



The Status of Human Rights in Palestine

Executive Summary

28

Twenty Eighth Annual Report
1 January – 31 December

2022

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A Palestinian State, where the rule of law and equality are promoted, and human rights and freedoms of all individuals are respected.

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This Report is the product of a collective effort by all staff members of the Independent Commission for Human Rights (ICHR). Under the supervision of Dr. Ammar Dwaik, ICHR Director General, the Report has been drafted and compiled by the ICHR Monitoring of National Policies and Legislation Department. Contributions by the ICHR Investigation and Complaints Department include a presentation of complaints and assessment of government bodies. Contributors to the Report were especially made by Khadijah Zahran, Maen D'eis, Aisha Ahmed, Taher al-Masri, Ammar Jamous, Hazem Haniyyah, Mousa Abu Duheim, and Sami Jabareen.

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Not just a foreword

As we present the 2022 Annual Report on the Status of Human Rights in the Occupied Palestinian Territory, it can be argued that there has been no improvement in the fertile breeding ground for human rights violations.

We have experienced unprecedented escalation in Israel's measures and policies. Based on the mandate of the Independent Commission of Human Rights (ICHR), while this report monitors the situation within Palestine, the Palestinian context is significantly impacted by Israeli actions. Israel's violence reflects on many aspects of the Palestinian internal situation and adds to anger, resentment, and sometimes despair that take a common form of internal violence. Compared to 151 in 2021, unnatural deaths surged to 196 in 2022. Including extra-judicial killings, murders perpetrated by the Israeli occupying forces (IOF) also increased, particularly in the West Bank. In comparison to an annual average of 45 killings over the past five years (2017-2021), 159 murders were reported in 2022.

As many as 953 structures were demolished in Jerusalem and Area C compared to a yearly average of 651 in the last five years. Racist crimes committed by Israeli colonisers also saw a dramatic rise, highlighting the occupying Power's failure to provide protection to civilians, complicity in abuses, and protection of assailants. This poses a challenge to Palestinian security and police forces, which fail to provide protection to Palestinians. As a result, the credibility and role of these forces are compromised, contributing to security instability that put civil life at risk.

Israel, the occupying Power, continued to withhold significant amounts of Palestinian clearance revenues, undermining the ability of the State of Palestine to meet its commitments. The State of Palestine could not pay public servants or service providers, including hospitals, medicines, and medical supplies. Israel continued to impose a blockade on, and strangle the Palestinian population, in the Gaza Strip. With Israeli offensives turning into an almost regular, annual incidence, Israel obstructs the already inadequate rehabilitation and reconstruction programmes.

Domestically, despite all this pressure, the internal Palestinian political divide continued to be in place between the West Bank and Gaza Strip. Of note, numerous patterns of violations affecting citizens in both areas arise from, and are associated with, the political divide. Based on political affiliation, this involves discrimination in employment, particularly senior positions, service provision, and reconstruction of homes destroyed in successive Israeli wars on the Gaza Strip. Many families continue to be displaced since the 2014 aggression and subsequent offensives, which have been waged on a nearly annual basis.

While declining in a certain field and improving in another, human rights abuses

remained dire. Meantime, accountability tools for those who violate human rights continued to be inactive.

For example, 42 citizens were banned from travelling on grounds of an unlawful decision by a security agency or prosecutor and without any legal basis or court warrant. Although they may lead to lifting travel restrictions, ICHR interventions are sometimes too late. Persons responsible for this abuse are not held to account, nor reparations are provided for the damage caused to victims. This includes the revocation of personal identity cards and passports. Lacking any legal basis, this measure is a form of bullying.

Arrests on the grounds of the right to freedom of opinion and expression and political participation persisted. Likewise, restrictions continued to be placed on the right to freedom of peaceful assembly. This right marked a major decline in the Gaza Strip, where civil society organisations (CSOs) were banned from holding meetings or workshops without prior permission, even indoors. Hall owners were threatened if they allowed to host such events.

All the more so, an International Human Rights Day ceremony was raided and disrupted. Complaints continued to be filed against non-compliance with, and refusal to enforce, court decisions, particularly orders to release detained persons. Encroachments also affected the right to privacy. Cases in point involved attempts to extort and defame citizens as well as to seize their mobile telephones and personal computers.

These persistent patterns of violations are indicative of lawlessness, lack of political will to place the rule of law over anyone, and abuse of power.

Unofficial bodies, including movements, parties and semi-structured groups, practice intellectual terror and cyberbullying. Widespread parasitic sites have their focus on defamation and incitement. In addition to fabricating news and video, photographs and audio tracks are altered and used for political competition and defamation of opponents. This exacerbates tensions, propagates hate speech, and eliminates positive and constructive dialogue. It has even gone so far as to assault cultural centres, art performances, and some figures by some people who label art as vice. At the same time, law enforcement agencies have failed to provide effective protection to the victims of such practices, which resemble those of the Islamic State of Iraq and Syria (ISIS) group. Under threat, government bodies cancelled art events.

Continued disruption and failure to hold national elections, and even local elections in the Gaza Strip, cannot go unnoticed. Tools of constitutional accountability and control over public authorities' performance are sidelined. In addition to affecting the legitimacy of many decisions and policies, this stalemate provides cover for violations and impunity.

Should this situation, in all its complexity, persist, broader repercussions might

ensue. It breeds widespread violence, crime, altercations, and abuse of arms due to an increasing sense of hopelessness and lack of effective tools of dialogue to ensure rights. These tools could define limits, give hope to citizens, especially women and young people, of a better future, and see light at the end of this long and increasingly dark tunnel.

We have full confidence in our people's awareness, love of their homeland, and readiness to protect their freedoms and rights. However, the price may be heavier than they can afford.

We call for a broad and serious community dialogue, not a formal one that is tailored to appease public outrage or used as a decoration. Rather, dialogue should be productive and initiated with an open mind and heart. Ensuring that its outcomes are respected, dialogue will send a message of hope. Our people need hope more than food, clothing, or entertainment.

Issam Arouri

Commissioner General

Preface

It is a pleasure to present the ICHR 28th Annual Report on the Status of Human Rights in the State of Palestine. The report documents both positive and negative human rights developments in the West Bank, including East Jerusalem, and Gaza Strip in 2022. It is based on a normative framework that draws on human rights conventions, which the State of Palestine acceded to, as well as on the Palestinian Basic Law.

As the principal violator of collective and individual Palestinian rights, the Israeli occupying regime persists with its expansionist colonial practices and policies. The occupation remains the first and foremost obstacle, which deprives Palestinian citizens from enjoying their basic political, civil, economic and social rights, right to liberty and security of person, and right to life.

The Israeli occupying authorities continue unceasing repressive, aggressive and military actions against the Gaza Strip. Starting on 5 August 2022, a three-day Israeli offensive directly and deliberately targeted civilians, civilian objects, populated areas, and infrastructure. This was in flagrant violation of the principles of International Law and International Humanitarian Law (IHL), particularly the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Geneva Convention IV) of 1949.

The Israeli military aggression resulted in the killing of 49 Palestinians, including 19 children and four women, and injury of at least 360 others. The humanitarian crisis was further compounded by limited capacities of medical personnel at hospitals as a consequence of a 16 year long Israeli siege on Gaza.

Grounded in a racist policy, Israel has maintained its expansionist colonial measures. The West Bank has seen a serious escalation of land grab and territorial fragmentation by military checkpoints. The Israeli occupying forces (IOF) raided CSOs and educational institutions. Along this vein, the IOF raided Birzeit University and arrested a number of students. Extra-judicial killings were also on an upward trajectory.

Popular resistance has not been spared from oppression of the Israeli occupying authorities. An Israeli Police vehicle ran over and crushed the body of Suleiman al-Hathalin, 80 years old, while he was defending his land and community of Um al-Kheir. The IOF also extra-judicially killed Ghada Sabatin, a 47-year-old woman, and Mohammed Hasan Assaf, a 34-year-old lawyer. Both were killed in cold blood. Jerusalem has also witnessed a sharp escalation. In addition to repeated raids into the grounds of the Al-Aqsa Mosque compound, the IOF violated freedom of access to places of worship, including the Al-Aqsa Mosque and Church of the Holy Sepulchre. The Israeli occupying authorities reinstated the policy of transfer and deportation. A case in point was Salah Hammouri, a Jerusalemite lawyer

and human rights defender, who was forcibly and illegally deported from his hometown in the occupied Palestinian territory (oPt) to France.

The Israeli occupying authorities continue the policy of deliberate medical negligence against Palestinian political prisoners and detainees. On 20 December 2022, Nasser Abu Humeid died in prison after having long suffered from disease and medical negligence. Abu Humeid would not be the last Palestinian martyr to die as a result of this policy. Since 1967, a total of 233 Palestinian political prisoners have died in Israeli prisons, including 74 as a consequence of systematic medical negligence. Some 4,700 Palestinian prisoners are now held in Israeli prisons, including 150 children and 33 women.

In response to these aggressive policies, the ICHR maintained action at all international, regional, and Arab levels. To this avail, the ICHR laid bare the Israeli policies at the United Nations Human Rights Council, held meetings with foreign ambassadors, and sent letters to UN Special Rapporteurs. The ICHR also actively engaged with partners, including through the Arab Network for National Human Rights Institutions (ANNHRIs) and Association of Mediterranean Ombudsmen (AOM), calling on the international community to shoulder its responsibilities and fulfil its obligations under the International Law.

On 11 May 2022, the IOF assassinated Shireen Abu Akleh, a journalist, while she was carrying out her work in Jenin. This was coupled with attempts of disinformation and manipulation of accounts by the Israeli occupying authorities. The practice stands out as witness to Israel's attempts to hide the truth as well as to the impunity of the occupying Power.

