Country of Origin Information on the Situation in the Gaza Strip, Including on Restrictions on Exit and Return

This document provides an update of and replaces UNHCR’s “Access to the Gaza Strip through Rafah” and “Internal Displacement and Humanitarian Situation in the Gaza Strip” of November 2015. It provides information on the living conditions in the Gaza Strip, including the human rights and humanitarian situation, as well as information in relation to Palestinians’ ability to move between the Gaza Strip and Israel and Egypt, respectively. This document is based on publically available information (noting that UNHCR does not have a presence in the Gaza Strip). Information up to 23 February 2018 has been considered.

This document should be read in conjunction with UNHCR’s Position on Deportations to Gaza from February 2015, in which UNHCR requests States to uphold a non-removal policy to Gaza for humanitarian reasons.2

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<td>Agence France Presse</td>
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<tr>
<td>ARA</td>
<td>Access Restricted Area</td>
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<td>CERI</td>
<td>Consolidated Eligibility and Registration Instructions</td>
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<td>COGAT</td>
<td>Coordination of Government Activities in the Territories</td>
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<td>EuroMed</td>
<td>Euro-Mediterranean Human Rights Monitor</td>
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<td>EWR</td>
<td>Explosive Remnants of War</td>
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<td>GBV</td>
<td>Gender-based violence</td>
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<td>HRW</td>
<td>Human Rights Watch</td>
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<td>IHL</td>
<td>International Humanitarian Law</td>
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<td>ILGA</td>
<td>International Lesbian, Gay, Bisexual, Trans and Intersex Association</td>
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<td>ILO</td>
<td>International Labour Organization</td>
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<td>IMEMC</td>
<td>International Middle East Media Center</td>
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<td>IMF</td>
<td>International Monetary Fund</td>
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<td>ISIS</td>
<td>Islamic State in Iraq and Syria</td>
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<td>NRC</td>
<td>Norwegian Refugee Council</td>
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<td>OCHA</td>
<td>United Nations Office for the Coordination of Humanitarian Affairs</td>
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<td>OHCHR</td>
<td>Office of the High Commissioner for Human Rights</td>
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<td>oPt</td>
<td>Occupied Palestinian Territory</td>
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<td>PCBS</td>
<td>State of Palestine/Palestinian Central Bureau of Statistics</td>
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<td>PCHR</td>
<td>Palestinian Centre for Human Rights</td>
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<td>RSF</td>
<td>Reporters Without Borders</td>
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<td>UN</td>
<td>United Nations</td>
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<td>UNCT</td>
<td>United Nations Country Team</td>
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<td>UNCTAD</td>
<td>United Nations Conference on Trade and Development</td>
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<td>UNDP</td>
<td>United Nations Development Programme</td>
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<td>UNFPA</td>
<td>United Nations Population Fund</td>
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<td>UNGA</td>
<td>United Nations General Assembly</td>
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<td>UNHCR</td>
<td>United Nations High Commissioner for Refugees</td>
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<td>UNICEF</td>
<td>United Nations Children's Fund</td>
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<td>UNMAS</td>
<td>United Nations Mine Action Service</td>
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<td>UNRWA</td>
<td>United Nations Relief and Works Agency for Palestine Refugees in the Near East</td>
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<td>UNSCO</td>
<td>The Office of the United Nations Special Coordinator for the Middle East Peace Process</td>
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<td>US</td>
<td>United States</td>
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<td>WFP</td>
<td>World Food Programme</td>
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I. Introduction

The Gaza Strip covers an area of about 365 km² in size and has a total population of approximately 1.9 million people, including over 1.3 million Palestinian refugees (68 per cent of the total population). For the past decade, the Gaza Strip has reportedly been on a "trajectory of de-development". The Gaza blockade, which is now in its 11th year and imposes wide-ranging restrictions on imports, including medical and other humanitarian items, and on exports and movement of people to and from the Gaza Strip by land, sea and air, is considered a primary cause of the Strip’s socio-economic and humanitarian crisis. The United Nations (UN) and human rights organizations have repeatedly highlighted the illegality of the blockade as a form of “collective punishment” and called for its full lifting. The situation is reportedly compounded by severe movement restrictions between the Gaza Strip and Egypt since June 2013, as well as by the intra-Palestinian political divide between authorities in the West Bank and the Gaza Strip, which stems from the takeover of the Gaza Strip by Hamas from the Palestinian Authority in June 2007. This internal divide reportedly escalated in April 2017 following the


imposition of a series of measures by the Palestinian Authority against the Gaza Strip affecting public sector allowances, electricity supplies and the referral of patients for medical treatment outside the Gaza Strip.\(^{10}\) The reconciliation agreement concluded between the Palestinian Authority and Hamas on 12 October 2017 has reportedly not yet led to a reversal of all of these measures and a significant improvement in the humanitarian situation.\(^{11}\) In a positive development, the Palestinian Authority reportedly reinstated payments for electricity to Israel in early January 2018, allowing for the restoration of electricity supplies to the Gaza Strip.\(^{12}\) Furthermore, the Gaza Strip’s population growth is reported to outpace the growth of the economy, basic infrastructure and services.\(^{13}\) In addition to the blockade imposed by Israel, the Gaza Strip has experienced successive rounds of violent confrontations between Israel and Hamas. Since Israel withdrew from the Gaza Strip in 2005, major conflicts occurred in 2008, 2012 and 2014.\(^{14}\) The last round of hostilities in July/August 2014 was reportedly the most devastating and resulted in high numbers of civilian casualties, the vast majority of whom were Palestinians,\(^{15}\) large-scale internal displacement in the Gaza Strip,\(^{16}\) and widespread damage to housing and already weak basic infrastructure,\(^{17}\) further exacerbating the area's dire economic and humanitarian situation.\(^{18}\) Three years after the latest escalation of hostilities, and despite significant progress in the reconstruction of damaged and destroyed housing and infrastructure, the Gaza Strip is reportedly yet to recover:


\(^{12}\) See below Section II.6 (“Humanitarian Situation – Electricity, Water and Sanitation”).

\(^{13}\) “Since the publication in 2012 of the UNCT’s report on ‘Gaza 2020’, Gaza’s population has increased by 400,000, reaching 2 million people by the end of 2016. Gaza’s population is projected to further increase to 2.2 million by 2020 and to 3.1 million by 2030 – just 12 years away. (…) The population has actually grown slightly faster than projected and neither the economy nor basic infrastructure and services have been able – even remotely – to keep pace”; UN, Gaza – 10 Years Later, July 2017, [http://www.refworld.org/docid/5965d0f24.html](http://www.refworld.org/docid/5965d0f24.html), p. 3. “Gaza’s population growth due to higher fertility and built-in population momentum will more than double (multiplication by 2.5), from 1.9 to 4.8 million in 2050”; United Nations Population Fund (UNFPA), Palestine 2030 – Demographic Change: Opportunities for Development, December 2016, [http://www.refworld.org/pdfid/585b87ea4.pdf](http://www.refworld.org/pdfid/585b87ea4.pdf), p. 15. See also, UN News, Population Growth in Occupied Palestinian Territory to Drive Demand for Housing, Services – UN, 21 December 2016, [http://www.refworld.org/docid/585b87c40.html](http://www.refworld.org/docid/585b87c40.html).

\(^{14}\) The cost of the total direct physical damages of the three conflicts combined was estimated at three times the size of the Gaza Strip’s annual GDP. The 2014 hostilities are reported to have been the “deadliest and most devastating of all”; UNDP, Three Years after the 2014 Gaza Hostilities, 31 May 2017, [http://bit.ly/2yXuUO4](http://bit.ly/2yXuUO4), p. 25. For an overview of the three major rounds of hostilities and their impact, see UN, Gaza – 10 Years Later, July 2017, [http://www.refworld.org/docid/5965d0r24.html](http://www.refworld.org/docid/5965d0r24.html), p. 12; The New York Times, In Gaza, a Pattern of Conflict, 31 July 2014, [https://nyti.ms/2AK4xJ](https://nyti.ms/2AK4xJ).

