

**The Independent Commission for Human Rights
The Status of Human Rights in Palestine**

**Twentieth Annual Report
Executive Summary
1 January - 31 December 2014**



Preface

Presented by the ICHR Commissioner General

In this twentieth annual report, the Independent Commission for Human Rights presents its overview of the situation of human rights in Palestine during 2014. It is clear from all the different chapters of this report that the past year has been the most discouraging and deplorable for human rights in Palestine in comparison with the previous four years during which I have served as the ICHR Commissioner General. This is due not only to the enormity and severity of the violations committed against human rights during this period, but also to their psychological and moral impact on the national psyche and in the context of the ongoing Israeli occupation with its aggressive policies, dysfunctions in democratic life, and political instability in the Arab world and globally.

Without any doubt, this year was the worst and bloodiest in the history of Israeli systematic violations of the rights of the people of Palestine. It was marked by the brutal Israeli assault on the Gaza Strip and the subsequent deaths, destruction, displacement and innumerable violations of international humanitarian law that amount to war crimes.

We fear that the Israeli perpetrators of these violations will escape justice on this occasion just as they have in the past. ICHR expressed these fears in the United Nations Human Rights Council following the postponement until next June of a report by the UN Independent Commission of Inquiry, formed last July to investigate violations of international human rights law in the occupied Palestinian territory. This decision slows down the process of justice and pressure could be put on the Commission that may affect its independence and the findings of its investigation. Such a scenario cannot be ruled out, especially after the former Chair of the Commission resigned under pressure.

ICHR commends the decision of the State of Palestine to join a number of international conventions and treaties, including the ICC. These steps will enhance Palestine's status in the United Nations, assert its independence, and promote the defense and protection of citizens' rights. The use of international bodies will also allow Israeli perpetrators of crimes to be pursued.

While we welcome the decision of the Palestinian President to engage us in the ministerial committee to supervise Palestine's accession to international conventions and treaties, in addition to the legal technical committee on international conventions and the national committee for the ICC, we reiterate our demand that these human rights treaties and conventions be published in the Official Gazette of Palestine. This will make the conventions and treaties binding on national laws, mainly the criminal law.



We strongly believe that the main challenge is not confirmation of the humanitarian dimension of these conventions and treaties, but the search for appropriate norms of coordination and adaptation to implement them in the Palestinian courts.

In the Gaza Strip, the slow pace of reconstruction is exacerbating frustrations. Despite the Palestinian consensus government presenting its national plan to reconstruct the Gaza Strip to the international conference held in Cairo on October 2014, efforts to reconstruct and renovate infrastructure destroyed by the Israeli assault are hindered by the Israeli siege of the Gaza Strip and the political tensions between the two main factions who signed the al-Shati' agreement. As delays to the reconstruction process continue, the disastrous humanitarian situation is worsening.

ICHR maintains that the international reconstruction mechanism was subjected to Israeli security considerations. Palestinians agreed to it under extreme pressure and in a rush, without genuine coordination or deliberation between Palestinian political groups.

Alongside the disastrous impact of the Israeli aggression and the slow reconstruction process, the political divide between Fatah and Hamas has a detrimental effect on rights and freedoms in Palestine.

We welcomed the formation of the consensus government and considered it as a step towards ending the divide and paving the way for presidential and legislative elections in six months. This government was not able to fulfill its responsibilities in the Gaza Strip for several reasons that I will not address here. However, the political situation that prevailed after the formation of the consensus government presented ICHR with one of its most difficult challenges in fulfilling its responsibilities and maintaining human rights in the Gaza Strip and the West Bank during the past year. Both factions appear to have agreed not to agree. There has been no reunification of the Palestinian judicial authority or the administrative system and no legal references have been established for the security agencies, who have continued to act without parliamentary or civil oversight and have escalated the use of arbitrary detention in the West Bank and Gaza Strip. They also continued to refuse to implement court rulings and restricted the right to peaceful assembly. Features of vigilantism have resurfaced, especially in the Gaza Strip.

While ICHR acknowledges the role of the security and police agencies in protecting the security of Palestinian citizens and preventing vigilantism, it maintains that this role should be subjected to civil oversight. These agencies should be held accountable for their actions within the framework of the rule of the law.

ICHR also maintains that disruption of the legislative and presidential elections constitutes a breach of the principle of constitutional legitimacy and embodies the exceptional presence of an executive authority with broad powers without legislative oversight. This weakens and undermines the principle of the separation of powers.