From the ICHR perspective, Amnesty International's report, *Israel's Apartheid against Palestinians: A Cruel System of Domination and a Crime against Humanity*, reiterates earlier international reports on the same issue. It reflects consensus by international human rights organisations that Israel, the occupying Power, is maintaining and managing an apartheid regime. The fact that the report is released by a highly credible and recognised international organisation emphasises that the world needs to challenge that regime.

In its report, Amnesty International arrives at the fact that the violations committed by the occupying Power constitute apartheid and a crime against humanity, as defined under the Rome Statute of the International Criminal Court (ICC) and International Convention on the Suppression and Punishment of the Crime of Apartheid. These require that the ICC consider the crime of apartheid in the context of investigations into the case of the oPt. The Court must exercise universal jurisdiction over persons reasonably suspected of perpetrating the crime of apartheid under the International Law.

Crippling the Palestinian government, the financial crisis persists as a portion of clearance revenues are withheld by Israel. Many international donors, including Arab States, have also failed to fulfil their financial pledges towards the State

of Palestine, adversely and seriously affecting the Palestinian government's ability to meet respective obligations towards Palestinian citizens. This has disproportionately impacted the most impoverished and vulnerable groups in Palestinian society.

As a result, the Cash Assistance Programme which targets the poorer segments of society has stalled. Since September 2021, the government has been paying partial salaries to public servants. Consequently, some government personnel, including school teachers, physicians, engineers and paramedical professionals, declared strike, disrupting the provision of basic services to citizens.

The ICHR played its active role, engaged in issues of public concern, and sought to democratise institutions and trade unions. Together with national academic and professional institutions and figures, the ICHR came up with initiatives, including restoration of regular schooling at government schools and democratisation of the Teachers Union. The ICHR also observed elections of the Palestinian Journalists Syndicate. Thanks to ICHR interventions, some crises that obstructed certain public services, such as education and health, were resolved.

In its interventions, the ICHR was informed by a rights-based approach, utilising the acceptance it enjoys among different parties.

The ICHR welcomed phase two of the fourth local elections, which were held in 50 local government units (LGUs), comprising a major portion of the West Bank population. Since the first phase was scheduled, the Commission followed up on the electoral process and observed registration, nomination, campaigning, polling, counting, and announcement of electoral results. The ICHR published many awareness leaflets, called voters to contact the ICHR for any comments or violations at any stage of the electoral process. The ICHR further followed up on many issues and complaints on the elections as well as on relevant rights and freedoms.

In this context, the ICHR reiterates its call to complete the third phase of local elections, which is supposed to be held at LGUs across the Gaza Strip. Of note, Gaza LGUs have not been elected since the first local elections were organised on a partial basis in 2004-2005. Once again, the ICHR demands that the Hamas movement allow local elections to be held in the Gaza Strip and enable citizens to exercise their right to vote and to stand for election. The ICHR also calls for opening dialogue between all stakeholders with a view to overcoming any potential obstacles to the third phase of local elections in Gaza.

The ICHR continued to monitor significant issues, including torture and ill-treatment. The Commission discussed its shadow report on the initial report submitted by the State of Palestine on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The ICHR made specific recommendations against torture as well as to promote safeguards against ill-treatment of detained persons. In collaboration with the

Office of the High Commissioner for Human Rights in the oPt, on the occasion of the International Day in Support of Victims of Torture, the ICHR organised a conference that brought together public officials, human rights activists, and representatives of CSOs and media outlets. The conference was held with the purpose of reminding everyone, including duty bearers and decision makers, that torture was not only rejected, but also constituted a crime and grave violation of human rights.

The ICHR also sent a letter to the President on the Law by Decree No. 25 of 2022 on the National Commission for the Prevention of Torture, published in Issue 191 of the Palestinian Official Gazette on 25 May 2022. The ICHR made clear that the provisions of the law by decree were substantially different from earlier drafts, which had been developed in partnership between the Ministry of Interior (Mol), CSOs, and ICHR. The Commission demanded that enforcement of the law by decree be suspended to allow further consultations with relevant bodies. The enactment will ultimately be amended in consistence with the Optional Protocol to the Convention against Torture and Guidelines on National Preventive Mechanisms.

Laws by decrees continued to be enacted throughout 2022. These lacked a clear and public legislative plan or definitive and firm procedures, which should guarantee transparency and engagement of as many affected sectors as possible in consultations leading up to enactment of these enactments.

The ICHR continued to monitor regulations and prepared many legal memorandums and correspondence. In partnership with relevant CSOs and trade unions, the ICHR worked towards suspending regulations, which it believed would compromise rights and freedoms. The ICHR sent a letter to the President, requesting that the 2022 Law by Decree Amending the Penal Procedure Law No. 3 of 2001 be suspended. The ICHR confirmed that it was in support of any official efforts to expedite court proceedings and realise citizens' right to full justice as a human right. However, this should not be at the expense of fair trial guarantees and right to defence, enshrined in the 2003 Basic Law as amended and UN conventions binding on the State of Palestine.

The Gaza-based Mol continued to impose a constraint, requiring that a prior permit be obtained for indoor public meetings. Accordingly, the Mol demanded that several CSOs cancel events and meetings because they had not received an official authorisation to do so. The ICHR is of the view that these measures constitute a legal infraction and place a new restriction on institutional functions.

Additionally, Gaza courts continued to enter death sentences, totalling 22 in 2022. This is in contrariety with the State of Palestine's accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

At the internal institutional level, the ICHR finalised the human resources automated system and developed information technology infrastructure and management

information system (MIS). To bring some relief, the ICHR enabled citizens to lodge complaints on the ICHR website.

In application of the principle of democracy and to allow room for persons interested in and committed to human rights issues, the ICHR included six new members to the ICHR Board of Commissioners. Based on the Paris Principles (Principles Relating to the Status of National Human Rights Institutions), membership was informed by a recommendation of the ICHR independent Selection Committee, established in accordance with the Bylaw of the ICHR Board of Commissioners.

On this occasion, I would like to welcome the new Commissioners, namely, Dr. Hala Shuaibi, Dr. Ali Sartawi, Ms. Sama Uweidah, Mr. Wassef al-Kahen, Dr. Mukheimer Abu Sa'dah, and Ms. Amal Siyam. I must extend my thanks to the outgoing Commissioners for their efforts: Dr. Fayha' Abdul Hadi, Mirvat Rishmawi, and Lubna Katbeh.

I should like to express my thanks and appreciation to the ICHR Commissioners and Commissioner General, Mr. Issam Arouri, for their ongoing support and invaluable guidance to the ICHR executive staff. I would also like to thank all ICHR staff members, who do their best to defend Palestinian human rights. I should make special mention of those who compiled this report.

Dr. Ammar Dwaik

Director General

First Section: Impact of Israeli violations on the Palestinian institutions' ability to meet human rights obligations

Overall, Israeli practices posed serious challenges to the State of Palestine's ability to safeguard fundamental rights and freedoms of Palestinian citizens. These precluded the full functioning of Palestinian line ministries and government bodies, disrupting performance and powers approved by the Basic Law and relevant national regulations. Israel's actions also impeded the State of Palestine's capability of meeting its obligations towards and ensuring the rights and freedoms of Palestinians.

Israeli arbitrary measures obstructed functions and capacity of the Ministry of National Economy (MoNE) to implement programmes and projects as well as provide services across Palestinian governorates, particularly in Area C. Compounded by military checkpoints, siege and raids on Palestinian cities hampered access for staff to the MoNE offices, crippling their ability to provide services to beneficiaries, including citizens and companies.

Clearance revenue deductions by the Israeli occupying authorities posed a major challenge to the State of Palestine. In response to benefits paid to the Palestinian families of martyrs and political prisoners, Israel deducted a total of US\$ 32 million a month, negatively impacting the Palestinian government's ability to pay public servant salaries or its due liabilities, including private sector arrears. In addition to a portion of earlier due amounts, the Palestinian government continued to pay (80%) of public sector salaries throughout 2022. Impacting trade activity across markets, salaries are a key driver of Palestinian economy.

The Israeli occupying authorities continued to obstruct Palestinians' ability to use existing natural resources in Area C. The IOF closed entrances to villages and towns, denied access to agricultural land, closed roads with dirt barricades, obstructed road construction, prevented the implementation of agricultural projects, and contaminated arable land with waste and wastewater produced by settlements. Citing the lack of licences, the Israeli occupying authorities continued to prohibit construction, issued demolition notices, demolished homes and agricultural structures, and confiscated thousands of dunums of land. Restrictive planning policies maintained by the Israeli Civil Administration also disrupted infrastructure projects and obstructed development in Area C.

Contrary to the principle of "Health for All", Israeli policies have obstructed Palestinian government action on the right to health and Palestinian access to health services, particularly in Area C. The blockade resulted in the poor quality of health services at Gaza hospitals and decline in health services provided to the Gaza population. In addition to significant lack of health care professionals, medicines and medical supplies are severely lacking. Restrictions on medicines

and medical supplies remain an obstacle to meeting health needs of the Gaza population. Additionally, disruption of the supply of these and spare parts needed for maintaining broken devices have made difficult the work of medical staff in emergency sections, operation theatres, and intensive care units.