\(^{15}\) “The hostilities between Israel and Palestinian armed groups from 8 July to 26 August 2014 were the most devastating in the Gaza Strip since the start of the Israeli occupation in 1967. They resulted in the deaths of 2,251 Palestinians, including at least 1,462 civilians, and 71 Israeli civilians, of whom five were civilians. Over 11,000 Palestinians were injured, including hundreds of people left with a long-term disability, and huge numbers of the population, particularly children, were traumatized”; OCHA, The Monthly Humanitarian Bulletin – August 2017, September 2017, [http://bit.ly/2y8MUWJ](http://bit.ly/2y8MUWJ).


\(^{17}\) Including health and educational facilities. According to UNRWA, 17 hospitals and 56 primary healthcare centres were either destroyed or partially damaged. In addition, 252 schools were damaged and seven were destroyed, including 83 UNRWA schools; UNCTAD, Report on UNCTAD Assistance to the Palestinian People: Developments in the Economy of the Occupied Palestinian Territory, TD/B/63/3, 6 July 2015, [http://bit.ly/1N3VzBar](http://bit.ly/1N3VzBar), para. 42; UN, Gaza: Two Years After, 26 August 2016, [http://bit.ly/2hUTY3H](http://bit.ly/2hUTY3H), p. 6.

\(^{18}\) “It lasted 51 days, and wrought unprecedented carnage to Gaza’s civilian population and caused widespread destruction to its already weak economy and failing infrastructure including schools, universities, hospitals, water and sanitation systems, communication networks, and Gaza’s only power plants, public buildings, industrial assets and agricultural land. Over 60% of Gaza’s housing stock sustained significant damage, with highrise residential buildings flattened, and entire neighbourhoods across the eastern Gaza Strip were reduced to rubble or rendered uninhabitable”; UNDP, Three Years after the 2014 Gaza Hostilities, 31 May 2017, [http://bit.ly/2yXuUO4](http://bit.ly/2yXuUO4), p. 25. See also, UN, Gaza – 10 Years
“Three years since the hostilities, Gaza remains a war-torn area, a man-made disaster, an open air prison, isolated and besieged from all sides. Its economy has been crushed, its 2 million people – half of them under the age of 15 – are traumatized and abandoned, and its civilian infrastructure and public services, both social (health, education, and housing) and physical (roads, water, energy, and sanitation), are largely dysfunctional."19

Although the August 2014 ceasefire continues to hold and no further conflict-related displacement has been recorded since, the security situation in the Gaza Strip is reported to remain volatile as tensions between Israel and Hamas result in episodes of violence and the killing and injury of civilians.20 Following the US President’s decision to “officially recognize Jerusalem as the capital of Israel” in early December 2017,21 the situation has reportedly become more tense with an increase in security incidents, including rockets fired from the Gaza Strip, demonstrations and clashes between Palestinians and Israeli security forces.22 Since the end of the 2014 hostilities, the United Nations Mine Action Service (UNMAS) has recorded an increase in the number of incidents related to Explosive Remnants of War (EWR) in the Gaza Strip, as a result of which nearly 160 people, mostly men and boys, have been either killed or injured.23

In a move to end the split that has divided the West Bank and the Gaza Strip politically and administratively since 2007, Hamas and the West Bank-based Palestinian Authority concluded a reconciliation agreement based on a unity government on 12 October 2017. The Egyptian-brokered agreement formally restored the Palestinian Authority’s administrative control over the Gaza Strip as of 10 December 2017.24 The Fatah-dominated Palestinian Authority regained full control of the Gaza Strip’s side of the Erez, Kerem Shalom and Rafah Crossings, and on 18 November 2017, for the first time in more than a decade, the Rafah crossing to Egypt temporarily opened under Palestinian Authority control.25 The two parties, alongside 11 other political factions, have agreed to hold presidential and legislative elections by the end of 2018.26 Subsequent talks will have to address a number of outstanding and contentious issues, above all the security arrangements and the disarming

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23 “In 2017, the recorded number of EWR accidents surpassed the number of reported incidents during the whole of 2016, indicating the ongoing EWR threat to the local population. Since the 2014 conflict ended, 158 people have been killed or injured by EWR, 80% of whom were men and boys”; UNMAS, State of Palestine, updated January 2018, http://bit.ly/1QUjNpE. See also, OCHA, Humanitarian Needs Overview 2018, 20 December 2017, http://bit.ly/2BlDMZ9, pp. 7, 23.

24 Deutsche Welle, Palestinian Rivals Fatah and Hamas Sign Reconciliation Deal, 12 October 2017, http://d.w.org/ep/2lVeVK.


of Hamas’ military wing. At the time of writing, progress in working out the details of the political-power-sharing deal between Hamas and the Palestinian Authority has reportedly stalled.

II. Humanitarian Situation

The already protracted humanitarian situation in the Gaza Strip deteriorated markedly in 2017 and into 2018. An estimated 1.6 million people, or 64 per cent of the Gaza Strip’s population, are reportedly in need of humanitarian assistance and services, concerns have been expressed about the impact of predicted funding cuts in 2018 to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) on the continued provision of vital health, education and food services.

1) Housing and Reconstruction

The Gaza Strip is reported to suffer from a chronic and deepening housing shortage as a result of the population’s growth, the ongoing blockade and recurrent conflict. The housing sector was severely affected by the July/August 2014 hostilities as more than 171,000 homes were damaged or completely destroyed. According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), approximately 100,000 people were displaced due to the destruction or severe damage to their homes (over 17,000 housing units). At the end of December 2017, 4,450 families (about 23,500 individuals) remained displaced as their homes were either destroyed or severely damaged and have not yet been reconstructed. Delays reportedly relate mainly to

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27 “Palestinian factions signed an agreement on 12 October [2017] to allow the Palestinian Authority to assume control of Gaza. The Gaza crossings fully returned to the control of the Palestinian Authority on 1 November; and public sector employees recruited by the Palestinian Authority prior to 2007 registered in preparation for establishing a unified work force. The process, however, is faltering over substantial disagreements, including on important questions related to the payment of public sector salaries, the lifting of PA imposed measures, and Hamas giving up its security control of Gaza”; UNSCO, Nickolay Mladenov, Special Coordinator for the Middle East Peace Process: Briefing to the Security Council on the Situation in the Middle East – Report on UNSCR 2334 (2016), 18 December 2017, http://bit.ly/2CR1wpy. “The more troublesome issues between Hamas and Mr. Abbas’s Fatah faction – including the merger of two separate work forces in Gaza, and what is to become of the estimated 25,000 Hamas fighters, their arsenal of rockets and network of tunnels – were left for later”; The New York Times, U.S. Works to Keep Palestinians’ Talks on Track to Peace, 19 October 2017, https://nyti.ms/2kZmVPC. See also, Al Jazeera, Three Issues that Could Derail the Fatah-Hamas Deal, 21 October 2017, http://aje.io/www2.


31 A total of 171,000 housing units were reportedly impacted by the last conflict, affecting both refugees and non-refugees, including 12,580 housing units that were totally destroyed, 6,524 that sustained severe damage, 6,212 with major and 145,825 with minor damage; Shelter Cluster Palestine, Shelter Cluster Factsheet, September 2015, http://bit.ly/2yx3Yiw, p. 10. See also, UN, Gaza – 10 Years Later, July 2017, http://www.refworld.org/docid/5965d0f24.html, p. 12; UNOSAT, Impact of the 2014 Conflict in the Gaza Strip | UNOSAT Satellite Derived Geospatial Analysis, 14 October 2014, http://bit.ly/2yvz3U.

