and communities and cause general hardship and disruption of services.’<sup>129</sup>

17.3.2 The UN Economic and Social Council reported the complex restrictions on movement within the Occupied Territory:

‘Forty-four per cent of West Bank land is off-limits to Palestinian construction and development. The land is used for Israeli settlements, military zones, natural reserves and Israel’s “barrier” in the West Bank, built in 2003 for the stated purpose of preventing Palestinians from carrying out attacks in Israel. Although not yet completed, the “barrier” effectively creates a reality in which access by most Palestinians to about 4 per cent of the West Bank, including East Jerusalem, can be achieved only with a permit from the Israeli authorities.’<sup>130</sup>

17.3.3 The UN General Assembly Economic and Social Council report of 23 May 2017, ‘Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan’, noted:

‘The West Bank is divided into three categories. Areas A and B are under the civil control of the Palestinian Authority, cover 40 per cent of the West Bank and are home to about 90 per cent of its Palestinian population. Area C covers the rest of the area and includes all Israeli settlements. Area C separates Areas A and B into over 150 distinct areas of varying sizes, many of them separated by settlements and their related infrastructure.

‘By mid-December 2016, there were 472 obstacles to movement in the West Bank, including permanently and partially staffed checkpoints, earth mounds, roadblocks and road gates. Compared to a similar survey conducted in 2015, the cumulative number of obstacles rose by 5 per cent, although the number of permanently staffed checkpoints decreased by 25 per cent compared to 2015. In Hebron, by March 2017, 100 obstacles were deployed within the Israeli-controlled area of the city...

‘Of the current planned 712 km route, 85 per cent lies within the West Bank. In addition, if the construction of the “barrier” is completed, up to 25,000 Palestinians could be added to the 11,000 Palestinians already isolated in the “seam zone”.’<sup>131</sup>

17.3.4 The DFAT<sup>132</sup> report noted:

‘The Palestinian Basic Law provides for freedom of movement and the PA does not generally restrict freedom of movement in the West Bank (noting the PA does not control the Gaza Strip). In practice, Israel restricts the movement of Palestinians within the West Bank and passage of Palestinians between the West Bank and the Gaza Strip is only approved in exceptional

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<sup>129</sup> FH: World Report 2018, West Bank, Date of Report 15 March 2018 [url](#).

<sup>130</sup> UN HRC: A/HRC/31/44 20 January 2016 [url](#).

<sup>131</sup> UN: Economic and Social Council– (A/72/90-E/2017/71 paras 46-49) 23 May 2017 [url](#).

<sup>132</sup> DFAT, Thematic Report (paras 2.47 – 2.48), March 2017, [url](#)

cases. The Coordinator of Government Activities in the Territories (COGAT) is a unit within Israel's Ministry of Defence that is responsible for implementing the government's policy in the Palestinian Territories. COGAT administers numerous checkpoints throughout the West Bank, including permanent and temporary 'flying' checkpoints. According to UNOCHA, in December 2015 there were 70 permanent checkpoints in the West Bank. The physical presence of the Israeli forces in the West Bank and east Jerusalem impacts daily life for all Palestinians residing there.

'Entry into Israel and Israeli-controlled areas (such as the settlements in the West Bank) by Palestinian residents of the West Bank is subject to eight criteria (with varying documentation required under each criterion, ranging from smart ID cards, supporting documentation and security evaluations):