Israeli violations had a significant impact on the educational process. To demonstrate their impact on the education, the Ministry of Education (MoE) monitored and documented these violations. Israeli abuses of the educational process both increased and varied. A total of 217 violations targeted 85 schools. Of these, Israeli troops raided school compounds, fired tear gas canisters, stun grenades, live ammunition, and rubber-coated steel bullets on students and school buildings, threatened to close down schools, and physically assaulted students and teachers. Some 41,052 students and 3,607 teachers and administrative personnel experienced various abuses.¹

In occupied East Jerusalem, Israeli policies were carried on, attempting to Israelise and replace the Palestinian education curriculum with an Israeli one. To Judaise them, Israel also sought to distort the Palestinian curriculum, including the content of some school textbooks.

In the Gaza Strip, education has been negatively impacted by the blockade. The Israeli occupying authorities obstructed reconstruction and restoration of destroyed schools by denying access to necessary reconstruction materials. The blockade also inhibited the construction of new school buildings to accommodate the increasing number of students.

Large-scale violations targeted the Palestinian environment, including land, air, and water. The Israeli occupying authorities waged a silent war with the objective of destroying Palestine's environment, which reflects a central plank of the Palestinian national identity. The Israeli occupying authorities disrupted and prevented staff members of the Palestinian Energy and Natural Resources Authority (PENRA) from discharging functions. As the Environmental Law enforcement agency, PENRA carries out oversight, inspection, and law enforcement across Area C. Suspended coordination between the Palestinian and Israeli sides reduced the ability of PENRA personnel to access some regions and obstructed their role in prosecuting the smuggling of waste, detecting wastewater flowing from Israeli settlements, and monitoring other environmental violations. Israeli settlers set Palestinian citizens' land on fire in a pre-emptive step prior to the olive harvest season. In addition to environmental impact on flora, fauna and biodiversity, this practice is designed to expel and disable Palestinians from tending their lands. This encroachment is all the more fierce during the olive harvest season.

The Israeli occupying authorities have accentuated security instability and chaos. To this end, Israel continued to disrupt functions and obstruct movement of Palestinian security agencies from one area to another, particularly across Area

¹ MoE Directorate General of Field Monitoring, Ministry of Education, Annual Report on Israeli Violations against the Educational Process, 2022, Ramallah, February 2023.

C which falls under Israel's full security control. These constraints have curtailed the capacity of security services to implement mandated tasks of maintaining Palestinian citizens' rights and safety, delivering law enforcement, enforcing court judgements, resolving public disputes, and enforcing law and order. While abuses of security personnel continues, the IOF raided all Palestinian cities, towns, and villages. The IOF carried out raids into Areas A, B, and C on 5,637, 9,275, and 3667 respectively.

As Palestine lacks sovereignty over the oPt, the IOF has interfered with and carried out recurrent raids into all Palestinian communities, first and foremost in Area A. The fact that the State of Palestine has no jurisdiction over Jerusalemites or Palestinians in the 1948 territory has limited its ability to hold to account any persons in conflict with the law. Except in prior coordination with the Israeli occupying authorities, the State of Palestine is further unable to play any role in law enforcement in Area C, turning this area into a safe haven for wanted convicts.

Maintaining systematic and unlawful measures to obstruct the rule of law and inhibit human rights guarantees in the oPt, the Israeli occupying authorities continued to impede and prevent the entry of United Nations committee staff and Special Rapporteurs, including the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967.

Reflecting a serious violation of Palestinian institutional activity, in August 2022, the Israeli occupying authorities issued orders on the closure of seven Palestinian CSOs. The IOF raided the offices and seized some possessions of these groups. Playing a leading role in serving Palestinians, affected CSOs included Al-Haq, Bisan Center for Research and Development, Union of Palestinian Women's Committees, Prisoner Support and Human Rights Association (Addameer), Union of Agricultural Work Committees, Defence for Children International – Palestine, and Union of Health Work Committees.

In the oPt, Palestinian journalists were affected by the IOF arbitrary measures and ongoing assaults. Most heinous of Israeli violations was the assassination of Shireen Abu Akleh, Al Jazeera correspondent, while carrying out her work in the Jenin refugee camp.

The extra-judicial killing of Abu Akleh, and then Ghufuran Warasneh, was part of the systematic targeting of journalism and media representatives. The Palestinian Ministry of Information monitored 573 violations against Palestinian journalists and media outlets. The bulk of these infringements (128) concentrated in Jerusalem and its suburbs. The IOF targeted 227 male journalists, 58 female journalists, and 75 press crews. Based on direct incitement, the IOF blocked over 105 news pages and journalists' accounts on social media platforms.²

With respect to the information and communications technology (ICT) sector

2 Ministry of Information. Annual Report on the Israeli Violations against Palestinian Journalists and their Media Institutions in ²⁰²², February 2023.

in Palestine, the post sector was affected by the Israeli violations and continued domination of transportation and delivery of postal correspondence to the Palestine Post. The Israeli occupying authorities controlled Palestinian mail transfer channels post and receipt of postal correspondence and parcels. In spite of resolutions made by the Universal Postal Union and relevant conventions, Israel prevented the entry of post from Jordan. It also seized items inside parcels under the pretext of dual use of unauthorised materials. The Israeli occupying authorities obstructed, searched and tampered with mail directed to the Gaza Strip. Palestinians were also deprived of sending mail beyond Gaza.

Aimed at crippling the ICT sector, Israeli policies took several forms, including Blocking and removing Palestinian content that exposed Israeli practices on social media site. In 2022, the Israeli occupying authorities restricted 1,276 accounts and blocked another 356. In the context of placing constraints on the right to freedom of opinion and expression and criminalising critics of Israeli policies, Israel blocked 256 and 192 social media accounts of journalists and human rights defenders respectively.

The majority of Palestinian governorates have suffered from significant water shortages as the Israeli occupying authorities continue to seize control of more than (85%) of Palestinian water sources in the West Bank. Shortfalls are compounded ever year due to growing water demand driven by natural population growth and increasing water needs for development across economy sectors. The Israeli occupying authorities continued to exclusively benefit from the economic value and natural resources of the Jordan River and Dead Sea. Because they prevent the construction of dams and rain collection pools in the West Bank, on an annual basis, the Israeli authorities constrain the exploitation of more than 165 million cubic metres of rainwater, which go to waste in the Mediterranean Sea and Jordan River.³

Israeli violations and practices precluded many interventions that should have been implemented by the Ministry of Social Development (MoSD). These included delayed issuance of birth certificates for children of unknown parentage, who missed the opportunity of being assigned to foster families. The MoSD denied access to child labourers and beggars near Israeli military checkpoints across the West Bank, disrupting work on this group of children. As it was unable to identify these children and their families, the Ministry could not conduct social studies on or provide services to affected children. Israel obstructed the execution of court decisions entered against children in conflict with the law. Relocation of these children to care homes requires police escort and prior coordination with the Israeli occupying authorities.

Ending and dismantling the apartheid and settler colonial regime are a prerequisite for Palestinians to fully exercise their right to self-determination and enjoy fundamental rights. Against this backdrop, the ICHR recommends that the State of Palestine continue to exercise pressure on the international community

³ Letter from the Palestinian Water Authority (PWA), February 2023.

to end the protracted Israeli military occupation of the Palestinian territory since 1967 and establish the State of Palestine's sovereignty over the Palestinian territory; call on the High Contracting Parties to the 1949 Geneva Conventions to intervene and ensure that the occupying Power uphold the Geneva Conventions, honour relevant legal obligations, and enforce international conventions, to which it is a party, to the oPt, including East Jerusalem; and demand that the United Nations intervene seriously to put an end to Israel's increasing day-to-day violations and take necessary measures to provide protection to Palestinians across the oPt. Palestine will exert efforts and take immediate and urgent actions and interventions to bring to an end to the policies of home demolition, forced displacement, and eviction of Palestinians, ensuring they are not expelled out of their homes and demonstrating respect for the principles of IHL. It will call on the Human Rights Council to establish a fact finding commission to investigate Palestinian human rights abuses by the Israeli occupying authorities and their impact on the ability of the State of Palestine to fulfil its international obligations following accession to human rights conventions. In addition to ensuring that relevant departments throughout Palestinian ministries and institutions work seriously towards monitoring and documenting Israeli practices and violations of human rights as a prelude to file a case to the ICC, Palestine will make efforts to empower Palestinians access water sources and control natural resources to ensure an adequate standard of living, achieve development, and enjoy human rights throughout the oPt. While it follows up with and provide the Permanent International Commission of Inquiry with data on Israeli practices and systematic violations of Palestinian human rights. Jurisdiction of the Commission also extends to Jerusalem and West Bank, the State of Palestine will exert pressure at the international level to dismantle Israeli discriminatory laws, policies, and practices, which consolidate Israel's racist apartheid regime, cease assistance that maintain and work jointly towards putting an end to this regime. To this effect, diplomatic, cultural and trade relations with Israel, the occupying Power, will be severed. Israel's noncompliance with International Law will be brought to an end.

Second Section: The variable in human rights and public rights in Palestine

2.1 The variable in civil and political rights

2.1.1 The right to life

According to initial information documented by the ICHR, based on Police preliminary investigations into unnatural deaths, the ICHR monitored 196 incidents of death in unnatural circumstances, including 46 women, 150 men, and 37 children. Unnatural deaths also included 5 persons with disabilities (PWDs) and 10 older persons. Twenty five (25) death sentences⁴ were entered, exclusively by civil and military courts in the Gaza Strip against adult males. Compared to 33 in 2021, a total of 41 complaints on abuses of the right to life were received by the ICHR.

Unnatural deaths ensued medical treatment on account of medical malpractice in the West Bank. Complaints on judicially ordered death sentences were lodged, requesting that relevant government agencies be contacted to mitigate or suspend judicial executions. Others pertained to deaths inside detention facilities, and deaths resulting from the abuse of arms or use of force by law enforcement personnel. Two complaints were lodged on some deaths reported in mysterious circumstances.