32 OCHA, Three Years on from the 2014 Conflict, 29,000 People Remain Displaced, 11 September 2017, http://bit.ly/2y8MUWJ. A funding gap for about 3,200 destroyed and over 56,400 damaged units reportedly remains: Shelter Cluster Palestine, Shelter Cluster Factsheet – December 2017, 5 February 2018, http://bit.ly/2EHL0zT. “Displacement continues for 23,500 people who are primarily reliant on temporary shelter cash assistance (TSCA) to rent accommodation until their homes are reconstructed or rehabilitated. TSCA has been disrupted due to significant funding shortages with anecdotal evidence suggesting that this has resulted in debt accumulation and the adoption of negative coping mechanisms such as withdrawing children from school or engaging children in income generation. Some 4,500 families who have not yet received assistance to repair conflict-related damages are in urgent need of support due to continued exposure to the elements, high vulnerability...
the slow pace of disbursements of pledged aid for reconstruction and continued restrictions on the import of building materials defined by Israel as “dual use items” through the Kerem Shalom (Karam Abu Salem in Arabic) Crossing into the Gaza Strip. Some 400 Palestine and other refugee families displaced to the Gaza Strip from Syria, Libya and Yemen reportedly face particular shelter concerns.

Over half a million Palestinian refugees in the Gaza Strip live in eight recognized Palestine refugee camps, which have some of the highest population densities in the world. The camps, many of which have developed into urban areas, are characterized by overcrowding, poor living conditions, social problems associated with over-stretched infrastructure, high levels of unemployment and food insecurity, environmental health concerns, lack of privacy and severely limited spaces for safe play and recreational activities. While UNRWA provides services to Palestinian refugees in established refugee camps in line with its mandate, the Agency is not responsible for the management or security of camps.

2) Livelihoods

Following the 2014 hostilities, the World Bank assessed that the Gaza Strip’s economy was on the verge of collapse. Following the end of the hostilities, the economy has reportedly moderately grown, largely due to reconstruction; however, the economic outlook reportedly remains poor.

In the fourth quarter of 2017, unemployment in the Gaza Strip was reported to reach nearly 43 per cent (compared to nearly 14 per cent in the West Bank). Youth unemployment has reportedly soared to more than 47 per cent.


“Dual use items” include products/technologies normally used for civilian purposes that may have military applications, according to the Israeli authorities. “Israel considers many materials needed for these [humanitarian and development] projects to be ‘dual-use’ and posing security concerns, thus subjecting them to severe import restrictions. These include construction materials, raw materials for the productive sectors, including wood and pesticides, medical equipment and water pumps necessary to deal with seasonal flooding”; UN, Gaza – 10 Years Later, July 2017, http://www.refworld.org/docid/59e550f42.html, p. 9. See also, UNGA, Report of the Commissioner-General, 22 May 2017, http://www.refworld.org/docid/59e4f4f54.html, footnote 5.


Unemployment is higher in rural (57.1 per cent) and camp locations (45.6 per cent) compared to urban areas (41.7 per cent); State of Palestine/Palestinian Central Bureau of Statistics (PCBS), Labour Force Survey (October-December, 2017) Round (Q4/2017), 13 February 2018.
Seeking employment opportunities in Israel is reportedly not an option as the Israeli labour market has been closed to workers from the Gaza Strip since 2007, and businesspeople have been facing increasing restrictions on their ability to leave the Gaza Strip via the Erez Crossing into Israel. Furthermore, restrictions imposed by Israel on access to agricultural land in the border area between the Gaza Strip and Israel and restrictions on access to the Mediterranean Sea reportedly disrupt the access to livelihoods of farmers and fishermen in the Gaza Strip. The escalation of the internal Palestinian political divide in March 2017, which resulted in power
shortages and salary cuts in the public sector, reportedly continue to negatively affect the livelihoods of many in the Gaza Strip.52

Nearly 40 per cent of Gazans are reported to live below the poverty line, half of them in extreme poverty.53 Poverty is considered to be a major factor forcing an increasing number of children into work.54 The vast majority of the population, about 80 per cent, is reportedly dependent on some form of humanitarian aid,55 mostly food assistance.56 Many households have reportedly been forced into debt to secure basic needs such as food, shelter and education.57

3) Food Security

As a result of poverty and unemployment as well as high food prices,58 an estimated 39 per cent of households in the Gaza Strip are severely or moderately food insecure.59 Food insecurity is reported to be particularly high


53 “More than one-quarter (25.8%) of Palestinians live below the national poverty line. In the West Bank, the poverty rate is 17.8%, while in the Gaza Strip conditions are more dire, with poverty affecting 38.8% of the total population. Extreme poverty affects 7.8% of the West Bank population, and 21.1% of those living in the Gaza Strip. (…) Poverty remains a continuous challenge in the Palestinian context, staying high and on the increase” (emphasis added); UNFPA, Palestine 2030 – Demographic Change: Opportunities for Development, December 2016, http://www.refworld.org/pdfid/585b87ea4.pdf, pp. 32, 41. “In Gaza, persistent insecurity, occasional outbreaks of violence and restrictions on the movement of persons and goods have resulted in deep poverty and distress among the resident population”; UNGA, Report of the Commissioner-General, 22 May 2017, http://www.refworld.org/docid/59ef4f534.html, para. 68. See also, UN, Gaza – 10 Years Later, July 2017, http://www.refworld.org/docid/5965d0f24.html, p. 13.


among female-headed households and refugees. Cases of chronic malnutrition among young children in the Gaza Strip are reportedly on the rise.61

According to UNRWA, the number of Palestine refugees in the Gaza Strip relying on UNRWA for food aid has increased from less than 80,000 in 2000 to almost one million in 2017 (representing 77 per cent of the total Palestine refugee population in the Gaza Strip).52

4) Health

The ongoing blockade, successive conflicts and socio-economic decline, among other reasons, have reportedly brought Gaza’s health sector close to collapse.60 While the population in the Gaza Strip continues to grow and with it, medical needs, the capacity of the public health sector, including medical infrastructure, resources, supplies and staff, reportedly continue to shrink.61 Extended power cuts and fuel shortages reportedly put additional strains on the health sector.62 Although critical departments in Gaza’s hospitals reportedly continue to function, there has been a disruption in the delivery of primary and secondary healthcare services by the Ministry of Health.63 The Ministry of Health has reportedly implemented strict contingency measures, including the temporary closure of three hospitals (Beit Hanoun Hospital, Durrah Hospital, Psychiatric Hospital), and partial closure of an additional 13 MOH primary healthcare clinics, impacting over 300,000 people.64

The functioning of critical services such as blood banks, laboratories and vaccine storage is also directly affected by

64 “Compounding the electricity crisis is the shortage in drugs, medical disposables, basic laboratory reagents and other medical supplies in addition to the shortages of health staff, all of which has affected negatively the availability, accessibility and quality of healthcare”; OCHA, Humanitarian Needs Overview 2018, 20 December 2017, http://bit.ly/2BLdM29, p. 30. “As a result, while the population has doubled since 2000, the number of functioning primary health care clinics has decreased from 56 to 49 (note UNRWA currently runs an additional 13 MOH primary healthcare clinics, impacting over 300,000 people).”
the continuous power cuts. According to the WHO, any further disruption in the power supply would be immediately life-threatening for patients relying on electrical devices.

Medical needs among the population in the Gaza Strip are reportedly overwhelming, with new-borns, children under the age of five, pregnant women, survivors of gender-based violence (GBV), patients with chronic illnesses, the elderly and people with disabilities particularly affected by the lack of adequate healthcare services. As a result of the extremely difficult living conditions in the Gaza Strip, including effects of the blockade and exposure to successive cycles of conflict, and in particular the 2014 hostilities, levels of trauma and mental health needs are reportedly particularly high, especially among children and youth. The abuse of drugs, such as the opioid Tramadol, as well as suicide rates are reported to be on the rise.