ICHR has expressed grave concerns about a number of indicators which may constitute a serious breach of the independence and integrity of the judiciary and the justice system in Palestine. These indicators reflect interference by the executive authority, including the security agencies, in the work of the judicial authority.

The failure to enforce court rulings, or bypassing or delaying their enforcement, in contravention of legal provisions was a feature of 2014, despite persistent demands to bring this phenomenon to an end since it constitutes a blatant violation of the provisions of the Palestinian Basic Law.



Administrative detention - detention by a governor's decision - continued throughout the year in accordance with the Jordanian Crime Prevention Law of 1954, despite the fact that its provisions conflict with those of the Palestinian Basic Law. The interpretation of the articles related to administrative detention in the Jordanian law was broadened in a manner that runs counter to the logic or rationale of the legislator.

ICHR monitored cases of administrative detention in which the governor ordered detentions without bringing the defendant before competent judicial authorities. In some cases, the detainee was kept in administrative detention despite a court ruling to release or acquit him.

In this context, it is important to highlight a number of decrees related to the judiciary that have the power of law. These decrees were issued without thorough discussion. Eight decrees relating to criminal courts, penal, civil and administrative cases were issued in 2014. One of these decrees amended Act No. 25 of 1958 on government lawsuits and allows the Attorney General to start a civil action for money or assets over which the State and individuals are in dispute and cannot reach a solution. The President issued this decree although the text of the previous law had greater and clearer details. In addition, the Criminal Procedures Law was amended by a presidential decree that infringes the guarantees of a fair trial. According to the new amendment, the court can extend the remand of the accused by examining his case without him being present.

A major example of the dominance of the executive authority is the decision made by the cabinet in November to disband the Public Servants Trade Union and arbitrarily detain its chairman and his deputy, seizing the union's funds and closing its office without a court warrant. The Ministry of Finance also dismissed employees who are trade union members from their posts in contravention of the Civil Service Law and its regulations.

ICHR calls on the government to reverse these decisions and to respect the right to trade union activities enshrined in both the Palestinian Basic Law and in the obligations of the State of Palestine under international human rights law and other international human rights conventions it has signed.

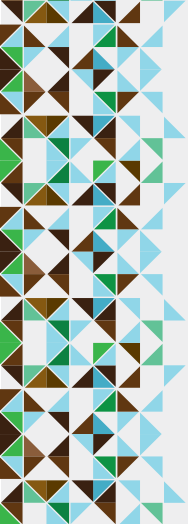
We hope that this report on the situation of human rights in Palestine for 2014 will attract the attention of the President and the Prime Minister, and of all those who care for the rule of law and freedoms and rights in Palestine, whether civil and security officers, civil society organizations, political factions or members of the public. This is especially important in light of the continuing divide and disruption to the oversight of the PLC.

We remember with appreciation and deep sadness two of our colleagues who passed away at the start of 2015: Mrs. Maha Abu Daya, Member of the Commissioners Board; and Prof. Nasir al-Aruri, Founder Member of the Commissioners Board.

And last but not least, I would like to extend my thanks in my personal capacity and on behalf of ICHR to all the ICHR executive staff in the West Bank and Gaza Strip, and to all those who contributed to this report for their efforts and persistence to improve human rights in Palestine despite all the risks, challenges and threats associated with their work.

Dr. Ahmad Harb
Commissioner General





Introduction

During 2014, the Independent Commission for Human Rights (ICHR) continued to monitor the status of human rights in the occupied State of Palestine, fulfilling the tasks and responsibilities within its mandate as a national constitutional institution under the Paris Principles relating to the status of national human rights institutions to protect and promote human rights.

This twentieth annual report is issued by ICHR in the belief that fundamental rights are inherent to all human rights since they are necessary to enable citizens to exercise other rights.

The report examines human rights during 2014 and the repercussions of the continuing Israeli occupation and its impact on human rights, in addition to the effects of the political divide between the Fatah and Hamas movements, which has persisted despite the reconciliation pact between the two factions.

The status of human rights in 2014 was the worst so far in terms of civil and political rights despite the positive development of Palestine acceding to several international human rights conventions without reservations, namely the International Covenants on Political and Civil Rights and on Economic, Social and Cultural Rights. Palestine also acceded to the International Convention on the Elimination of Racial Discrimination, the International Convention to Eliminate Discrimination against Women, the Convention against Torture, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.