With regard to government actions taken to protect the right to life, the President of the State of Palestine continued to uphold his policy, refraining from approving death sentences rendered by courts in the Gaza Strip. The Law by decree on Protection from Domestic Violence was not approved. Necessary measures and actions were not taken to put into effect the Law by Decree on Medical and Health Protection and Safety of 2018.

Within the framework of protection of the human right to life by civil courts, the High Judicial Council (HJC) reported that the West Bank courts heard 129 cases of murder, carried forward 698 cases, and disposed 74 cases.

In this context, the ICHR highlights the need for revisiting the legal framework for the death penalty in accordance with relevant legal processes and international standards. This will ensure consistence with the international conventions to which the State of Palestine acceded, particularly the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) on the abolition

⁴ This year and years before, after death sentences are entered, the ICHR has consistently reiterated its position rejecting these penalties, which violate the right to life. These run counter the State of Palestine's accession to international conventions against the capital punishment, particularly the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty. The ICHR has also demanded that the legal framework be reviewed with a view to reducing crimes punished by death. Otherwise, capital punishment should be abolished altogether.

of the death penalty. Capital punishment should be replaced by other penalties. The Military Prosecution needs to launch serious investigations into claims of encroachments on the right to life committed by law enforcement personnel or inside detention centres. Investigations will also highlight deaths caused by the abuse of arms by these officials, particularly those affecting women, children, PWDs, and older persons.

2.1.2 The right to physical safety

Complaints on the right to physical safety totalled 542, including 264 in the West Bank and 278 in the Gaza Strip. These compared to 445 complaints made in 2021. The ICHR received 47 complaints on the right to physical safety from females. These complainants claimed that they were verbally abused during interrogation and detention, when they demanded that protection be provided to them and their children from abuse by other citizens, being affected by the measures used to break up a fight, or being subjected to ill-treatment and arbitrary detention to force her to evict their houses.

Involving children, 95 complaints were lodged to the ICHR. In the greater portion of complaints, children claimed that they had been subjected to torture or ill-treatment while being interrogated by law enforcement personnel (other than the Public Prosecution) about thefts, drug trafficking, possession of firearms, promotion of pornography, or involvement in domestic disputes.

A total of 21 complaints involving PWDs were filed to the ICHR. The subjects of these complaints ranged from assault and torture during house searches or while being interrogated or held in government detention facilities. Affected PWDs demanded that they be compensated for these infringements.

With reference to the measures and actions taken to prevent torture and ill-treatment, the State of Palestine did not introduce any changes in consistence with the United Nations Convention against Torture (CAT). The Law by Decree No. 25 of 2022 on the National Commission for the Prevention of Torture was promulgated. While it appreciated the action taken by the government, the ICHR and CSOs had many observations on the law by decree. In particular, numerous infractions run counter to the standards of independence and impartiality.⁵

In 2019, the State of Palestine submitted its initial report on the implementation of the CAT to the Committee against Torture. In July 2022, the Committee held several sessions to discuss the initial report as well as shadow reports submitted by the ICHR and other CSOs.⁶

5 These observations were made in the ICHR Shadow Report on the initial report submitted by the State of Palestine on the implementation of the CAT, July 2022.

6 Sessions 1921 and 1924 of the Committee against Torture, Geneva, 19 and 20 July 2022. For further information, see the Committee's webpage and agenda.

Regarding the variable in the framework of accountability, the HJC reported that, in 2022, Palestinian courts in the West Bank invalidated confessions of accused persons in three cases. Pursuant to Article 214(1) of the 2001 Penal Procedure Law, for a confession to be valid, it must be “made voluntarily and freely, without material or moral pressure or coercion, promise or threat.”⁷

In the West Bank and Gaza Strip, the Public Prosecution reported that no data were revealed on any confessions overturned by courts as a result of judgements to the effect that such confessions had been extracted under torture and other forms of ill-treatment.⁸ Hence, the Public Prosecution did not take any action in this regard. The Military Justice Authority continues to fail to reply to the ICHR letters.⁹

Against this background, the ICHR recommends that the President of the State of Palestine and Minister of Interior need to continue to issue clear directives to security agencies, preventing torture and ill-treatment in detention centres as well as during interrogation. Recommendations of the United Nations Committee against Torture need to be implemented. These were made in the Committee’s Concluding observations on the initial report of the State of Palestine, July 2022. Serious action needs to be taken to amend the Law by Decree on the National Preventive Mechanism on Torture, ensuring that it is consistent with the general principles provided for by the Optional Protocol to the Convention Against Torture (OPCAT). In particular, the mechanism will enjoy administrative and financial independence. Courts and the Public Prosecution need to exercise control over all civilian detention facilities to ensure that detained persons are not subjected to torture, ill-treatment, or acts prejudicial to their mental condition. Investigation should be launched into cases, where detainees are subjected to any form of torture or ill-treatment. The Military Prosecution needs to open serious investigations into claims of encroachments on the right to physical safety committed by law enforcement personnel, particularly inside detention facilities. This should render successful cases brought before military courts in this respect.

2.1.3 Right to personal liberty

The ICHR received 182 complaints on detention and arrest without presenting arrest warrants issued by the Public Prosecution or a judicial order handed down by competent courts. Complaints also involved circumstances other than those under which persons can be lawfully detained without a duly issued arrest warrant. The ICHR received 73 complaints on administrative detention. Some persons had been detained for several months before they were released. A significant number of complainants reported that they had been detained on orders by governors

7 Based on a reply from the HJC, No. 29/343, 12 February 2023.

8 Reply of the Gaza-based Public Prosecution No. 0625, 16 February 2023; West Bank-based Public Prosecution’s reply was sent by email, 23 February 2023.

9 ICHR letter to the Military Justice Authority No. TS-5-2023, 12 January 2023; Letter No. TS-14-2023, 26 February 2023.

in spite of the fact that a court ruling was rendered on their release. The ICHR received 94 complaints on abstention from enforcing court release orders. Several months after court decisions were entered on their release from jail, a number of complainants are still held in administrative detention. All of these complaints were filed against security agencies in the West Bank. Of particular note, two victims of abstention from implementing court release orders were PWDs.

In 2022, the ICHR filed an objection to the Supreme Constitutional Court (SCC), challenging the constitutional status of the provisions of this law. Subsequently, the ICHR managed to obtain a court decision, ruling for the unconstitutionality of provisions of the Law on the Prevention of Crimes, which vest governors with the powers of administrative detention. In disregard of the SCC decision, governors persistently refused to release some persons placed in administrative detention, especially those wanted by the Israeli occupying authorities.

Legal variables affecting the right to personal liberty involved the President of the State promulgating the Law by Decree on State Cases in 2022. The enactment prescribes that courts only consider State cases that are exclusively named matters. These do not include any compensation for tortious or criminalised acts done by State representatives in their professional capacity.

The law by decree constitutes a flagrant abuse of the right to a judge. Enshrined in the Basic Law, every person has the right to seek judicial review of actions and decisions made by government bodies. To this effect, Article 30 of the Basic Law prohibits that immunity be provided to any administrative decision or action or against judicial review.

In 2022, a number of laws by decrees that impinged on the right to fair trial guarantees were rescinded. These included amendments to the Penal Procedure Law and Civil and Commercial Procedure Law. As the said laws by decree substantially compromised fair trial guarantees and right to personal liberty, the Palestinian Bar Association (PBA), CSOs, and ICHR demanded that they be repealed.¹⁰

At the onset of 2022, the SCC repealed the provisions of the Jordanian Law on the Prevention of Crimes, which give governors the power of administrative detention. This was premised on the fact that administrative detention is in contravention to the Basic Law. The SCC decision was handed down after the ICHR had filed a challenge, requesting a ruling on the unconstitutional status of relevant provisions of the law, that endow the power administrative detention on governors. In civil case instituted on behalf of a citizen, who had been placed on governor-ordered detention, the ICHR claimed financial compensation for such arbitrary detention. The Court of First Instance gave a respite to the ICHR to lodge the said appeal to the SCC in accordance with the SCC Law as amended.

¹⁰ On 20 June 2022, the ICHR published a legal opinion on the laws by decrees amending the Penal Procedure Law and Civil and Commercial Procedure law, demanding that these be amended in consistence with the Basic Law and international standards of fair trial. On 18 July 2022, the ICHR also issued a press release, stressing its position of demanding that the said law be amended.

The Public Prosecution reported that it put on record 15 investigation files into cases of torture and violation of citizens' rights. These citizens were abused while they were being arrested or their statements being taken. Complaints on these files were brought forward by district Public Prosecution offices.

The ICHR lacks information on any compensations paid by Palestinian authorities to victims of arbitrary and illegal arrests and detentions. Additionally, victims claiming such compensations face obstacles, mainly prescribed by the aforesaid Law on State Cases.

To this avail, the ICHR recommends that all persons detained on orders by governors be immediately released. Security officers tasked with judicial duties and prosecutors need to respect the law during arrests and detentions, making sure that no persons are deprived of their liberty except under a judicial order and in pursuance of the law. Judges and prosecutors need to be very cautious when dealing with requests for the extension of detention. In addition to a careful review of investigation files, judges and prosecutors will make sure that pretrial detention fulfils the requirements of necessity and proportionality. The Public Prosecution needs to ensure that court release orders are duly executed. In this vein, persons refraining from implementing court decisions will be prosecuted and brought to justice in accordance with the law and regardless of the level of their position.