- Health needs; specific medical needs (cancer and dialysis treatment, appointments scheduled by hospitals, and chronic patients), accompanying a patient or visiting a patient.
- Legal needs; participation in court proceedings, medical tests for a court proceeding or Palestinian lawyers requiring access to Palestinian detainees in Israel.
- Education needs; Employees or pupils of east Jerusalem schools, academic studies in Israel (only if no alternative besides Israel and if studies focus on cooperation, co-existence and peace), medical conventions or training.
- Economy and Employment; employment in Israeli settlement zones (with varying requirements in each area, for example only for married individuals over the age of 26 in some areas), senior Palestinian businessmen, traders, international organisation workers, church workers, clergy, East Jerusalem Electric Corporation workers, Temple Mount/AI Haram Al Sharif workers, tour guides, tourism workers, Red Crescent society emergency medical teams and two exceptional needs – seeking employment in Israel or attending a work-related meeting in Israel.
- Religious Worship; during Islamic festivals (requires an exceptional civil measure), Friday prayers at Temple Mount/AI Haram Al Sharif, Christian holidays, and family visits during holidays.
- Senior Palestinian Officials; Head of the PA, the Prime Minister, senior PA officials and their first-degree relatives.
- Population movement for various needs; this criterion encompasses employees of the PA civil administration and other exceptional needs such as attending a wedding, funeral, family unification or visiting relatives who are in Israeli detention. It also allows Palestinian men over 55 and Palestinian women over 50 to enter without a printed permit.
- Additional guidelines; Palestinians travelling abroad via the Allenby Bridge.<sup>133</sup>

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<sup>133</sup> DFAT, Thematic Report (paras 2.47 – 2.48), March 2017, [url](#)

17.3.5 Human Rights Watch, in their report of events of 2017, stated:

'The separation barrier, a combined wall/fence built by Israel in the West Bank, and numerous checkpoints restricted Palestinians' access to agricultural land. Israel has continued to construct the separation barrier, 85 percent of which falls within the West Bank, rather than the Green Line that separates Israeli and Palestinian territory. Approximately 11,000 Palestinians on the western side of the barrier are not allowed to travel to Israel and are obliged to cross the barrier to access their own property, and services in the West Bank.'<sup>134</sup>

17.3.6 Amnesty International reported on events in 2017 regarding the situation of travel to and from the West Bank and East Jerusalem, stating:

'In the West Bank, Israel maintained an array of military checkpoints, bypass roads and military and firing zones, restricting Palestinian access and travel. Israel established new checkpoints and barriers, especially in East Jerusalem. In response to Palestinian attacks on Israelis, the military authorities imposed collective punishment; they revoked the work permits of attackers' family members and closed off villages and entire areas including Silwad, Deir Abu Mishal and Beit Surik.

'In Hebron, long-standing prohibitions limiting Palestinian presence, tightened in October 2015, remained in force. In Hebron's Tel Rumeida neighbourhood, a "closed military zone", Israeli forces subjected Palestinian residents to oppressive searches and prevented the entry of other Palestinians while allowing free movement for Israeli settlers. In May, Israel erected a new checkpoint and a new fence barrier within Hebron's H2 area, arbitrarily confining the Palestinian Gheith neighbourhood and segregating a street alongside the area.'<sup>135</sup>

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#### 17.4 Women

17.4.1 In June 2016, a correspondent from CIDSE (an international alliance of Catholic aid agencies) noted:

'The movement of women into and out of Gaza through border crossings is strictly limited. Women have been denied exit to follow university education, pursue work and receive medical treatment not available in Gaza. Women and their families are also denied movement in what is known as the "buffer zone" – a strip of land next to the fence between Gaza and Israel, in which Israel prohibits cultivation of the land. The "buffer zone" constitutes 35 percent of Gaza's agricultural land, and its loss means severe reduction in income levels and in employment.'<sup>136</sup>

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#### 17.5 Documents required to enter / exit Gaza

17.5.1 The IRBC noted in a response of April 2016:

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<sup>134</sup> HRW: World Report – Israel & Palestine – 2018 'Events of 2017' [url](#)

<sup>135</sup> Amnesty International: Report – 2017-2018 Israel & the OPT 22 February 2018 [url](#).

<sup>136</sup> CIDSE: 'Advocating for Women's Rights in Palestine' 7 June 2016 [url](#).

'... an official at the Palestinian General Delegation in Ottawa stated that Palestinians require Israeli-issued IDs [called Hawiyeh, "identity card" in Arabic] ... in order to enter Palestine... The official further noted that it is not possible to obtain the Israeli-issued ID from abroad...