While these steps, including the Rome Statute of the ICC, are significant, human rights in Palestine were also affected by the Israeli military assault on the Gaza Strip, which caused huge human and material destruction, and the ongoing Israeli siege on Gaza and other colonialist Israeli policies in the occupied Palestinian territory, including East Jerusalem. These policies undermined the ability of the Palestinian National Authority to fulfill its responsibilities to protect and promote the rights of its citizens, with reverberations on different aspects of the lives of Palestinian citizens, as described in the second chapter of section one of the report.

We were optimistic about the efforts to end the internal political divide, which culminated in the signing of the Al-Shati Agreement and the formation of a national consensus government in June. However, the status of human rights in the Palestinian controlled territory did not improve. In fact, public rights and freedoms retreated considerably.



Palestinian citizens, especially those in the Gaza Strip, have not felt any tangible improvement in their living conditions because the national consensus government has failed to ensure operational budgets for vital sectors such as education and health. Furthermore, it has not taken concrete steps to resolve this problem or to pay the salaries of public sector servants who were appointed during the political divide.

The security agencies in the West Bank and Gaza Strip lack any political references or accountability and are free to act without oversight. They have detained citizens without legal charges, engaged in torture and ill-treatment, and repressed rights and freedoms, including the freedom of opinion and expression, freedom of peaceful assembly and to form associations. They have engaged in other violations which are monitored in detail in this report.

ICHR has monitored major human rights violations resulting from the legal and political environment: the right to life, the right to freedom and security of the person, the right to a fair trial, failure to enforce court decisions and infringement of public freedoms.

ICHR maintains that commitment by the PNA to political and civil rights, including respect for personal freedom and the prohibition of torture and arbitrary detention, does not incur any financial costs. Also, PNA commitment to economic, social and cultural rights requires it to enforce these without delay by implementing the measures required to guarantee the progressive exercise of these rights by citizens. ICHR believes that these rights cannot be fully realized unless the right to development is enforced in an integrated manner with civil, political, economic, social and cultural rights.

This annual report monitors and analyzes both positive and negative aspects, illustrating the facts with examples and concrete incidents. However, the negative aspect may appear to dominate the report. The report does note that violations of basic human rights continued in 2014 as it was in 2013.

The report is divided into four chapters. The first chapter monitors the main political, economic and legal indicators of the status of human rights in the Palestinian territory and the disruption of the PLC, as well as violations of rights and freedoms during 2014.

The second chapter of section one presents a thorough analysis of Israeli violations and their impact on the performance of the PNA and its ability to realize various rights.

The second section of the report on rights and freedoms notes that violations of fundamental human rights have continued in a worrying manner. It reports violations involving the right to life, death sentences issued by courts that lack guarantees of a fair trial in the Gaza Strip, extrajudicial killings, and violations of the right to physical safety and security of the person. It also documents allegations of torture and ill-treatment by inmates held in detention centers. It highlights the restrictions imposed on freedom of opinion, freedom of press and on the right to peaceful assembly in the West Bank and Gaza Strip.

The third section of the report monitors economic, social and cultural rights. The first chapter focuses on the right to development from the perspective of the human rights-based approach adopted in the Palestinian National Development Plan of 2014-2016. It also presents a brief overview of the general budget from a human rights-based approach, touching on economic and social rights such as the right to adequate housing, the right to work and the right to health.



ICHR dedicated a special section of this report to economic, social and cultural rights. ICHR staff have been committed to monitoring these rights and various interventions were conducted by ICHR throughout the year on the basis that human rights are inclusive, inherent and indivisible. We believe that human beings are the main pillar of sustainable development, and thus, a lack of respect for inherent human dignity and the exercise of human rights make any discussion about sustainable development meaningless.

The fourth section of this report discusses women's rights, including the right to life, the right to protection from gender-based violence, and the rights of children and persons with disabilities in line with our policy of monitoring marginalized groups in our society. The report discusses the rights of these three groups in different chapters in terms of the legislative, policy and administrative developments applicable and with a view to concluding recommendations for the protection and promotion of the rights of these groups.

In presenting ICHR's perspective of the status of human rights in Palestine during 2014, the report acknowledges that the conclusions reached by ICHR are the result of information and data gathered and interpreted by ICHR staff in the context of international human rights standards and Palestinian national legislation governing rights and freedoms in Palestine.