As a result of persistent shortages of drugs, medical supplies, equipment and staff, as well as the lack of specialized health services, patients have to rely on a complicated mechanism for medical referrals outside the

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74 “Young people affected by poverty and unemployment lack autonomy and decision-making power and are particularly vulnerable to deteriorating standards of living, if they are hit by new or recurrent shocks or stresses. Together, these factors are seen as a leading cause of mental health deterioration among youth, and negative coping mechanisms among young people have been documented, including substance abuse and rising internal radicalization. There are reportedly high rates of anxiety, depression, and post-traumatic stress disorder (PTSD), especially in Gaza”; OCHA, Humanitarian Needs Overview 2018, 20 December 2017, http://bit.ly/2BLdM29, p. 15.
78 One of the SI3 items on the essential medical commodities list considered by the Ministry of Health as necessary for the provision of essential health care, 26 per cent have been reported at less than one month’s supply; WHO, WHO Special Situation Report - Gaza, Occupied Palestinian Territory (December 2017 to January 2018), 4 February 2018, http://bit.ly/2FjD5L, pp. 1, 4.
79 “As a result of the poor quality of healthcare and the lack of many services, many patients look for medical assistance and treatment in West Bank and beyond, which is challenging due to limitations in movement and obtaining permits.”; UN, Gaza – 10 Years Later, July 2017, http://www.refworld.org/docid/5965d0f24.html, p. 23.
Gaza Strip, requiring access approvals from either Israel or Egypt. However, approval rates for referrals through the Israeli-controlled Erez Crossing have reportedly declined significantly, while the Rafah Crossing remains mostly closed. As of mid-November 2017, patients applying to access health care in Israel, the West Bank or in other countries need to submit their permit applications 23 business days prior to their hospital appointment, with the exception of medical emergencies, which can be processed immediately. Delays in processing applications can lead to patients missing medical appointments and delaying critical care. According to the World Health Organization (WHO), a total of 54 Palestinians died in 2017 while waiting for an Israeli permit to leave the Gaza Strip for medical treatment. Palestinian authorities in the West Bank have reportedly also been responsible for significant delays in processing requests for funds to cover the cost of patients’ medical treatment outside the Gaza Strip. Obtaining financial approval from the West Bank-based Ministry of Health is essential for Gazans wishing to apply for a permit to access medical treatment in Israel or the West Bank.


81 “In 2017, Palestinian authorities sent 25,812 travel permit requests on behalf of patients to the Israeli authorities, and only 53% were granted access to healthcare outside of Gaza. (…) It is important to note that an approved application does not always translate into successful arrival to the hospital, because patients and/or their companions may face questioning, delays, harassment, arrest and detention at Erez crossing on the way to the hospital”; Al Mezan, Medical Care Under Siege – Israel’s Systematic Violation of Gaza’s Patient Rights, February 2018, http://bit.ly/2Gyr3Xk, pp. 14-15. “2017 the lowest rate for approvals since WHO began active monitoring in 2008: 54% of patient applications to exit via Gaza were successful. There has been a continuous decline in approval rates since 2012, when approximately 93% of patient applications were successful. (…) 54 patients died while awaiting security permits from Israel to exit Gaza for health care. 85% of patients who died had been referred for cancer treatment and investigations”; WHO, Monthly Report: Health Access for Referral Patients from the Gaza Strip, February 2018, http://bit.ly/2Gyr3Xk, pp. 1, 2. According to WHO, “2017 saw the lowest approval rates overall: less than one third is reportedly successful in obtaining a security permit to exit Gaza via Erez for health care. It is of note that all male patients and patient companions aged 16 to 55 years old and female patients and patient companions aged 16 to 45 years old must undergo a supplementary security clearance process when applying for security permits from Israeli security services to exit via Erez. This can result in additional delays in processing applications; WHO, Monthly Report: Health Access for Referral Patients from the Gaza Strip, November 2017, 10 January 2018, http://bit.ly/2mDO3sf. See also, OCHA, Humanitarian Bulletin Occupied Palestinian Territory – December 2017, 15 January 2018, http://bit.ly/2mRl4uJ, p. 4 and monthly reports from WHO at: http://bit.ly/2keVvFg.


84 “Figures obtained from the Coordinating and Liaison Directorate show a steady increase in the rate of delayed permit applications in recent years: 2014 (14%), 2015 (17%), 2016 (31%). This trend continued in 2017, which exhibited a sharp rise averaging 44% delayed applications of the total permit requests submitted. Despite the thorough examination of the patients’ medical files by specialized Palestinian medical committees, followed by the prompt transfer of qualified applicants, the Israeli authorities are increasingly stalling patients and withholding responses. (…) When the patient has no response from the authorities, they are at that point forced to seek another appointment at the hospital. If a new appointment is confirmed, the patient is then asked to reapply for an exit permit. This sequence could be repeated several times, with appointments expiring, new appointments acquired, and permit requests resubmitted, without an exit permit being granted”; Al Mezan, Medical Care Under Siege – Israel’s Systematic Violation of Gaza’s Patient Rights, February 2018, http://bit.ly/2Gyr3Xk, p. 16. “Patients who are delayed received no definitive acceptance or rejection to travel for health care by the time of their hospital appointment. This results in delayed access to care, as patients must reapply for new hospital appointments. Many patients are receiving care for conditions that risk serious deterioration with successive delays”; WHO, Monthly Report: Health Access for Referral Patients from the Gaza Strip, November 2017, 10 January 2018, http://bit.ly/2mDO3sf, p. 3. See also, OCHA, Humanitarian Bulletin Occupied Palestinian Territory – December 2017, 15 January 2018, http://bit.ly/2mRl4uJ, p. 4; UN Secretary-General, Situation of Human Rights in the Palestinian Territories Occupied since 1967, 23 October 2017, http://bit.ly/2BAHnHf, para. 10; Amnesty International, Lives of Gaza’s Critically Ill Hanged in the Balance, 13 July 2017, http://www.refworld.org/docid/59677f5d4.html.


86 Between January and May 2017, the average processing time was reportedly one week. It has since reportedly increased significantly for most requests (in November 2017, 35 per cent of requests took between 8 and 31 days to process, and 33 per cent of requests took more than one month); WHO, Monthly Report: Health Access for Referral Patients from the Gaza Strip, November 2017, 10 January 2018, http://bit.ly/2mDO3sf. See also, Mondoweiss, Six Premature Infants Have Died in Gaza This Year due to Lack of Medication, 21 February 2018, https://shar.es/1LXontF; The Electronic Intifada, Slow Death for Gaza Cancer Patients Cut Off from Care, 31 January 2018, 13
5) Education

The education sector reportedly faces chronic challenges as a result of the ongoing blockade as well as the effects of the 2014 hostilities.87 While most schools that had sustained damage in 2014 had reportedly been repaired by mid-2017, numerous kindergartens and higher education institutions have not yet been repaired for lack of funds.88 Although literacy rates among men and women remain high,89 the quality of education has reportedly deteriorated over the past decade due to a lack of teachers, overcrowded classrooms and limited hours of instruction.90 Restrictions related to the blockade have also negatively affected the availability of education materials in schools, according to reports.91 The severe electricity crisis has reportedly further impacted students’ performance and well-being.92 As in other sectors, the already weak education infrastructure is under mounting pressure due to population growth.93 Over 5,000 children attending school in the “access restricted areas” (ARAs) also face the risk of Israeli military incursions, crossfire and activities by armed Palestinian groups.94

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90 “Some 70 per cent of UNRWA schools and over 63 per cent of Ministry of Education schools operate on a double or triple shift system which has reduced instruction time to about four hours a day, and limited the time available to reinforce learning, support slow learners, and offer remedial education and extracurricular activities”; OCHA, Humanitarian Needs Overview 2018, 20 December 2017, http://bit.ly/2BLdM29, p. 7. “In the education sector, the de facto Ministry of Education and Higher Education (MoEHE) in Gaza is facing difficulties recruiting new teachers and covering their salaries. As a result, it faces a shortage of 800 teachers and administrative staff and a deficit of $300,000 each month for salaries, resulting in overcrowded schools and limited hours of instruction, with the average daily class room time per student as low as four hours”; UN, Gaza – 10 Years Later, July 2017, http://www.refworld.org/docid/5965d0f24.html, pp. 7, 24. According to UNRWA’s head of operations in Gaza, “The school situation is especially precarious. Because of the lack of space, we’ve introduced a shift system: some children are taught in the mornings and others in the afternoons – in some schools there are even three shifts”; Qantara.de, Politics and the Humanitarian Situation in Gaza: “War Is Always Possible here”, 11 December 2017, http://bit.ly/2AY7HyM.