'Regarding the documents required for a Palestinian to enter and reside in Palestine, in addition to the Israeli-issued ID card, the official stated that "it depends on the situation" of the person entering and that Israel is the party that makes the decision (*ibid.* 19 Apr. 2016). The official explained that "being Palestinian" does not mean that Israel will grant the person access to Palestine (*ibid.*). While some Palestinians hold Palestinian passports for the purpose of external travel (with passport numbers that start with a zero), they "[do] not grant entry to Palestine" (*ibid.* 18 Apr. 2016). The official also noted that some Palestinians have travel documents issued by other countries which do not allow entry to either Palestine or to the country that issued the document (*ibid.*).

'A report by the UN Human Rights Council quotes information provided by Israeli human rights NGOs as stating that Israeli authorities require Palestinians to obtain permits to cross between Gaza and the West Bank and to enter and remain in large areas inside the West Bank (UN 20 Jan. 2016, para. 14). According to the same source, this "permit regime" allows Israeli authorities to "limit and control Palestinians' movement in the OPT beyond their immediate residential area" (*ibid.*).'<sup>137</sup>

#### 17.5.2 Human Rights Watch in its February 2012 report observed:

'Since the outbreak of the second Palestinian intifada, or uprising, in September 2000, Israel has denied entry to the Palestinian territory to non-registered Palestinians and to non-registered spouses and other family members of Palestinian residents; for example, the number of entry permits to the West Bank and Gaza dropped from around 64,000 in 1999 to 192 in the 10 months after November 2000.'<sup>138</sup>

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## 18. Official documents

### 18.1 Population registry

#### 18.1.1 Human Rights Watch observed in its February 2012 report on limits of movement into and out of the OPTs, that Israel in September 1967, following its takeover of the West Bank and Gaza Strip, conducted a census of the population:

'The census counted the 954,898 Palestinians physically present in the West Bank and Gaza at the time but did not include at least 270,000 Palestinians who were absent, either because they had fled during the conflict or were abroad for study, work, or other reasons.

'... Israel subsequently recorded the names and demographic data gleaned from the 1967 census in a newly created registry of the Palestinian

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<sup>137</sup> IRBC, Israel and Palestine..., 26 April 2016, [url](#)

<sup>138</sup> HRW, 'Forget about him, he's not here', ..., February 2012, p4, [url](#)

population. It refused to recognize the right of most of the absent individuals whom it did not register - including all men then aged 16 to 60 - to return to their homes in the occupied territory.<sup>139</sup>

18.1.2 The HRW report further stated, referencing other sources, that:

'Since 1967, the population registry has been central to Israel's administrative efforts to control the demographic composition of the occupied Palestinian territory, where Palestinians want to establish a state. Israel has used Palestinians' residency status as a tool to control their ability to reside in, move within, and travel abroad from the West Bank, as well as to travel from Gaza to Israel and the West Bank. A 2005 survey conducted on behalf of B'Tselem, an Israeli rights group, estimated that 17.2 percent of the Palestinians registered in the West Bank and Gaza, around 640,000 people, had a parent, child, sibling, or spouse whom Israeli military authorities had not registered as a resident.'<sup>140</sup>

18.1.3 The same HRW report also noted that:

'Palestinians must be included in the population registry to get identification cards and passports. In the West Bank, Palestinians need identification cards to travel internally, including to schools, jobs, hospitals, and to visit family, because Israeli security forces manning checkpoints demand to see such cards before allowing passage. Israeli border officials, who control all entry and exit to the West Bank, also require Palestinians seeking to travel abroad to present an identification card or passport.'<sup>141</sup>

18.1.4 DFAT observed that 'Israel maintains tight control of the Palestinian Population Registry and the residency status of all Palestinians; for example, there are separate permits that clearly denote if an individual is from Gaza or from the West Bank.'<sup>142</sup>

18.1.5 HRW further opined that:

'Israeli authorities have argued that both these blanket restrictions on adding Palestinians to the population registry, and the partial, limited easing of those restrictions are political issues related to Israel's relations with the Palestinian Authority, indicating that Israel views control over the population registry as a bargaining chip in negotiations. Israel's control over the population registry has also significantly lowered the registered Palestinian population in the West Bank and Gaza, probably by hundreds of thousands of people.'<sup>143</sup>

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## 18.2 Identity cards

18.2.1 DFAT's report described identity cards in the Palestinian Territories, stating:

'The ID card is the official identity document in the Palestinian Territories. All Palestinians who reside in the West Bank, the Gaza Strip and east