We hope that the recommendations given at the end of each chapter of this report will be taken seriously by decision-makers, law enforcement bodies and other duty bearers.

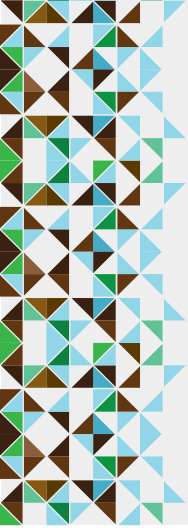
The Commissioner General, Board of Commissioners and executive staff of ICHR will continue to promote the implementation of these recommendations to guarantee that Palestinian citizens can exercise their rights and freedoms in a state based on respect for the rule of law. The State of Palestine must take appropriate administrative and legislative steps to guarantee that these rights and freedoms are observed and to fulfill its obligations under international human rights conventions.

Finally, I would like to extend my deepest appreciation to all the staff of ICHR for their individual efforts to compile this report through the documentation of violations and gathering and analysis of information from primary and secondary sources. They worked tirelessly to verify the information contained in this report and to make it available to official bodies and those concerned about human rights.

I would also like to extend my thanks in particular to the field researchers of ICHR in the West Bank and the Gaza Strip and the legal researchers of the National Legislations and Policies Monitoring Unit for their work in preparing this report.

Randa Siniora
Executive Director





Political Variables and their Impact on Human Rights in Palestine in 2014

Palestine witnessed major political, social and economic developments in 2014 that had very detrimental effects on the status of human rights, including those of public freedoms; access to justice; freedom of speech and opinion; right to association; right to assembly; freedom of press and media; right to life; right to safety and personal freedom; and the independence of the judiciary.

During 2014, Palestine acceded to a number of international human rights treaties and conventions. Also, Fatah and Hamas signed the Al-Shati reconciliation agreement to form a national consensus government. Yet despite these developments, positive results have not been reflected on the ground. Human rights remain under threat, democratic legitimacy is still fragile, and parliamentary oversight of the executive authority has not yet been restored.

A. Political Variables

Several political developments took place in Palestine in 2014 in the context of the ongoing Israeli military occupation of the Palestinian Occupied Territory (OPT) and the oppressive policies imposed on Palestinian civilians. The Israeli military assault on the Gaza Strip in July 2014 resulted in thousands of casualties and massive destruction to civilian homes, infrastructure, and public property, alongside the continued Israeli military siege of the Gaza Strip. In the West Bank, Israeli military forces raided villages and cities following the kidnapping of three settlers in June 2014. Troops arrested hundreds of Palestinian civilians, broke into charities and institutions, and confiscated property.

The Israeli occupation continued to expand the annexation wall and settlements in East Jerusalem and the West Bank. Palestinian freedom of movement between cities and villages in the West Bank and between the West Bank and Gaza Strip continued to be restricted. Furthermore, the Israeli Knesset approved a number of discriminatory laws, such as the Jewish State Law, in an attempt to dissolve the political settlement signed in the Oslo Accords of a two-state solution on historical Palestinian land.

The State of Palestine entered a new phase in its political history with its accession to international human rights treaties and conventions, the signing the Al Shati reconciliation agreement, and the formation of a national consensus government. However, efforts to form a national consensus government were hampered by the dominant role played by the High Judicial Council over the justice chain in the Gaza Strip and the absence of legal references for security agencies. Although the formation of the consensus government was intended to build trust between all parties and citizens,



political disagreements still exist; Palestinian citizens in the Gaza Strip live under an economic crisis in which poverty and unemployment rates continue to rise.

The political variables monitored by ICHR in 2014 that had an impact on human rights and freedoms are as follows:

1. Israeli Military Occupation and Attempts to End this Occupation¹

The Israeli military occupation escalated its oppressive measures and policies in the OPT and launched a military assault on the Gaza Strip.

a. Israeli assault on the Gaza Strip:

The Israeli military aggression against the Gaza Strip was a major political development in 2014. On 8 July 2014, Israeli military forces attacked the Gaza Strip and Palestinian civilians with massive force, causing thousands of casualties, the forced displacement of residents, and widespread destruction to infrastructure, power plants, water networks, civilian homes and property, and public facilities. These acts are war crimes and grave violations of international humanitarian law. This Israeli military assault was accompanied by the ongoing Israeli military siege on the Gaza Strip.