93 “Keeping pace with the growth of pupils and students in the Gaza strip will be one of the major challenges for the sector of education in the coming years as at least 900 new schools will be required in Gaza Strip by 2030. In the Gaza 2020 report, it was projected that 250 additional schools were needed immediately, and another 190 schools would be needed by 2020 to meet the demands of a rapidly expanding population. However, between 2012 and the end of 2016, only 33 governmental schools and 24 UNRWA schools were built, i.e. well below the actual need”; UN, Gaza – 10 Years Later, July 2017, http://www.refworld.org/docid/5965d0f24.html, p. 24. UNRWA expressed concern that the growing number of students, together with an overall increase in need of assistance, puts the agency under growing pressure to deliver services and programmes; UNRWA, Gaza Situation Report 205, 10 September 2017, http://bit.ly/2gkCGLU.

Higher education institutions outside the Gaza Strip are reportedly almost inaccessible due to restrictions imposed by Israel. The Hamas authorities also reportedly disrupt some educational, cultural and international exchange programmes by tightly controlling, and at times, denying, exit.

The Hamas authorities reportedly exert considerable influence on the public education sector, including by enforcing gender segregation in classrooms and school-related activities, imposing curricula reflecting Hamas’ political, militant and conservative religious views, and hiring teachers with Hamas affiliation.

6) Electricity, Water and Sanitation

Since April 2017, the Gaza Strip has been facing a severe electricity crisis as a result of the dispute between the Palestinian Authority and Hamas about how the payment for fuel for the Gaza Power Plant, leaving the Gaza Strip’s population with only a few hours of electricity per day and undermining the provision of basic services.

In early January 2018, this measure has reportedly been relaxed as the Palestinian Authority reinstated payments for electricity to Israel, which led Israel to resume power supply to the Gaza Strip, allowing for six to eight hours of electricity per day. Nevertheless, the Gaza Strip continues to suffer from extensive power cuts, which are exacerbated by the lack of fuel to run back-up generators needed to operate hospital equipment, schools, water and sanitation services as well as desalination plants.

The unprecedented shortfall in power supply in 2017 reportedly has a devastating effect on all aspects of life, including critical sectors such as wastewater treatment, waste disposal, health services, agriculture and other livelihoods, education, and re-construction.
Access to safe water is of critical concern in the Gaza Strip. Due to persistent power shortages, most households receive piped water for only three to five hours every day. The Gaza Strip’s population relies on coastal aquifers as its main source of freshwater, yet 96 per cent of this water is considered unfit for human consumption. Due to the poor quality of piped water, the vast majority (90 per cent) of the population reportedly have to turn to unregulated private operators to access desalinated water for drinking and cooking at higher costs, thus increasing the financial burden for poor families. In the eastern parts of the Gaza Strip, some 100,000 people reportedly remain without access to any water network. Due to the precarious state of infrastructure, over 560,000 persons in 60 communities in low-lying locations across the Gaza Strip are reportedly at risk of flooding, even from light rainfall.

The already limited capacity of wastewater treatment facilities has reportedly further declined and on 20 February 2018, municipalities across the Gaza Strip announced that raw sewage will be pumped directly into the Mediterranean Sea due to electricity and fuel shortages required to run the plants. As a result of untreated or insufficiently treated wastewater being discharged into the Mediterranean Sea, the Gaza Strip is faced by a growing environmental and health crisis.

III. Human Rights Situation

The human rights situation in the Gaza Strip is reported to be deteriorating. Residents of the Gaza Strip reportedly face a range of human rights violations and abuses overwhelmingly as a result of Israeli practices

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109 “OHCHR has observed a deterioration of the human rights situation in the Occupied Palestinian Territory over the past few years”; UN Human Rights Council, Implementation of Human Rights Council Resolutions S-9/1 and S-12/1, 25 January 2017, http://www.refworld.org/docid/58ad8c054.html, para. 78.

110 “Israel, the State of Palestine and the authorities in Gaza are not meeting their obligations to promote and protect the rights of the residents of Gaza”; OHCHR, Press Briefing Notes on Gaza, 11 August 2017. https://shr.es/1LoTH6, “Over the past seven years, OHCHR has documented and reported repeated serious human rights violations by all duty bearers in the Occupied Palestinian Territory, particularly by Israeli authorities”; UN Human Rights Council, Implementation of Human Rights Council Resolutions S-9/1 and S-12/1, 25 January 2017, http://www.refworld.org/docid/58ad8c054.html, para. 78. See also, HRW, World Report 2018 – Israel and Palestine, 18 January 2018, http://www.refworld.org/docid/5a61ee62a.html.
affecting the Gaza Strip and violations at the hands of the Hamas authorities. According to reports, human rights violations and abuses take place mostly in a climate of impunity.

This chapter focuses on human rights abuses committed by the Hamas authorities and to some extent other non-state actors in the Gaza Strip against Palestinian inhabitants of the Gaza Strip. It does not cover violations of International Humanitarian Law (IHL) by these actors, nor violations of IHL and human rights law by the State of Israel. However, it should be noted that the UN have referred to the continued blockade and restrictions imposed by Israel on movement of people and goods in and out of the Gaza Strip as amounting to the “collective punishment” of the entire population. In addition, Israeli security forces reportedly continue to use excessive force, killing and injuring civilians on the border fence between the Gaza Strip and Israel as well as at sea.

The Hamas authorities reportedly subject civilians to a wide range of human rights violations, including harassment; arbitrary arrests and detentions, including incommunicado detentions and pro-longed pre-trial detention; torture and other forms of ill-treatment; and trials that fall short of international fair trial standards. Furthermore, the UN and human rights organizations have expressed concern over the use of the death penalty and the fact that trials, particularly those in military courts, did not appear to meet minimum fair trial standards. Executions are reportedly regularly carried out in violation of applicable international and


112 “Substantial human rights violations are also taking place in Gaza under Hamas’s control. These occur not only during times of heightened tensions or when hostilities escalate but have also become a feature of daily life”; UN, Gaza – 10 Years Later, July 2017, http://www.refworld.org/docid/5965d0f24.html, p. 25. For more background information on Hamas, see US Department of State, Country Reports on Terrorism 2016 – Foreign Terrorist Organizations: Hamas, 19 July 2017, http://www.refworld.org/docid/5981e3e0a.html; Council on Foreign Relations (CFR), Hamas, last updated 1 August 2014, http://cfr.org.org/2014/05/Hamas

113 “Although the scale of violations is lower [compared to those committed by the Israeli government], impunity is also a major concern with regard to actions by Palestinian authorities both in Gaza and the West Bank”; UN Human Rights Council, Implementation of Human Rights Council Resolutions S-9/1 and S-12/1, 25 January 2017, http://www.refworld.org/docid/58ad8c054.html, para. 79. See also, US Department of State, 2016 Country Reports on Human Rights Practices – The Occupied Territories, 3 March 2017, http://www.refworld.org/docid/58ec89b9a9.html, pp. 71, 82.