2.1.4 Right to freedom of opinion and expression

The ICHR received 58 complaints, including 76 claims of abuses of the right to freedom of opinion and expression. These comprised 40 complaints in the West Bank and 18 in the Gaza Strip. Complaints received in the West Bank comprised (68.9%) and in the Gaza Strip (31.1%) of all complaints filed to the ICHR in both areas.

In the West Bank, the Mol spearheaded complaints against violations of the right to freedom of opinion and expression. The ICHR received 14 complaints on summons service, threats, restriction of the freedom media professionals, constraints on the freedom of access to information, and biased use of the State media. The Mol was followed by the Preventive Security, against whom nine complaints were filed. These addressed summons service, harassment against the backdrop of the right to freedom of opinion and expression, and access to social media sites. The ICHR also received nine complaints against the General Intelligence, including on summons service, harassment against the background of the right to freedom of opinion and expression, access to social media sites, freedom of the press, and restriction of the freedom of media representatives.

In the Gaza Strip, the Internal Security agency accounted for the most complaints made against abuses of the right to freedom of opinion and expression. These involved summons service, harassment against the background of the right to freedom of opinion and expression, restriction of the freedom of media

representatives, and infringement on freedom of the press.

A review of replies received by the ICHR from the Gaza Strip demonstrates that they are stereotypical as they often replicate a generic pattern. The nature of replies indicates that government bodies do not address complaints seriously enough.

In the West Bank, replies sent to the ICHR by relevant bodies were detailed and stated reasons for the measures taken against complainants. On the other hand, replies typically and principally denied the validity of complaint. In general, these replies can be characterised as stereotypical.

Based on ICHR monitoring, in 2022, relevant government bodies did not make any policies or take any new measures or actions to protect the right to freedom of opinion and expression.

In the light of the foregoing, the ICHR submits several recommendations to protect, promote, and provide accountability for violations of the right to freedom of opinion and expression. It is worth noting that a number of these recommendations have already been made in previous ICHR reports. These are reiterated because no measures or actions have been implemented to address or bring an end to relevant violations. Competent authorities need to review effective legislation relating to the right to freedom of opinion and expression, including penal laws and Law on Printed Materials and Publication. These will be amended in consistence with the State of Palestine's obligations under the international conventions it has acceded to. Judicial bodies should not resort to an unrestricted discretion of preventive detention. This action needs to be limited to extraordinary cases, which involve imminent danger that can only be put off by preventive detention. Preventive detention should not be used as a tool for punishment. The Gaza-based MoI needs to issue directives to its respective Police and security agencies to cease impingements on the right to freedom of opinion and expression.

2.1.5 Right to peaceful assembly

The ICHR received 26 complaints on violations of the right to peaceful assembly, including 20 complaints in the West Bank and six in the Gaza Strip. Compared to the Gaza governorate in the Gaza Strip, the majority of complaints received by the ICHR in the West Bank generated from the Ramallah and El-Bireh and Hebron governorates.

Patterns of abuses of the right to peaceful assembly were no different in 2022 than in the preceding years, particularly 2021 and 2020. Violations were essentially of a political nature and, to a lesser extent, demanded an adequate standard of living. Common patterns of impingements usually involved prevention and dispersal of, physical assaults on, detention of and summons service to participants in, peaceful assemblies.

The purpose of the declaration and extension of the state of emergency is to “counter the threat and prevent the outbreak of COVID-19.” Nonetheless, ICHR monitoring demonstrates that the measures and actions prescribed by ministerial decisions in relation to the state of emergency placed restrictions on the right to peaceful assembly. In particular, the Council of Ministers’ Decision No. 1 of 2020 “Emergency” constituted a violation of this right.¹¹ Government bodies addressed by the law governing this right were already committed to the relevant health protocols of the Ministry of Health (MoH).

Based on ICHR monitoring, relevant government bodies did not make any policies or take any new measures or actions to protect the right to peaceful assembly during the declared state of emergency. In the Gaza Strip, relevant authorities continue to place restrictions on indoor public meetings, stipulating that organisers obtain a prior permission. Verbal orders are issued to owners of halls not to reserve any rooms unless organisers receive a prior permission. The Law on Public Meetings does not require that any permissions or authorisations be obtained when an indoor meeting is held.

The ICHR reiterates recurrent recommendations submitted in its annual reports on the human rights situation. The ICHR further submits a set of specific recommendations to protect, promote and provide accountability for violations of the right to freedom of peaceful assembly. Legislative bodies need to align national regulations and bylaws governing the right to peaceful assembly, with the international instruments, particularly the ICCPR, which the State of Palestine signed and expressed commitment to. All provisions under the penal laws in force in the West Bank and Gaza Strip, which contravene the right to peaceful assembly, must be either amended or repealed. Security agencies and the MoI need to comply with the provisions of the Law No. 12 of 1998 on Public Meetings, which exclusively authorises the Police agency to deal with public meetings. It should be emphasised that security personnel in plain clothes will be prohibited from carry out operational missions in the context of dispersing peaceful assemblies. In the Gaza Strip, security agencies should abide by the provisions of the Law No. 12 of 1998 on Public Meetings.

2.1.6 Right to freedom of association

Multiple violations affected the right to freedom of association. These involved refusal to register and approve boards of CSOs based on the security clearance condition and constraints on freedom to form and establish associations and intensive security monitoring of CSO activities. Based on the Decision of the Minister of Interior in Gaza No. 48 of 2010 on Civil Servants Failing to be on Duty, all civil servants, who failed to report to work, continued to be prevented from

¹¹ Article 6 of the Council of Ministers’ Decision of 2020 “Emergency” forbade “[a]ny manifestations of crowding, gathering, celebrations, demonstrations and strikes shall be banned throughout the territory of the State of Palestine.”

joining charitable associations or CSOs.¹²

In relation to the variable in the legal framework of the right to freedom of association, on 1 August 2022, the Council of Ministers promulgated the Regulation No. 26 of 2022 on Fundraising for Social and Charitable Purposes. The regulation is premised on the provisions of Article 40 of the CSO Law and Article 9 of the 2003 Bylaw. These prescribe that the associations and CSOs, which provide special professional services, must apply professional registration instructions set forth by competent line ministries.

Having reviewed of the regulation, the ICHR finds out that the Regulation is in breach of the referenced law. The CSO Law does not require that CSOs obtain any permissions for fundraising. It only stipulates that the competent ministry be notified of the activities and capacities of the association or CSO in question. The Regulation prohibits foreign associations, or their branch offices operating in Palestine, from raising funds or receiving assistance from any local person or entity from within the State. This condition is not provided by the CSO Law does not include such a prohibition, nor does it place any particular restriction on fundraising.

The Regulation places constraints on associations and CSOs through detailed and overboard procedures for authorisation or applicable requirements and conditions for fundraising. This runs counter to the opinion of the Special Rapporteur on the rights to freedom of peaceful assembly and of association regarding the right to form and join associations.

As part of legal variables, on 15 August 2022, the Regulation on Non-profit Companies No. 20 of 2022 was enacted.¹³ The NPC Regulation is premised on the provisions of Article 29(2) of the Company Law by Decree No. 42 of 2021, which provides that NPCs are a special type of companies. While they do not aim for profit, NPCs take the form of private shareholding companies.¹⁴

Together with many CSOs, the ICHR published a position paper, expressing rejection of the NPC Regulation and demanding that it be repealed at once. It is in breach of the Basic Law, CSO Law, and international standards which safeguard the right to freedom of association.¹⁵ The ICHR is of the view that the NPC Regulation is impaired by extensive impingements and abuses of rights enshrined in the Palestinian Basic Law and CSO Law. It highlights a continued attitude of scepticism and domination of CSOs, undermining freedom of activity and oversight role.

Against this backdrop, the ICHR recommends that the Council of Ministers repeal

12 See Decision of the Minister of Interior in Gaza No. 48 of 2010 on Civil Servants Failing to be on Duty.

13 Published in the Palestinian Official Gazette, 27 September 2022.

14 See Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, Human Rights Council, Twentieth session, 21 May 2021, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/135/86/PDF/G1213586.pdf?OpenElement>.

15 See Press release on the position of CSOs, rejecting the Palestinian Council of Ministers' decision on NPCs, available at: <https://shorturl.at/CJZ39>.

the NPC Regulation because it restricts the free operation of NPCs and hinder their role in the achievement of set objectives. The Law by Decree No. 7 of 2021 Amending the Law on Charitable Associations and Civil Society Organisations No. 1 of 2000 must be fully repealed and deemed to be of no effect. The MoI needs to put an end to the security clearance condition in dealing with CSOs. This discriminatory practice constrains citizens' right to join charitable associations. The Palestine Monetary Authority (PMA) will play its assigned role in supervising and empowering associations to access active bank accounts. The PMA will instruct banks operating in the Gaza Strip to facilitate bank account opening procedures.

2.1.7 Right to hold public office

The ICHR received 210 complaints on the right to hold public office, including 118 in the West Bank and 92 in the Gaza Strip. These complaints broke down by gender to 48 filed by females and by disability to 19 by disabled persons. The latter comprised 10 complaints in the West Bank and nine in the Gaza Strip.

The ICHR received 200 written replies to complaints on violations of the right to hold public office, including 149 in the West Bank and 51 in the Gaza Strip. Of these, 79 replies were sent by the MoF. The ICHR also received 11 verbal replies to complaints, including nine in the Gaza Strip and two in the West Bank.

According to its complaint handling system, ICHR assessment of the effectiveness replies showed that 112 complaints were processed with satisfactory replies, 31 with unsatisfactory replies, and 10 without cooperation by the agencies addressed in the complaints.