The national consensus government prepared a national plan to re-build the Gaza Strip for presentation at the international conference held in Cairo, Egypt, in October 2014 to discuss the reconstruction of the Gaza Strip. Efforts faced two major obstacles: 1) the continuation of the Israeli military siege on the Gaza Strip; and 2) political tensions between Fatah and Hamas, even in the wake of the reconciliation agreement. These obstacles slowed down the process of re-building the Gaza Strip and increased the suffering of Palestinian civilians whose homes were destroyed and who remain displaced.

ICHR believes that the international mechanism for the re-building of the Gaza Strip was subjected to Israeli security considerations, despite the fact that the Israeli occupation was directly responsible for the destruction caused. ICHR also believes that the Palestinian government approved the mechanism without consultation with political parties and the Palestinian public.

b. Formation of the International Commission of Inquiry:

On 23 July 2014 in its 21st Special Session, the UN Human Rights Council formed an International Commission of Inquiry to investigate the grave violations and war crimes committed in violation of international humanitarian law and human rights law in the OPT, especially in the Gaza Strip during the latest Israeli military aggression that lasted for 51 days.

The International Commission of Inquiry is commissioned to identify the facts and conditions relevant to war crimes and violations; to identify the perpetrators of war crimes; and to

¹ For more information, see Chapter 2 on Israeli violations in the 20th Annual Report



submit concrete recommendations. These recommendations relate to specific procedures for accountability to end the culture of impunity and guarantee the prosecution of perpetrators in a court of justice. The recommendations should also include procedures and methods to protect civilians from further assaults.

As Israel prevented the Commission of Inquiry from entering the OPT, the Commission held its meetings with civil society organizations, ICHR, UN agencies, and Palestinian victims and witnesses in Amman, Jordan, from 10th to 14th November 2014. The Commission of Inquiry is expected to submit its report in March 2015 during the 28th Regular Session of the UN Human Rights Council.

c. High Contracting Parties of the Four Geneva Conventions:

On 17 December 2014, the High Contracting Parties of the Four Geneva Conventions conducted an international conference to proceed with the recommendation of the UN General Assembly Resolution 10/46 issued on 1st December 2009.

During the international conference, the High Contracting Parties of the Four Geneva Conventions called upon Israeli military forces to fully respect the Four Geneva Conventions applied in the OPT, including East Jerusalem. They also called upon Israel to abide by its obligations as an occupying power to provide services to Palestinians and to allow the entry of humanitarian aid, particularly to the Gaza Strip.

The High Contracting Parties reiterated that grave breaches of international humanitarian law, especially the Fourth Geneva Convention, should be investigated and steps should be taken to bring all perpetrators to justice. They also expressed their concerns about the drastic effects of the continued Israeli occupation on the OPT and reiterated that the annexation wall in the OPT and East Jerusalem is illegal under international humanitarian law.

2. Reconciliation Efforts to End the Political Divide between Fatah and Hamas

The Al Shati reconciliation agreement signed on 23 April 2014 between Fatah and Hamas represented a crucial step towards ending the internal political divide between both parties. The reconciliation agreement resulted in the establishment of the national consensus government in June 2014.

The Palestinian Liberation Organization (PLO) held a meeting with Hamas to end the political divide and implement the national reconciliation agreement. A statement issued during the meeting included the following terms:

- Emphasized the commitment to the Cairo Agreement and Doha Declaration.
- The President should conduct consultations to form a national consensus government and declare it within five weeks, as per the Cairo Agreement and the Doha Declaration.
- Conduct legislative and presidential elections, in addition to elections for the Palestinian National Council, within six months of the national consensus government being formed. Establish a committee to mobilize the PLO and carry out the responsibilities referred to in the agreements. The social reconciliation committee should start to implement its responsibilities under the Cairo Agreement.



- Ensure the implementation of decisions related to public freedoms referred to in the Cairo Agreement, and call upon the freedoms committee in the West Bank and Gaza Strip to proceed with its work in this regard.
- Ensure the implementation of the decisions of the Cairo Agreement on reinstating the role of the Palestinian Legislative Council (PLC).

After several consultations between Fatah and Hamas to form the national consensus government, it was sworn in by President Mahmoud Abbas in a Presidential Decree No. 12 on 2nd June 2014. The Cairo Agreement is considered a reference document for issues not included in the reconciliation agreement such as civil servants, security agencies, and social reconciliation.