114 Due to the continued and extensive blockade and restrictions on movement of people and goods on the Gaza Strip by the Israeli Government, Palestinians’ civil, economic, social and cultural rights are reportedly severely restricted. The UN have referred to this practice as amounting to the “collective punishment” of the entire population. In addition, Israeli security forces reportedly continue to use excessive force, killing and injuring civilians on the border fence between the Gaza Strip and Israel as well as at sea; UN, Gaza – 10 Years Later, July 2017, http://www.refworld.org/docid/5965d0f24.html, p. 7-12, 26, 27. See also, HRW, World Report 2018 – Israel and Palestine, 18 January 2018, http://www.refworld.org/docid/5a611ee62a.html. See also above Section I (“Introduction”).

115 “[In the Gaza Strip, Hamas reportedly detained a large number of persons during the year, primarily without recourse to legal counsel, judicial review, or bail. There also were instances in which authorities retroactively issued arrest warrants and used military warrants to arrest civilians”; US Department of State, 2016 Country Reports on Human Rights Practices – The Occupied Territories, 3 March 2017, http://www.refworld.org/docid/58ec89b9a9.html, p. 85.


Palestinian laws. Detention centres are reported to be overcrowded and with poor conditions, and in some instances the use of torture and ill-treatment reportedly resulted in deaths. (Perceived) critics and opponents of the Hamas authorities, including activists, (perceived) affiliates or sympathizers of rival political organizations, suspected collaborators, human rights defenders, and journalists, are reportedly


121 “The United Nations has also documented a growing use of (…) arbitrary detention by Hamas against perceived political opponents, including members of the former Palestinian Authority and former Fatah members, who were reported to have been arrested and held in Hamas-run detention centres”; UN Human Rights Council, Inalienable Rights of the Palestinian People, 5 September 2017, http://www.refworld.org/docid/59d278084.html, para. 44. “Human rights abuses under Hamas included security forces killing, torturing, arbitrarily detaining, and harassing opponents, including Fatah members and other Palestinians with impunity. And further: ‘Fatah officials claimed to media that Hamas abducted, threatened, and arrested several Fatah members working on municipal elections in the Gaza Strip prior to the election’s indefinite postponement’”; US Department of State, 2016 Country Reports on Human Rights Practices – The Occupied Territories, 3 March 2017, http://www.refworld.org/docid/58ec89b9af.html, para. 76.


124 As political in-fighting continued, authorities in the West Bank and Gaza used threats and intimidation against activists and journalists to suppress peaceful expression, including reporting and criticism. According to the NGO Palestinian Centre for Development and Media Freedoms, the Palestinian authorities in the West Bank were responsible for 147 attacks on media freedom during the year. These included arbitrary arrests, ill-treatment during interrogations, confiscation of equipment, physical assaults, bans on reporting and the banning of 29 websites critical of the West Bank authorities. Hamas authorities in Gaza were responsible for 35 such attacks” (emphasis added); Amnesty International, Annual Report 2017/18 – Israel and the Occupied Palestinian Territories, 22 February 2018, http://bit.ly/1vz6eK3. In the Gaza Strip, Reporters Without Borders (RSF) observed that “The common feature of the journalists who have been threatened or prosecuted is that
particularily sought out for arbitrary arrest, detention and other violations. In some instances, individuals have reportedly also been targeted on account of their family members’ actions. The Hamas authorities reportedly also restrict the rights to freedom of speech (including on the internet) and assembly, and have at times resorted to excessive force to disperse protests and arrested protesters and organizers. Organizations affiliated with Fatah as well as women’s rights groups reportedly face difficulties operating.

Women and girls reportedly face a high risk of legal and societal discrimination and violence, including domestic violence, forced/early marriage, sexual violence (including rape) and “honour killings”. GBV is


“Hamas forces monitored private communications systems, including telephones, e-mail, and social media sites.” And further: “Gaza-based Palestinian civil society organizations and social media practitioners stated Hamas authorities monitored the internet activities of Gaza Strip residents and took action to intimidate or harass them”; US Department of State, 2016 Country Reports on Human Rights Practices – The Occupied Territories, 3 March 2017, http://www.refworld.org/docid/58ec89b9af.html, pp. 93, 103.


“Under Hamas’ form of religious law, only a man can file for divorce, says Amal Siyam, director of the Women’s Affairs Center in Gaza City. (A woman, under very specific cases, can apply for a marital separation.) In practice that means women are left without a say about divorce. Gaza law also favors fathers for custody of children. Some women will try to stay in abusive marriages to remain with their children.” USA Today, Divorced In Gaza Because of Reality, 22 May 2017, http://bit.ly/2CJxLgn.


Palestinian youth are exposed to several other forms of violence in their homes and communities, including domestic violence, GBV, and community violence from their peers or supervisors at universities or in their work environment. Data from PCBS has shown that over one-fifth of students in Gaza aged 12-17 were exposed to psychological violence, and over 20 per cent experience physical violence. In general, boys were more likely to be exposed to violence than girls, at 28 per cent versus 16 per cent”; OCHA, Humanitarian Needs Overview 2018, 20 December 2017, http://bit.ly/2BLdM29, p. 15.


142 “Increased pressure to conform to Hamas’s interpretation of Islamic norms generally restricted movement by women.” And further, “According to press and NGO reports, in some instances teachers in Gaza sent girls home for not wearing conservative attire in Hamas-run schools, although enforcement was not systematic”; US Department of State, 2016 Country Reports on Human Rights Practices – The Occupied Territories, 3 March 2017, http://www.refworld.org/docid/58ec89b9af.html, pp. 112, 127, “In recent years, Gaza has become increasingly conservative, which has had a further negative impact on women’s freedom of movement and possibilities to take action”; Kvinnna till Kvinnna, Palestine – Women’s Situation, last updated 4 July 2016, http://bit.ly/2kGAoxD. “(…) the imposition of more conservative moral codes that directly affect women’s day-to-day lives has been a visible manifestation of Hamas’ rule (…). With the socio-political environment significantly narrowing women and girls’ access to the public sphere, it has become more difficult for women to secure incomes, services and their rights”; Overseas Development Institute, Women and Power – How Women Leaders Negotiate Gaza’s Political Reality, February 2016, http://bit.ly/2x3MqC8, p. 14. See also, NPR, Hamas: Gaza Women Learning to Drive Must Have a Chaperone, 1 June 2016, https://nf.npr.org/TX/7Mr7tE.

143 See above notes 133 and 134. See also Section II.2 (“Livelihoods”).

144 “Children detained in Gaza under the Hamas-led government are at severe risk of violations and abuses according to a Palestinian rights group. Cases of torture used as an interrogation method were reported, as well as other cases of physical abuse of children aged 15-17”; International
including for hard labour and training as combatants, although these combat training programmes were reportedly suspended following international criticism. Persons of diverse sexual orientations or gender identities are reportedly particularly vulnerable to abuse and discrimination from a range of actors, including from the Hamas authorities, armed groups, as well as members of their families and wider society. According to applicable laws, consensual same-sex acts between men are treated as a criminal offence, punishable with up to 10 years in prison. Hamas authorities reportedly subject persons of diverse sexual orientations or gender identities to internet surveillance, harassment, arbitrary arrest and detention on account of their sexual orientation or gender identity.

Persons living with disabilities as well as those with HIV/AIDS reportedly face familial and societal discrimination in the Gaza Strip. Women and girls with disabilities are reportedly particularly at risk of GBV.


“Societal discrimination based on cultural and religious traditions was commonplace, making the West Bank, East Jerusalem, and Gaza challenging environments for lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons. Some Palestinians claimed PA security officers and neighbors harassed, abused, and sometimes arrested LGBTI individuals because of their sexual orientation or gender identity. NGOs reported Hamas also harassed and detained persons due to their sexual orientation or gender identity” (emphasis added); US Department of State, 2016 Country Reports on Human Rights Practices – The Occupied Territories, 3 March 2017, http://www.refworld.org/docid/58ec989baf.html, p. 131. See also, HRW, World Report 2018 – Israel and Palestine, 18 January 2018, http://www.refworld.org/docid/5a61ee62a.html.