In 2022, the ICHR received 221 complaints (123 in the West Bank and 98 in the Gaza Strip) on administrative disputes, involving promotions, pensions, financial benefits, and arbitrary transference. While 65 complaints were filed by females, 11 were made by PWDs. Complaints by both categories increased. The ICHR received 23 complaints on civil service, involving arbitrary dismissal of civil servants without adherence to the legal standards of suspension, removal, and dismissal from office. In spite of the decrease in the number of complaints against arbitrary dismissal in comparison to those filed in 2021, complaints lodged by females saw a rise of (4.7%), contravening PWDs' right to hold public enshrined in Article 12(1) of the Bylaw No. 40 of 2004 of the Law No. 4 of 1999 on the Rights of Persons with Disabilities.

The fact that an increasing number of complaints were lodged against the MoF indicates that the Ministry did not favourably respond to the demands and financial benefits of civil servants. The MoF failed to discharge the legal duty of addressing relevant patterns of abuses. There was no clearly defined mechanism, by which they can communicate with the Ministry. The MoF was exclusively vested with powers that affect civil servants' financial benefits.

With regard to legal variables, on 25 May 2022, the Law by Decree No. 24 of 2022 Amending the Civil Service Law No. 4 of 1998 as amended.¹⁶ Article 76(6) of the original Law was amended so as to cover both maternity and paternity leave. Article 88 was also amended so as to provide for granting the father three-day leave with full pay to be with his wife at the time of delivery. This will not be deducted from the annual leave.

The ICHR emphasises that the GPC should comply with applicable legal standards with a view to empowering PWDs to access and exercise their safeguarded right to hold public office in line with the legally prescribed quota. The GPC needs to put in place criteria for the employment of PWDs, particularly those with visual impairment. The GPC will also develop means, models, and structures of new posts in consistence with the needs and capacities of PWDs, particularly those with visual impairment. The PPA and Council of Ministers need to avoid discrimination in the payment of due pensions to relevant beneficiaries. The Council of Ministers needs to revoke the decision on early retirement of the Gaza-based civil services. In addition to violating the Civil Service Law, the decision negatively affects a large number of civil servants.

2.1.8 Right to freedom of movement

The right to freedom of movement is violated by travel bans issued by security agencies without a court order, abstention by the Mol from issuing passports, and withholding of ID cards or passports by security agencies.

The ICHR received 13 complaints from citizens, who reported that Palestinian security agencies placed them under travel bans without a court order in both the West Bank and Gaza Strip. In the Gaza Strip, the ICHR received 42 complaints on the Ramallah-based Mol abstention from issuing or renewing passports. Since 2007, the Mol has refrained from issuing or renewing passports for residents of the Gaza Strip before approval is obtained from security agencies. The ICHR received eight complaints on the withholding of ID cards and passports in the West Bank and Gaza Strip.

The ICHR was in contact with agencies that violated citizens' right to movement by ban on travel or revocation of ID cards. Most often, these agencies respond favourably to the ICHR correspondence. Recently, citizens have been allowed to pass border crossings and travel, albeit after unjustified delays. The ICHR also sends letter to the West Bank-based Mol, inquiring about issuance or renewal of passports to Gazans. In some cases, citizens managed to obtain travel documents.

The ICHR stresses the need that passports be issued and renewed for the Gaza population as soon as practicable. Security agencies and Public Prosecute need to cease preventing citizens from travelling via border crossing. Other than those entered by courts, any decisions on travel bans must be revoked.

¹⁶ Published in Issue 191, Palestinian Official Gazette, p. 12.

2.1.9 Human rights defenders

Overall, human rights defenders experience a set of violations and harassments committed by government bodies and other nongovernmental actors. In some cases, these abuses can be as grave as murder, abduction, detention, torture, threat, harm of one's family, and defamation.

Women's rights defenders are subjected to various forms of harassment by social movements and religious and political parties. These consider that defence of women's rights is in conflict with religion, aligns with goals of the West, and defies Arab customs and traditions.

Women's rights defenders are further accused of propagating vice and destroying family. Allegations targeted the feminist movement in general, as well as individual women's right defenders. Sometimes, infringements amounted to death threats, abuse, or sexual harassment.

In the context, a smear and incitement campaign continued against the feminist movement because it demanded that the State of Palestine approve the Law on Family Protection from Violence and publish the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in the Palestinian Official Gazette. Social, political and religious parties and movements accused feminists of propagating vice, subordination to the West, and pursuit of funding. Feminists were also verbally insulted, defamed, and targeted by instigation.

According to the ICHR monitoring, Ms. Sama Aweidah, Director General of the Women's Studies Centre, was subjected to defamation and incitement on grounds of her position towards CEDAW. She was alleged to be "the senior vandal, seeking to dismantle Palestinian society and promote adultery or elopement." The allegation was posted on social media sites of the Public Movement for Tearing CEDAW Down.

A review of the legislative framework demonstrates that a national strategy for the protection of human rights defenders has not been developed. The legal system includes a set of provisions, which guarantee "general" protection to many groups, which can fall under the definition of human rights defenders.

A legal basis of accountability is already established under effective criminal regulations and Palestinian Basic Law. Accountability tools are also available, including Public Prosecution, courts, However, no tangible progress was made towards holding violations to account. So limited as it is, accountability has been confined to some investigations into claims of torture and ill-treatment, resulting in no criminal convictions of culprits. The Public Prosecution did not institute a criminal case against persons, who incited violence against women's rights defenders.¹⁷

¹⁷ Interview with Ms. Sama Aweidah, Director General of the Women's Studies Centre, 20 February 2023. Ms. Aweidah stated that she filed a complaint to the Cybercrimes Prosecution and met with Attorney General. However, no action was taken against violators.

NHRIs contribute to providing protection, creating an enabling environment to empower discharge of activities, and promoting accountability for crimes and violations against human rights defenders. These institutions are also assigned to support networks of human rights defenders and raise awareness of their own human rights. Against this background, based on the growing need to protect human rights in general, and human rights defenders in particular, the ICHR recommends that the Council of Ministers put in place a legal framework to ensure protection of human rights defenders. All legal provisions that contradict or limit the ability of human rights defenders to fulfil their missions be repealed. The Public Prosecution initiate cases by itself, follow up on criminal cases that fall within the purview of encroachments on human rights defenders, and hold wrongdoers to account.¹⁸

2.2 The variable in economic, social and cultural rights

2.2.1 Right to health

The ICHR received 52 complaints involving impingements on the availability of adequate health services in the West Bank and Gaza Strip. These mostly concerned patient referrals to institutions other than government health facilities and the unavailability of some medicines. Complaints broke down by gender to 43 filed by males and 18 by females. In terms of the geographical area, complaints included 17 in the Gaza Strip and 35 in the West Bank.

Twenty eight (28) complaints were lodged to the ICHR against government bodies, who violated the right of access to health services. Complaints included a patient demanding that the MoH cover the treatment cost, which he had to be pay through a bill of exchange because the patient referral had not been processed. Patients demanded that health insurance be provided or receive a detailed report with an ample clarification of their condition. These complaints broke down by gender to 19 filed by males and nine by females. In terms of the geographical area, complaints eight complaints were made in the Gaza Strip and 20 in the West Bank. The ICHR received 28 complaints on abuses affecting the quality of health services. These were distributed by gender to 19 filed by males and nine by females. By geographical area, complaints included 16 in the Gaza Strip and 13 in the West Bank.

¹⁸ In view of their important role, in 2022, the ICHR provided a consolidated definition of human rights defenders. Premised on the 1998 Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights. Accordingly, the concept of human rights defenders is defined as “persons who work, either individually or collectively, peacefully and on behalf of others towards promoting and defending internationally recognised human rights, on condition that they believe in the universality and indivisibility of human rights. This is evidenced by the fact that no action or statement is issued in contrariety with this condition.” The ICHR came up with this definition during sessions with the OHCHR, CSOs, and human rights activities and defenders. A number of panel discussions were held with the OHCHR with a view to developing and documenting violations and means of protection. A complaints form was also created to receive complaints from human rights defenders. Work is underway to develop the ICHR database to classify abuses of human rights defenders as a key violation under “Categories”.

Over the past five years, health insurance reform has been covered by government health plans and strategies to positively reflect on the level of public health delivery. However, applicable since 2004, the health insurance system has not seen any significant changes towards the end of 2022. No recommendations of ICHR national investigation on the government health insurance were adopted.

Jointly with a number of CSOs, the ICHR continued an awareness raising and lobbying campaign for approval of a comprehensive government insurance system. In the context of the campaign activities, a report was compiled on a health insurance branch, namely, private or commercial insurance.

The ICHR intervenes in political matters only to the extent necessary to handle human rights issues. Still, political dimensions associated with the promulgation of the laws by decree on the creation of a medical association created obstacles that affected, albeit briefly, citizens' access to their right to health. After it had been passed, the first law by decree ended up in obstructing the work of health personnel. If it had not been for government bodies who responded favourably to the Medical Association's demands, it was feared that the public right to health would be further affected. Before it was put into effect, the law by decree was amended to meet legal demands of the association.

To fully realise the right to the highest attainable standard of health, the ICHR recommends that comprehensive governmental health insurance scheme needs to be developed, ensuring a paradigmatic shift in public access to all aspects of health. Health insurance will provide comprehensive health coverage, meeting of health care needs of citizens. It is of utmost necessity that the MoH scale up accountability procedures. In particular, the MoH will enforce the Law by Decree on Medical and Health Protection and Safety No. 31 of 2018 as soon as practicable. To this avail, the Ministry will put in place a medical malpractice record, establish a permanent committee on medical malpractice, create a compensation fund for victims of medical accidents, and compile needed medical protocols. Investigations need to be opened into medical malpractice at hospitals and health care centres, affecting citizens, particularly women, children, and PWDs. Operating procedures of the patient referral system will be improved, especially to the benefit of women, children, PWDs, and older persons. Serious action needs to take to provide medicines and assistive devices needed by PWDs.