Despite the aspirations of the national consensus government, it faces numerous obstacles related to the absence of unification of the Palestinian justice and administrative systems; the absence of a legal reference for security agencies; and the absence of the role of the PLC.

Accordingly, ICHR believes it is vital to encourage civilian oversight of security agencies and an enhanced role by the police and security institutions to provide protection and security to Palestinian citizens. ICHR also believes that delays in legislative and presidential elections lead to powers being concentrated with the executive authority and the absence of legislative oversight.

ICHR hopes that the reconciliation agreement will be implemented and Palestinian citizens will no longer have to file complaints related to arbitrary detention, the right to assume public office, delays in the enforcement of court decisions, or ill-treatment and torture in the West Bank and Gaza Strip.

3. Palestine Accession to International Human Rights Treaties

On 2nd April 2014, President Mahmoud Abbas acceded to 14 international humanitarian and human rights treaties and conventions as a result of Palestine's acceptance as an Observer State in the United Nations in November 2012. The State of Palestine acceded to these treaties and conventions without reservations. Palestine also submitted its request to Switzerland, as the depositary state, to accede to the 1949 Four Geneva Conventions and to the two Additional Protocols of the Four Geneva Conventions.

On 31 December 2014, President Mahmoud Abbas acceded to another 20 international treaty bodies and conventions, including the Rome Statute of the International Criminal Court; the Convention on the Political Rights of Women; Buried Solids Charters; the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity; the Treaty on the Non-Proliferation of Nuclear Weapons; and the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons.

Following its accession to international humanitarian and human rights treaties and conventions, the State of Palestine should submit initial reports on the status of human rights in Palestine and the procedures adopted to improve human rights. The State of Palestine should submit four reports in 2015 on four international treaties and conventions: the International Covenant on Civil and Political Rights; the Convention against Torture; the International Convention on the Elimination of All Forms of Racial Discrimination; and the Convention on the Elimination of all Forms of Discrimination against Women.



ICHR believes that these international treaties and conventions are applicable nationally due to the fact that the Palestinian Basic Law respects human rights and freedoms. However, the application of these treaties become obligatory on a national level once the following measures are taken:

a. Publication of the treaties in the Official Gazette:

The international humanitarian and human rights treaties and conventions to which Palestine acceded become obligatory nationally once they are published in the Official Gazette. This is enshrined in the Palestinian Basic Law. Therefore, publication of the treaties in the Official Gazette is an important step to ensure their enforcement by courts and official authorities.

b. Amend laws and legislation in Palestine to ensure they are compatible with international treaties:

Legislation and laws in Palestine should be compatible with the international treaties to which Palestine acceded for them to be applied nationally.

c. Allow treaty bodies to which Palestine has acceded to receive complaints from individuals:

The State of Palestine should allow treaty bodies to receive and consider complaints from individuals claiming that a state party has violated their rights under international treaties. This would bring the international treaties into effect.

B. Economic Variables and their Impact on Human Rights in 2014

The Palestinian economy is still constrained by Israeli policies that aim to impose political pressure on the Palestinian government. This was clearly demonstrated when the Israeli occupying state froze the transfer of tax revenues due to Palestinians. Israel argued that it had frozen the tax revenues because the State of Palestine had acceded to the Rome Statute and had become a member in the International Criminal Court (ICC). The Palestinian Monetary Authority (PMA) declared that economic statistics and indicators show that the Palestinian economy in the West Bank and Gaza Strip is deteriorating.

According to statistics, there was a decline in the gross domestic product (GDP) in Palestine by approximately 2.5% during 2014 compared with 2013. This resulted in a decline in GDP per capita of more than 5% during 2014 in comparison with 2013. The economic sectors that previously made the highest contribution to the GDP have been affected the most: agriculture, fishing and industrial sectors.

Furthermore, statistics show that while the number of workers in the Palestinian labor market remained stable in 2014 compared with 2013, the unemployment rate rose to 27% during 2014 compared with 24% in 2013.

C. Legislative Policies and Impact on Human Rights in 2014

The PLC has been disrupted for the seventh successive year as a result of the continuation of the internal political divide and the detention of Palestinian legislators by the Israeli occupation authorities. The PLC has been unable to propose, adopt, or approve any legislation that would support the rights of Palestinians or consolidate the Palestinian legal system in the West Bank and Gaza Strip. Additionally, it has been unable to fulfill its supervisory role over financial and administrative matters, to hold



the government accountable, or investigate claims of human rights violations during 2014. These claims were related to the right to life, the right to physical safety, torture and ill-treatment, arbitrary deprivation of liberty on political grounds, freedom of the media, political rights, the right to form a trade union, and the right to assembly.