Section 152(2) of the British Mandate Criminal Code Ordinance, No. 74 of 1936, which reportedly remains in force in the Gaza Strip at the time of writing, criminalizes consensual sexual acts between men with a penalty of up to 10 years (consensual same-sex acts are not criminalized in the West Bank). According to the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), “[s]ince the 2007 governance of Gaza by Hamas, the Palestinian legislative body has attempted to amend or replace the British Mandatory Penal Code. The proposal from 2013 purported to be ‘Islamic based’, and included flogging for adultery and cutting off an offender’s right hand for theft. While a complete draft of the proposal was never published, it is highly likely its treatment of same-sex acts would have been far more severe than even the current law. The code failed to pass the Gazan legislative”; ILGA, State Sponsored Homophobia 2017: A World Survey of Sexual Orientation Laws: Criminalisation, Protection and Recognition, May 2017, 12th Edition, http://www.refworld.org/docid/59e615f64.html, p. 124. See also, HRW, World Report 2018 – Israel and Palestine, 18 January 2018, http://www.refworld.org/docid/5a61ee62a.html.


Various armed groups present in the Gaza Strip, ranging from groups connected to Hamas to extremist Islamist groups that pledged allegiance to the Islamic State in Iraq and Syria (ISIS), reportedly also commit human rights abuses, including abduction, torture and ill-treatment, as well as extra-judicial executions.\(^{151}\)

IV. Restrictions on Exit from and Return to the Gaza Strip

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.\(^{152}\) As a result, very few Gazans are able to travel outside of the Gaza Strip.\(^{153}\) 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.\(^{154}\)

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 Strip and Israel as well as those seeking to reach the West Bank or third countries.\(^{155}\) The “Rafah” Crossing is located at the southern end of the Gaza Strip bordering Egypt and controlled by Egyptian authorities.\(^{156}\) 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.\(^{157}\)

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;\(^{158}\) 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.\(^{159}\) 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


\(^{156}\) “Rafah Crossing is the only crossing between the Gaza Strip and Egypt. Because of the closure Israel imposes on Gaza’s land crossings, and the ban on air and sea travel to and from Gaza, Rafah Crossing has become a vital route to the outside world for Gaza’s residents over the years”; Gisha, Movement of People via Rafah Crossing, updated March 2017, http://gisha.org/graph/2399.


restrictions on the Israeli-controlled Erez Crossing, had become the primary crossing point used by Palestinians in the Gaza Strip.\(^{160}\)

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.\(^{161}\) 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.\(^{162}\)

1) Erez Crossing

Only pre-determined categories of Gaza Strip residents\(^{163}\) such as persons with urgent medical needs\(^{164}\) and their companions, businesspeople, employees of international organizations and individuals with specific humanitarian needs are eligible to receive permits to temporarily\(^{165}\) enter Israel via the Erez Crossing, subject to security checks.\(^{166}\) Israeli authorities are reported to have increasingly limited the movement of Palestinians out of the Gaza Strip.\(^{167}\) In recent years, an increasing number of applications has reportedly either been delayed


\(^{163}\) Permits are generally only given to Palestinians registered as Gaza residents in the Israeli-controlled population registry. The registry is based on a population census of Palestinians that Israel conducted in September 1967, shortly after capturing the Gaza Strip and the West Bank. The census counted close to 955,000 Palestinians physically present in the West Bank and the Gaza Strip at the time, but excluded 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. Restrictions put in place by Israel regarding the inclusion of foreign-born spouses and their children, the registration of Palestinians born abroad and the loss of residency as a result of time spent abroad, have reportedly added to the numbers of Palestinians not included in the population registry. According to HRW, “Israel has also arbitrarily denied hundreds of thousands of Palestinians from its population registry, restricting their ability to live in and travel from or to the West Bank and Gaza. Israeli authorities have justified these actions by citing general security concerns, but have not conducted individual screenings or claimed that those excluded posed a threat themselves”; HRW, Submission for the Universal Periodic Review of Israel – 29th Session of the Universal Periodic Review, January 2018, 29 June 2017, http://bit.ly/2EuWnHp; HRW, “Forget About Him, He’s not Here” – Israel’s Control of Palestinian Residency in the West Bank and Gaza, 5 February 2012, http://www.refworld.org/docid/4f3374972.html, pp. 2-4, 7, 17-18. See also, NRC, Undocumented and Stateless: The Palestinian Population Registry and Access to Residency and Identity Documents in the Gaza Strip, 1 January 2012, http://bit.ly/2xgud2L.

\(^{164}\) “Entry to Israel is allowed, including for passage to the Judea and Samaria area or travel abroad, for the purpose of life-saving or life changing medical treatment, provided the requested treatment is unavailable in the Gaza Strip”; COGAT, Authorizations of Entry into Israel, their Passage between Judea and Samaria and the Gaza Strip and their Travel Abroad, unofficial translation by Gisha, updated 18 September 2017, http://bit.ly/1K1DzZD, p. 9.


or rejected.\textsuperscript{168} including for medical patients,\textsuperscript{169} patient companions,\textsuperscript{170} and those travelling for business reasons.\textsuperscript{171}

Furthermore, employees of international humanitarian and human rights organizations are reportedly subjected to increasing restrictions on their movement, with significant negative implications for these organizations’ ability to operate and implement vital projects.\textsuperscript{172} Permits are reportedly frequently rejected without reasons or with reference only to security grounds. Observers consider the practice arbitrary and have called for individualized assessments and opportunities to appeal negative decisions.\textsuperscript{173}

Since mid-May 2017, and based on new regulations, which came into effect in mid-November 2017, the processing time for applications to enter Israel (including for travel to the West Bank and abroad) has been extended to up to 70 working days, depending on the reasons for travel.\textsuperscript{174} Starting in 2017, individuals who have received the approval to travel abroad or to return from abroad must use a shuttle service between Erez and Allenby Bridge

\textsuperscript{168} “In addition to an increase in applications being rejected on security grounds (…), thousands of applications are simply left pending due to rising rates of no-response by COGAT. In fact, as of September 2017 over 16,000 requests were pending, according to information Gisha received from COGAT. Many of Gisha’s clients, including those with time-sensitive travel requests, did not receive any response from Israeli authorities to their permit applications or received a response too late”; Gisha, 2017: Tightening of the Closure, January 2018, http://bit.ly/2r8UpOM, p. 3. “Although the number of Palestinian exits increased after the 2014 hostilities, figures have declined significantly again since the second half of 2016, with the figure for November 2017 some 47 per cent below the 2016 average”; OCHA, Humanitarian Needs Overview 2018, 20 December 2017, http://bit.ly/2BL4M29, p. 7.

\textsuperscript{169} For monthly details on numbers of applications and granting/delay/denial of permits to exit the Gaza Strip through the Erez Crossing, see WHO, Monthly Reports on Referral of Patients from the Gaza Strip, available at: http://bit.ly/2keVvF4. See also above Section II.4 (“Humanitarian Situation – Health”).

\textsuperscript{170} Only one first-degree relative is allowed to accompany a patient and permits are conditional on security clearance. In October 2017, 43 per cent of those applications were approved, three per cent were denied and 54 per cent were pending by the date of the patient’s medical appointment; WHO, Monthly Report: Health Access for Referral Patients from the Gaza Strip, December 2017, 7 February 2018, http://bit.ly/2GUR5GH, p. 4.