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<sup>139</sup> HRW, 'Forget about him, he's not here', ..., February 2012, p4, [url](#)

<sup>140</sup> HRW, 'Forget about him, he's not here', ..., February 2012, p4, [url](#)

<sup>141</sup> HRW, 'Forget about him, he's not here', ..., February 2012, p4, [url](#)

<sup>142</sup> DFAT, Thematic Report (paras 2.47 – 2.48), March 2017, [url](#)

<sup>143</sup> HRW, 'Forget about him, he's not here', ..., February 2012, p4, [url](#)

Jerusalem and have a unique ID number, provided at birth or at the time of granting residency (if born overseas). This ID number remains unchanged throughout one's life. The ID number directly corresponds to the Population Register maintained by Israel. The only number that would change is the ID document or the travel document/passport number. The ID number is linked to many other functions, including bank accounts, government records and services, credit card accounts and tax returns. Therefore, an individual would use their ID number regularly and the use of ID numbers would be traceable on various institutional systems. At 16 years of age, each person must obtain and carry their ID card. They must apply in person, accompanied by one parent.<sup>144</sup>

#### 18.2.2 The report continued:

'The ID card shows an individual's name, address, photograph, religion and marital status. The ID card must be carried at all times and a failure to do so may attract a fine of NIS5,000 (AUD1,700) if the person does not present to a police station within five days for positive identification.

'An ID card, held by Palestinian residents of the Palestinian Territories, is not sufficient for entry into Israel. A separate entry permit must be obtained from Israeli authorities.'<sup>145</sup>

#### 18.2.3 The Finish Immigration Service, referencing UN OCHA, noted in its report on the West Bank that:

'Palestinians are issued blue, green or orange identity cards. The colour of the card comes from its plastic cover. Palestinians living in the West Bank are issued with a West Bank identity card that has either an orange cover, when it is issued by the Israeli authorities, or a green cover, when it is issued by the Palestinian authorities. The holders of these identity cards must acquire a permit in order to enter the Jerusalem or Israel areas and pass through several checkpoints. In order to receive a permit, the person must pass a security check and obtain a card with a magnetic strip. Since September 2000, it has been very difficult to obtain these permits.'<sup>146</sup>

#### 18.2.4 According to DFAT, obtaining genuine ID cards fraudulently is unlikely, since ID numbers are linked to the Population Register. The Israeli authorities regularly conduct head counts within West Bank households, confirming the composition of families and the identity of individuals. Israeli passports and ID documents are not biometric and are therefore subject to fraud. In 2015, a large consignment of Israeli passports and ID documents were stolen from the Ministry of the Interior<sup>147</sup>.

#### 18.2.5 The USSD country report on human rights practices, 2016, stated:

'The PA registers Palestinians born in the West Bank and the Gaza Strip, and Israel requires the PA to transmit this information to the [Israeli Civil Administration] ICA. The PA cannot determine citizenship. Children of Palestinian parents can receive a Palestinian identity card issued by the ICA,

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<sup>144</sup> DFAT, Thematic Report (paras 5.14-16), March 2017, [url](#)

<sup>145</sup> DFAT, Thematic Report (paras 5.14-16), March 2017, [url](#)

<sup>146</sup> Finish Immigration Service, Palestinians in the West Bank, p4, [url](#)

<sup>147</sup> DFAT, Thematic Report (paras 5.11-13), March 2017, [url](#)

if they are born in the West Bank or Gaza to a parent who holds a Palestinian identity card. The PA Ministry of Interior and the ICA both play a role in determining a person's eligibility for that card.

'Israel registers the births of Palestinians in Jerusalem, although Palestinian residents of Jerusalem sometimes reported years-long delays in that process.'<sup>148</sup>

18.2.6 The IRB of Canada, citing a Palestinian official at the Palestine Mission in Canada, noted:

'...Israel revoked the IDs of some people who left before the peace process started (ibid. 19 Apr. 2016). According to the same source, the dependents of Palestinians who hold national IDs need to be added to their parents' ID card before they turn five, or, if the parents are in North America, before they turn fifteen (ibid. 18 Apr. 2016). The official stated that the IDs do not have expiration dates (ibid. 19 Apr. 2016).