2.2.2 Right to education

The ICHR received 23 complaints, including 24 claims of abuses of the right to education, including 18 in the West Bank and five in the Gaza Strip.

In the West Bank, claims of impingements on the right to education mainly involved adaptation and availability of education (MoE); equality in educational opportunity without discrimination or bias on grounds of political affiliation (MoHESR); encroachment on academic freedoms and free exercise of student activities

(General Intelligence); freedom of scientific research (MoI); and free exercise of student activities and provision of free university education (universities).

In the Gaza Strip, claims of infractions of the right to education primarily addressed equality in educational opportunity without discrimination or bias on grounds of political affiliation (MoE); provision of free education and ensuring the accessibility of education for PWDs (MoSD); provision of necessary educational infrastructure (PLA); the right to education (MoI); free exercise of student activities and infringements on academic freedoms.

Of five complaints filed in Gaza, the ICHR received one written and three verbal replies. No reply was provided for one complaint. In the West Bank, the ICHR had two written and 16 verbal replies to complaints.

In general, replies from agencies claimed to have committed violations of the right to education were premised on applicable laws and regulations. Although they were commonly stereotypical, replies reflect devotion by the MoE and other relevant government bodies to follow up on the complaints forwarded by the ICHR. This is an indication of an extensive scope of cooperation between these institutions and the ICHR.

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A review of the Strategic Plan of the Education Sector 2017-2022 and Education Sector Strategy of the National Development Plan (NDP) 2021-2023 shows that the programmes and plans set to improve the quality of education and develop overall functions of the MoE require adequate financial resources for implementation and achievement. However, a review of the 2022 annual budget allocation of the MoE shows that appropriations were well short of accomplishing the intended objectives of these programmes and plans. These allocations render difficult the implementation of the policies, measures, and actions taken towards upgrading the quality of education.

Overall, government spending does not fulfil the MoE needs with a view to attaining high quality education. The continuation of this state of affairs may place the education process in difficult conditions in relation to infrastructure development. Also, development expenses earmarked in the MoE budget line item did not take account of the financial needs of primary programmes initiated by the Ministry. In particular, of the MoE budget allocations, the preschool education programme had (2.57%) and the technical and vocational education and training (TVET) programme (1.94%) only.

According to MoE data,¹⁹ (68.7%) percent of water closets at governmental schools are aligned to the needs of children with disabilities, Some (60.6%) of schools have installed ramps for children with disabilities (54.8%) in the West Bank and (86.0%) in the Gaza Strip). No information is available about the alignment of government schools to other types of disabilities. These require special alignments either within school buildings or to access schools themselves, including aligned means of transportation and classrooms.

More than 11 years ago, the MoE made a decision, stressing the need to align all new school buildings to the needs of children with disabilities. A legal framework is already in place for this action. Since 1997, a special programme of inclusive education has been in place. However, it is still necessary to place a focus on mental disabilities. A national strategy for inclusive education should be developed. The MoE will also identify children with disabilities not enrolled in any formal education system or private rehabilitation institutions.²⁰

In addition to recommendations in previous ICHR annual reports and in the light of the foregoing presentation on the situation of right to education, the ICHR recommends that the government increase budget appropriations for the MoE. The latter will scale up development expenditure line items to help improve the quality and outputs of the educational process and implement the programmes it pledged in the MoE Strategic Plan. The MoE continue to provide needed financial resources to help the MoE to integrate and increase the number of enrolled students with disabilities in the educational process. School infrastructure should be aligned and prepared to accommodate and empower students with disabilities like other students.

2.2.3 Right to work

The ICHR received four complaints on violations of the right to organise. In the Gaza Strip, the ICHR received 42 complaints involving encroachment on workers' right to end of service payment. The ICHR monitored, 10 incidents of death, including eight in the West Bank and two in the Gaza Strip, in workplaces as a result of failure to apply occupational health and safety requirements in the work environment.

At the beginning of 2022, the Council of Ministers' decision on approval of a raise of the national minimum wage throughout the State of Palestine entered into force. The decision provided as follows:

The monthly minimum wage is ILS 1,880 throughout the State of Palestine and across sectors.

The minimum wage of per diem workers particularly those employed on a day-to-day basis, in addition to seasonal workers is ILS 85.

¹⁹ MoE, Yearbook of Educational Statistics, op. cit.

²⁰ PCBS, The Status of the Rights of Palestinian Children 2021, Ramallah, Palestine.

The minimum wage per working hour for workers included in Paragraph 2 is ILS 10.5.

According to the PCBS Labour Force Survey 2022,²¹ paid workers who earn a monthly salary below the national minimum wage (NIS 1,880) were (40%). Of all paid workers employed in the private sector, these accounted for some (19%) in the West Bank (ILS 1,419) and (89%) in the Gaza Strip (ILS 697).

After the new adjustment was made, the old national minimum wage had already witnessed an increasing rate of noncompliance. A higher incidence of failure to adhere to the newly adjusted national minimum wage is also observed. While reflecting that formal procedures are applicable to periodic inspections over work establishments, this is an indication of a weak role played by the MoL in the discharge of relevant functions. It necessitates further monitoring and legal action against noncompliant employers.

In the opinion of the ICHR, the new decision did not introduce actions or mechanisms, which would be commensurate with promoting effective control, nor did it include practical measures to bridge minimum wage gap as well as different economic climate and performance between the West Bank and Gaza Strip. Against this backdrop, taking into account these disparities, special measures and interventions are needed to ensure enforcement of the minimum wage and overcome difficulties and obstacles that have implement full implementation in Gaza.

Against this background, the ICHR recommends that the MoL protect the right to organise in trade unions, empower workers and others in various sectors of the economy to form trade unions, and protect the right of trade unions to function freely and defend interests of their members. The MoL should bear its responsibilities towards and empower all workers in the State of Palestine, regardless of the internal Palestinian political divide between the West Bank and Gaza Strip. This is because labour involves persons employed in nongovernmental sectors. The Gaza-based MoL needs to respond favourably to any policies or plans adopted by the MoL in the West Bank. The MoL will make sure that the adjusted minimum wage is applied and put in place mechanisms to monitor and follow up on its application. The MoL will improve and promote its control over work establishments' compliance with occupational safety and health standards and conditions.

2.2.4 Right to adequate housing and Gaza reconstruction

The ICHR received 40 complaints on violations of the right to adequate housing, including two in the West Bank and 38 in the Gaza Strip. Broken down by gender, seven complaints were filed by females and five by female heads of households. In

²¹ PCBS, Labour Force Survey 2022, op cit.

terms of disability, filings included five complaints made by PWDs.

A rising number of complaints were made in the Gaza Strip by contrast with the West Bank. The IOF destroyed thousands of residential buildings during recurrent aggressions against the Gaza Strip. While the reconstruction process slowed down, the public need for housing has increased in view of higher population density and deteriorating economic and social conditions.

The ICHR understands why the number of persons entitled to adequate housing is so large in the Gaza Strip. A growing class of citizens are in need of adequate housing due to several factors. The Gaza-based Ministry of Public Works and Housing (MoPWH) is incapable of meeting all housing needs in Gaza as well. However, the ICHR is of the view that the Ministry did not set clear and transparent criteria, by which it identifies its role in addressing these needs. The roles to be played by the MoPWH and other duty bearers (MoSD, MoLG, municipalities and village councils) are insufficiently coordinated to ensure that citizen have the minimal right to adequate housing.

In 2022, in cooperation with the MoSD, the MoPWH launched the Housing Improvement for Poor and Vulnerable Households service. Having received 14,319 applications, the MoPWH will do field research to list to priority and most needy cases. Over the past years, 1,428 households benefited from the Decent House Initiative, a programme for improving housing conditions targeting vulnerable social cases.²²

Owing to the natural population increase, annual requirements for housing units amounts to 15,000. As stated by the MoPWH, since 2014, over (90%) of all 12,000 housing units demolished during recurrent Israeli offensives have been reconstructed. In the context of its Partial Damage Repair programme, the Ministry has repaired and rehabilitated (61.3%) of partially damaged houses. The MoPWH has also removed the rubble of Israeli wars since 2014 and onwards.²³

While 27,000 housing units require full rebuild, another 61,500 are still in need of restoration and rehabilitation to become habitable. According to MoPWH, the current gap in Gaza reconstruction is estimated at some US\$ 200 million, including US\$ 94 million for full reconstruction 1,910 housing units and US\$ 106 million for rehabilitation of 88,116 partially damaged houses.²⁴

The ICHR recommends that the MoPWH put in place transparent, clearly defined, and public criteria for the projects it supervises to provide compensation for damage to housing units. In coordination with the MoPWH, the Government Action Follow-up Committee needs to adopt national plans and programmes and allocate independent budget appropriations to provide adequate housing

²² MoPWH reply to an ICHR letter, requesting access to information on the right to housing and reconstruction, 19 February 2022.

²³ See MoPWH Strategy 2022-2024, available at <https://shorturl.at/mrNOW>.

²⁴ MoPWH reply to an ICHR letter, op. cit.

and initiate reconstruction projects. The MoPWH needs to prioritise vulnerable and marginalised groups, namely, women, PWDs, and older persons, to empower them to access their right to adequate housing. The Palestinian government needs to deliver on its legal responsibilities for, and give special priority to, Gaza reconstruction. To this avail, the government should place pressure on international donors to fulfil their pledges to implement the Gaza reconstruction plan.