\textsuperscript{173} “Gisha began tracking an inexplicable uptick in the use of ‘security blocks’ as early as 2015, which has only increased since. Israel blocks individuals from traveling on the claim of undisclosed ‘security considerations,’ which, given the lack of evidence provided to the individual or her lawyers, makes it difficult to challenge the accusations”; Gisha, 2017: Tightening of the Closure, January 2018, http://bit.ly/2r8UpOM, p. 1. “When rejecting requests by Palestinians from Gaza for permits to enter Israel, Israeli authorities tend to provide only general explanations, usually claiming that the request falls outside the criteria defined in the closure policy or that it was denied on security grounds”; UNGA, 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, 23 May 2017, A/72/90-E/2017/71, http://www.refworld.org/docid/594127484.html, para. 40. “Israeli authorities do not provide reasons to justify the refusals. In rare cases, applicants are informed that refusals were made on ‘security grounds’”; UN Human Rights Council, Implementation of Human Rights Council Resolutions S-9/1 and S-12/1, 25 January 2017, http://www.refworld.org/docid/58ad8c054.html, para. 39. See also, HRW, Unwilling or Unable: Israeli Restrictions on Access to and from Gaza for Human Rights Workers, 2 April 2017, http://www.refworld.org/docid/58e2112c4.html, pp. 2, 4, 22, 40.

\textsuperscript{174} “Permit application processing times:

a. Permits for medical treatment (including people accompanying patients and travel abroad for medical treatment): 23 business days.

b. Applications in cases involving an immediate medical emergency (life-saving) will be processed immediately.

c. Wedding in Israel/West Bank: 50 business days.

d. Business meetings, attending conferences in Israel/West Bank: 50 business days.

e. Entry for meetings at embassies and consulates in Israel/West Bank: 50 business days.

f. Medical seminars and internships: 70 business days.

g. Trade in Israel: 70 business days.

h. Travel abroad for other purposes (subject to permissions status): 70 business days.

i. Funeral in Israel: immediate processing.”

Crossings, accompanied by a representative of the Palestinian Civil Affairs Committee. The bus service is reportedly only available once a week. 175

In February 2016, Israel reportedly instated a practice whereby any resident of the Gaza Strip is eligible to receive a permit to travel abroad via Erez and Allenby Bridge crossings if he/she signs a written commitment not to return for a period of one year. 176 Those who return after the passing of one year will reportedly be issued a single, one-way permit to return to the Gaza Strip. 177 A return before the end of the one-year period is only possible for humanitarian reasons and is at the discretion of the concerned Israeli authorities. 178 Gaza Strip residents who did not intend to be away for one year have reportedly also been made to sign the commitment as a condition for receiving their permit, even if they had already been approved for a permit of a temporary nature. 179

According to reports, Palestinians travelling via Erez Crossing have to undergo routine security interviews. According to reports, the frequency and intensity of such interviews have increased over the past years and regularly result in the detention for alleged security reasons. 180 Instances of ill-treatment and pressure to collaborate and/or disclose information about the security situation in the Gaza Strip, their relatives and friends in exchange for permits have been reported by human rights organizations. Refusal to cooperate reportedly often results in the denial of the permit. 181 Israeli authorities have also been reported to revoke permits to enter Israel en masse in response to attacks on Israelis involving Palestinians; such measures have been referred to by the UN as amounting to “collective punishment”. 182

2) Rafah Crossing

Since mid-2013, severe restrictions on the movement of people have reportedly been imposed by Egyptian authorities on the Rafah Crossing. 183 Following a deterioration of the security situation in the northern Sinai


176 “The [Israeli] authorities are thus essentially conditioning exit on signing the waiver. Our casework reveals that residents are being made to sign even when they do not intend to stay away one year nor have paperwork to allow them to reside in third countries and that minors were made to sign without guardians’ consent. The practice is a violation of one of the most fundamental rights – to leave and enter one’s place of residence”, Gisha, 2017: Tightening of the Closure, January 2018, http://bit.ly/2r8UpOM, p. 2.


179 “If a resident of the Gaza Strip who travelled abroad for an extended stay applies to return to the Gaza Strip (via Israel and the Judea and Samaria area) for humanitarian reasons, before a year has elapsed – the decision in the matter will be at the discretion of the approving authority (COGAT/Head of Coordination and Liaison Administration), based on the individual circumstances of each case” ; COGAT, Authorizations of Entry into Israel, their Passage between Judea and Samaria and the Gaza Strip and their Travel Abroad, unofficial translation by Gisha, updated 18 September 2017, http://bit.ly/1K1DWZD, p. 13.

180 Information from Gisha, 22 February 2018 (e-mail on file with UNHCR).

181 “Palestinians report that during these interrogations their cellphones and other personal items are examined. They are asked to state their connections to people and places in Gaza. If they do not answer, or answer incorrectly, they know that their ability to travel, now or in the future, could be jeopardized. Receiving a permit to travel is conditional on satisfactory conduct during these security interviews and at times, willingness to collaborate”; Gisha, 2017: Tightening of the Closure, January 2018, http://bit.ly/2r8UpOM, p. 4. “Israeli border officials increased the detention and interrogation of Palestinians from Gaza seeking business permits”; US Department of State, 2016 Country Reports on Human Rights Practices – The Occupied Territories, 3 March 2017, http://www.refworld.org/docid/58ec89b9af.html, pp. 106-107.


183 “…their sweeping nature and significant impact on the entire Palestinian population of various towns and cities make them not only a violation of the right to freedom of movement, but in many cases also a form of collective punishment”; UNGA, Situation of Human Rights in the Palestinian Territories Occupied since 1967, 19 October 2016, A/71/554, http://www.refworld.org/docid/58e2112c4.html, para. 29. See also, UN Human Rights Council, Human Rights Situation in the Occupied Palestinian Territory, 16 March 2017, http://www.refworld.org/docid/59d4d07d4.html, para. 31.

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, representing the longest period of complete closure for those wishing to leave the Strip since 2007. In 2017, the border crossing opened on only 36 days, representing the lowest number after 2015, when the Rafah Crossing opened for only 32 days. 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 Airport to the Rafah Crossing and vice versa. Egypt reportedly denies entry to the Gaza Strip for Palestinians who do not hold a

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187 Information from Gisha, 22 February 2018 (e-mail on file with UNHCR).


193 Information from Gisha, 22 February 2018 (e-mail on file with UNHCR).
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.\(^{195}\)

As a result of the sustained near-close 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.\(^{196}\)

Some residents of the Gaza Strip reportedly use tunnels to exit and enter the Gaza Strip. Both the Israeli and Egyptian authorities are engaged in locating and destroying the tunnel system.\(^{197}\)

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.\(^{198}\) 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.\(^{199}\) 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.\(^{200}\) 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.\(^{201}\) Attacks by armed groups on civilians travelling in the northern


201 “A state of emergency has been declared and a curfew is in place between 7pm and 6am along the coast between al-Arish and Rafah extending around 40km inland”; UK Government, Foreign Travel Advice – Egypt, last updated on 21 December 2017, <http://bit.ly/1uB1v71>. “The military has closed main roads and checkpoints now parade the road between al-Arish, the capital of the North Sinai governorate, and Rafah, making the 35-minute ride a three to four hour trek”; Brookings, De-Securitizing Counterterrorism in the Sinai Peninsula, 30 April 2017, <http://brook.gs/2D5K1Lk>. “The militiam [affiliated with ISIS] have set up their own checkpoints especially on the roads around the city of Rafah, which borders the Gaza Strip. Passengers are forced to recite from the Quran before being allowed to pass, according to area residents and tribal leaders”; Associated Press, IS Militants in North Sinai Showing Their Strength, 27 February 2017, <http://bit.ly/2ym7NBE>. See also, Government of Canada, Safety and Security – Egypt, last updated 20 February 2018, <http://bit.ly/2mb8A13>; Reuters, Egypt to Impose Curfew on
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.

For example, “[A] teacher was killed and another one sustained injuries when unknown assailants opened fire on their bus along the Arish-Rafah International Road, while a police officer was injured when an armored vehicle was targeted by a roadside bomb on the Arish-Qантara International Road, detonating an improvised explosive device”; Mada Masr, Teacher Killed, 2 Injured in Separate North Sinai Attacks, 17 December 2017, [link](http://bit.ly/2Djh6EU). See also, Reuters, Gunmen Target Egypt Truck Convoy, Nine Killed: Medical, Security Sources, 10 November 2017, [link](https://reut.rs/2Azqrnw).


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