'The Palestinian General Delegation official indicated that the Israeli-issued ID card contains the personal information of the bearer in Arabic and Hebrew on the right side and a photo of the bearer on the upper left side (ibid. 21 Apr. 2016). The official further explained that the ID card indicates the place of birth and place of issuance, showing whether someone is from the West Bank or Gaza, but in either case, the card follows the same format (ibid. 22 Apr. 2016).'<sup>149</sup>

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### 18.3 Birth, death and marriage certificates

18.3.1 The DFAT report noted:

'When a child is born, the hospital issues a "notice of birth" on a form provided by the Ministry of Interior in either the West Bank or Gaza. Each form contains an individual, unique ID number. A completed copy of the notice of birth form, containing the details of the new-born, is returned to the Ministry of Interior. In the West Bank, the PA passes this information on to Israel for inclusion in their Palestinian Population Registry. In Gaza, Hamas passes this information on to the PA and then the PA informs Israel for registry purposes. Birth certificates state the religion of the child and the names of their parents and maternal and paternal grandparents. DFAT understands that the Palestinian Population Registry is closely managed by Israeli authorities and unregistered births would be unlikely.'

'Marriages are likewise formally reported to the Ministry of Interior for inclusion in the Population Register. When an individual updates their identity card, which happens periodically, their marital status would be included at that stage.'

'Death certificates are issued by the Ministry of Interior on application by a close relative of the deceased. The application must include copies of the ID documents of the deceased person and the close relative applying for the

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<sup>148</sup> USSD Country Report: Israel, Golan Heights, West Bank & Gaza 2017 20 April 2018 [url](#).

<sup>149</sup> IRBC, Israel and Palestine..., 26 April 2016, [url](#)

death certificate, as well as a copy of the “notice of death” issued by the hospital or relevant District Health Department.<sup>150</sup>

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#### 18.4 Travel documents

18.4.1 The Palestinian Authority issues passports in accordance with the Oslo Accords. They are only issued to residents of the West Bank and Gaza Strip living under the jurisdiction of the Palestinian Authority. Therefore, most Palestinian people are ineligible for these documents, including refugees living outside Palestine, residents of East Jerusalem, Palestinians in Israel etc. Palestinian Authority passports are considered travel documents only, rather than proof of nationality. Some states do not recognize PA passports as according diplomatic protections to Palestinian diplomats<sup>151</sup>.

18.4.2 The DFAT Report of March 2017 stated:

‘Since the mid-1990s, Palestinian residents of the West Bank and Gaza have been able to obtain a travel document under the seal of the Palestinian Authority. On 13 April 2016, the Palestinian Minister of Civil Affairs announced that the government plans to issue travel documents under the seal of the State of Palestine, but this has not taken effect yet. The Palestinian Authority travel document is accepted by 37 countries, including Israel and Australia. The Palestinian Authority travel document is issued by the Ministry of the Interior in Ramallah, including for residents of the Gaza Strip. Hamas is not involved in any of the steps that lead to the issuing of a Palestinian Authority travel document. Hamas does provide their own version of a travel document to Gazans, but they are not recognised by any other country. At the time of writing most countries require Palestinians to have a visa for entry.

‘Palestinian residents of the West Bank can apply for a PA travel document directly with their local branch of Palestine’s Ministry of Interior. Gaza residents must send their application to the Ministry of Interior’s main office in Ramallah as Hamas is not involved in the process. The PA allows dual nationality and can theoretically issue a PA travel document to Palestinians residing in other countries (including Lebanon, Egypt, Jordan or Syria) but in practice, issuance is limited to residents of the Palestinian Territories, in accordance with an interim agreement between Israel and the PLO.

‘Palestinian travel documents and passports are based on technology provided by the German government. They are not biometric but contain more security features than the non-biometric Israeli passport, which is more susceptible to being fraudulently created.<sup>152</sup>

18.4.3 The website of the Palestinian Mission in the UK, accessed on 5 October 2018, stated:

‘According to the Oslo Agreement between Israel and PLO, the Palestinian Embassies and Missions abroad do not have the authority to issue passports

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<sup>150</sup> DFAT, Thematic Report (paras5.11-13), March 2017, [url](#)

<sup>151</sup> The Nakba Files: ‘Can a Citizenship Law...?’ 17 August 2016 [url](#).