2.2.5 The variable in cultural rights

The Basic Law provides the freedom of literary, artistic, and cultural creativity, requiring that the State provide legal frameworks and policy measures to realise and protect these rights.

Although the State of Palestine accessed to the ICESCR in 2014, legal frameworks needed to realise and safeguard this right, protect intangible heritage, and maintain free access to information have not been developed.

The ICHR monitored several abuses of the right to culture. A cultural event organised by the Khalil Sakakini Cultural Centre was halted. A group of individuals physically assaulted, verbally assaulted, and injured a number of participants in the Ashtar International Youth Theatre Festival 2022: Ultra Art. Al-Mustawda3 Cultural Centre also cancelled a musical performance to be organised in the Ramallah city.

According to information available to the ICHR, even though a legal basis of accountability is in place, persons who threatened or assaulted cultural institutions or participants in relevant cultural activities were held to account. Competent government bodies did not provide needed protection to these cultural centres.

In this context, the ICHR recommends that the Police provide necessary and adequate protection to cultural centres and activities. The Public Prosecution needs to discharge its duty and investigate any encroachments on or threats to cultural centres. The Law on the Freedom of Access to Information, law on intellectual property rights, law on the national archive, and law on the protection of intangible heritage need to be approved.

Third Section. Assessment of Government Bodies' Cooperation with the ICHR in the Complaint Process

3.1 Assessment of government bodies' cooperation with the ICHR in the complaint process in the West Bank

3.1.1 Ministry of Education

The ICHR received 62 complaints against the MoE. Of these, 51 complaints were closed. An evaluation of closed complaints shows that 45 complaints were processed with satisfactory cooperation and result, four with unsatisfactory cooperation and result, one without cooperation, and one without follow up.

3.1.2 Ministry of Social Development

The ICHR received 53 complaints against the MoSD. Of these, 36 complaints were closed. An evaluation of closed complaints shows that 27 complaints were processed with satisfactory cooperation and result, eight with unsatisfactory cooperation and result, and one without follow up.

Complaints mainly included demands for the MoSD to make payments to households covered by social protection; take expedited action to assess household conditions and approve households as active cases in accordance with applicable standards of the Ministry; and issue instructions to relevant bodies to examine facility alignment of the Dar al-Amal for Observation and Social Care, ensuring that facilities are rehabilitated and aligned in due form. Competent government bodies were also demanded to provide protection from domestic violence.

3.1.3 Ministry of Local Government

The ICHR received 36 complaints against the MoLG. Of these, 26 complaints were closed. An evaluation of closed complaints shows that 21 complaints were processed with satisfactory cooperation and result, three with unsatisfactory cooperation and result, and two without cooperation.

The majority of complaints mainly included administrative and financial claims by some personnel; review of structural plans in some LGUs; and issuance of clearance certificates. Demands also involved necessary action to construct a road in line with the approved structural plan and instructions to take expedited action by relevant bodies to issue required clearance certificates.

3.1.4 Ministry of Health

The ICHR received 60 complaints against the MoH. Of these, 29 complaints were closed. An evaluation of closed complaints shows that 16 complaints were processed with satisfactory cooperation and result, eight with unsatisfactory cooperation and result, four without cooperation, and one without follow up.

Complaints primarily involved provision of medical treatment (dispensing of medicines, coverage of treatment expenses, and undertaking of surgical procedures) and investigation of medical malpractice affecting a female patient. The MoH was also demanded to provide medical checks and medicines for chronic diseases at the MoH clinics.

3.1.5 Ministry of Finance

The ICHR received 15 complaints against the MoF. Of these, two complaints were closed. An evaluation of closed complaints shows that one complaint was processed with satisfactory cooperation and result and one with unsatisfactory cooperation and result.

Complaint mainly involved grievances lodged by MoF staff, including payment of due employment grade allowances, financial benefits of previous working years, and end of service benefits and tax refunds.

3.1.6 Ministry of Interior

The ICHR received 90 complaints against the Mol. Of these, 53 complaints were closed. An evaluation of closed complaints shows that 16 complaints were processed with satisfactory cooperation and result, 13 with unsatisfactory cooperation and result, eight without cooperation, and 16 without follow up. Complaints mainly included demands that the Mol open investigations into certain cases, such as the assault on a number of persons by security personnel; issue certificates of good conduct; review of observations on detention conditions.

3.1.7 Higher Judicial Council

The ICHR received 71 complaints against the HJC. Of these, 46 complaints were closed. An evaluation of closed complaints shows that 38 complaints were processed with satisfactory cooperation and result, three with unsatisfactory cooperation and result, four without cooperation, and one without follow. Complaints mainly demanded that the HJC expedite court proceedings in a number of cases and align a court building to enable access for persons with motor disabilities when needed.

3.1.8 Public Prosecution

The ICHR received 34 complaints against the Public Prosecution. Of these, 25 complaints were closed. An evaluation of closed complaints shows that 14 complaints were processed with satisfactory cooperation and result, 10 with unsatisfactory cooperation and result, and one without cooperation. Complaints mostly centred on taking necessary procedures to take necessary action to maintain community safety and security; cancel ban on travel; and investigate claims of torture and ill-treatment.

3.1.9 General Intelligence

The ICHR received 256 complaints against the General Intelligence agency. Of these, 183 complaints were closed. An evaluation of closed complaints shows that 142 complaints were processed with satisfactory cooperation and result, 30 with unsatisfactory cooperation and result, eight without cooperation, and three without follow up. Complaints primarily included demands that the General Intelligence investigate cases of torture and ill-treatment, enforcement of court release orders, and restoration of seized devices and documents.

3.1.10 Military Intelligence

The ICHR received 38 complaints against the Military Intelligence agency. Of these 24 complaints were closed. An evaluation of closed complaints shows that 15 complaints were processed with satisfactory cooperation and result, four with unsatisfactory cooperation and result, one without cooperation, and four without follow up. Complaints mainly involved demands for investigation of torture, ill-treatment, and illegal detention as well as holding of perpetrators to account.

3.1.11 Preventive Security

The ICHR received 127 complaints against the Preventive Security agency. Of these, 92 complaints were closed. An evaluation of closed complaints shows that 69 complaints were processed with satisfactory cooperation and result, 13 with unsatisfactory cooperation and result, two without cooperation, and nine without follow up.

Complaints focused on enforcement of court release orders, issuance of certificates of good conduct, return of seized objects, and interrogation and holding accountable of perpetrators of the crime of torture and ill-treatment.

3.1.12 Police

The ICHR received 632 complaints against the Police agency. Of these, 457 complaints were closed. An evaluation of closed complaints shows that 311 complaints were processed with satisfactory cooperation and result, 121 with unsatisfactory cooperation and result, 10 without cooperation, and 15 without follow up.

The Police Bureau for Grievances and Human Rights in particular, and Police agency at large, cooperated favourably and paid great attention to ICHR complaints. While facilitating ICHR regular visits, the Police provided rapid responses to the field monitoring of correction and rehabilitation centres. The Police also facilitated ICHR regular and exceptional visits to correction and rehabilitation centres and holding cells.

3.1.13 Governor Offices

The ICHR received (79) complaints against Governor Offices. Of these, (59) complaints were closed. An evaluation of closed complaints shows that (39) complaints were processed with satisfactory cooperation and result, (17) with unsatisfactory cooperation and result, and three without follow up.

3.2 Assessment of government bodies' cooperation with the ICHR in the complaint process in the Gaza Strip

3.2.1 Ministry of Social Development

The ICHR received 37 complaints against the MoSD. Of these, 33 complaints were closed. An evaluation of closed complaints shows that 24 complaints were processed with satisfactory cooperation and result, seven with unsatisfactory cooperation and result, and four without cooperation.

3.2.2 Ministry of Health

The ICHR received 32 complaints against the MoH. Of these, 25 complaints were closed. An evaluation of closed complaints shows that nine complaints were processed with satisfactory cooperation and result, six with unsatisfactory cooperation and result, and seven without cooperation.

3.2.3 Ministry of Public work and Housing

The ICHR received 33 complaints against the MoPWH. Of these, 23 complaints were closed. An evaluation of closed complaints shows that seven complaints were processed with satisfactory cooperation and result, 11 with unsatisfactory cooperation and result, and four without cooperation.

The ICHR sent a total of 95 original letters, 49 reminders, and six key letters. However, the Commission only received 19 written and five verbal replies.

3.2.4 Ministry of Education

The ICHR received two complaints against the MoE. Both complaints were closed. An evaluation of closed complaints shows that one complaint was processed with satisfactory cooperation and result and one with unsatisfactory cooperation and result.

3.2.5 Police

The ICHR received 628 complaints against the Police agency. Of these, 577 complaints were closed. An evaluation of closed complaints shows that 313 complaints were processed with satisfactory cooperation and result, 187 with unsatisfactory cooperation and result, and 36 without cooperation.

3.2.6 Internal Security

The ICHR received 56 complaints against the Internal Security agency. Of these, 36 complaints were closed. An evaluation of closed complaints shows that four complaints were processed with satisfactory cooperation and result, four with unsatisfactory cooperation and result, and 24 without cooperation.

3.2.7 Correction and rehabilitation centres

The ICHR received 133 complaints against the correction and rehabilitation centres. Of these, 129 complaints were closed. An evaluation of closed complaints shows that 115 complaints were processed with satisfactory cooperation and result and 13 with unsatisfactory cooperation and result, and 1 without cooperation.