<sup>152</sup> DFAT, Thematic Report (paras5.18-20), March 2017, [url](#)

nor to renew, extend or amend any kind of passports issued by the Palestinian Authority.

‘The Palestinian Mission to the UK can only issue Power of Attorney for those whose passports have expired and need to be renewed by the Palestinian Ministry of Interior in Ramallah, the West Bank.’<sup>153</sup>

18.4.4 In an article dated 4 July 2013, the Jerusalem Post reported that ‘The PA passport is available to any individual who can present a birth certificate showing he/she was born in Palestine; he/she must also hold a current Palestinian identity card. All Palestinians residing in the areas under PA rule are entitled to a Palestinian Authority passport.’<sup>154</sup>

18.4.5 An information response issued in April 2010 by the Immigration and Refugee Board of Canada, citing various sources, noted:

‘The [Canadian] Official [at the Canadian Embassy in Tel Aviv] also provided the following information, obtained from the Ministry of Interior of the Palestinian National Authority (PNA) and the Canadian Representative Office in Ramallah, on the procedures for Palestinians in the West Bank to obtain Palestinian passports (Canada 23 Apr. 2010). Applicants aged 16 years old and above are required to appear in person at the Ministry of Interior’s passport office in the applicant’s district in order to submit the application for a passport or to receive a passport (ibid.). The applicant is issued a receipt upon the submission of the application, and a passport officer informs the applicant of the time to return and receive the new passport (ibid.). The processing time is approximately one week but may be longer during the summer (ibid.). The applicants submit a valid Palestinian identity document (ID) card, four photos as of 1 April 2009 on a blue background which replaces the former red background, a birth certificate, evidence of employment, the application form and, if applicable, any previous or existing passport (ibid.). The identity documents may be originals or certified copies (ibid.). The signature of the director of the passport office is on page three of the passport (ibid.). The Passport Office prohibits people from possessing two valid passports concurrently (ibid.). There are “no fraudulent passports” in the West Bank (ibid.).’<sup>155</sup>

18.4.6 A Palestinian official at the Palestine Mission in Canada contacted by the Immigration and Refugee Board of Canada in April 2016, while not explicitly referring to passports issued to non-resident Palestinians did refer to passports with the serial number starting ‘0’, explained that

‘... “being Palestinian” does not mean that Israel will grant the person access to Palestine... While some Palestinians hold Palestinian passports for the purpose of external travel (with passport numbers that start with a zero), they “[do] not grant entry to Palestine”... The official also noted that some Palestinians have travel documents issued by other countries which do not allow entry to either Palestine or to the country that issued the document (ibid.).’<sup>156</sup>

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<sup>153</sup> Palestinian Mission to the UK – Passports – [url](#).

<sup>154</sup> Jerusalem Post, Palestinian passports rejected by citizens, 4 July 2013, [url](#)

<sup>155</sup> IRBC: Palestine: Responses to Information Requests: (January 2008 – April 2010) [url](#)

<sup>156</sup> IRBC, Israel and Palestine..., 26 April 2016, [url](#)

18.4.7 DFAT noted that: 'The [Palestinian Authority] PA allows dual nationality and can theoretically issue a PA travel document to Palestinians residing in other countries (including Lebanon, Egypt, Jordan or Syria) but in practice, issuance is limited to residents of the Palestinian Territories in accordance with an interim agreement between Israel and the PLO.'<sup>157</sup>

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<sup>157</sup> DFAT, Thematic Report (paras 2.47 – 2.48), March 2017, [url](#)

# Terms of reference

- History
- Political structure
- Social structure
- Security
- Humanitarian situation
- Protection
- Women
- Freedom of Movement
- Documentation

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# Version control and contacts

## Clearance

Below is information on when this note was cleared:

- version **1.0**
- valid from **21 December 2018**

## Changes from last version of this note

Completely updated COI material.

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