In 2014, President Abbas issued 21 presidential decrees with the power of law, based on Article 43 of the Palestinian Basic Law which states that the President of the Palestinian National Authority (PNA) may issue decrees with the power of law when the PLC is not in session. Once the PLC resumes sittings, it will approve or reject these decrees, but until that time, the President's decision has the power of law.

The most important presidential decrees issued by the President in 2014 were:

- **Decree No. 2 of 2014 on the general budget of 2014:**

The General Budget Law is an important legal tool to manage the state's expenses and resources. The general budget of the Palestinian Authority of 2014 was not reviewed by representatives of the Palestinian people and the PLC as a result of the internal political divide. Accordingly, the President issued a decree on the general budget of 2014 in the absence of legislative oversight of the financial performance of the government and in the absence of any discussion to review the principles and priorities by which the general budget was formulated.

The primary reading of this decree is that the general budget includes austerity measures in the form of procedures regarding promotions and financial expenses. Also, the salaries allocated to civil and military employees were increased by 4.9% compared with 2013 and represented more than 50% of the general budget of 2014.

- **Decrees concerning the judiciary:**

Eight decrees were issued concerning the judiciary, criminal trials, penalties, and civil and administrative claims. These decrees were issued without discussion with representatives of Palestinian society or parliamentary parties. Some of these judicial decrees relate to the Government Claims Act No. 25 of 1958 and the Criminal Procedures Law.

d. Political Variables and their Impact on Human Rights in Palestine in 2014

- **Right to Life and the Death Penalty**

ICHR documented 10 deaths as a result of misuse of firearms by civilians in the Gaza Strip and one honor killing in the Gaza Strip. ICHR also documented six deaths in prisons and detention centers: one case in the West Bank and five cases in the Gaza Strip, compared with four deaths in 2013.

In addition, ICHR documented 16 deaths of Palestinians detained in Palestinian prisons and detention centers in the Gaza Strip. Eight Palestinians in detention were not yet sentenced; six detainees were sentenced to the death penalty; one detainee was sentenced to life imprisonment; and one detainee was sentenced to 15 years in prison. These Palestinian detainees were released from prison by



unknown armed persons during the Israeli military assault on the Gaza Strip and were later found dead in different locations of the Gaza Strip. ICHR believes that these detainees had been subjected to extra-judicial executions.

- **Arbitrary Detention on Political Grounds**

The continuation of arbitrary detention is an important indicator of the deterioration of human rights in Palestine. The security agencies continue to deny that arbitrary detention exists and claim that detention takes place for security reasons and is not based on freedom of speech or political affiliation.

Despite this denial, arbitrary detention still takes place without formal charges against detainees or proper procedures for detention. Detainees are deprived of visits by their families or lawyers. Detainees also face delays in the enforcement of court rulings regarding their detention.

ICHR has noticed from the complaints it has received that arbitrary detention took place against Hamas affiliates in the West Bank, against Fatah affiliates in the Gaza Strip, or against activists.

- **Torture and Ill-Treatment**

In 2014, ICHR received 1274 complaints of alleged violations of the right to physical safety: 287 complaints in the West Bank and 996 complaints in the Gaza Strip. ICHR has also recorded a remarkable increase in allegations of torture and ill-treatment at the hands of different security agencies during 2014, especially by the Palestinian civil police in the Gaza Strip. The torture and ill-treatment included beatings, deprivation of sleep, punching, threats, and mental torture.

- **Disregard of Court Rulings**

In 2014, ICHR continued to monitor complaints of disregard of court rulings (especially decisions of the High Court of Justice and Court of First Instance) and delays in monitoring the enforcement of court rulings throughout 2014. ICHR received 87 complaints about disregard of court rulings by civil and security authorities. ICHR reaffirms that court rulings should be respected and enforced immediately and without delay in accordance with the Palestinian Basic Law, especially Article 106 which stipulates that: “Judicial decisions are enforceable, and to refrain from implementing any is a crime punishable by imprisonment, and removal from office...”

- **Violations of the Right to Peaceful Assembly**

There were restrictions on the right to peaceful assembly in 2014 in the West Bank and Gaza Strip. Peaceful assembly (such as demonstrations and public meetings) was prohibited, in addition to preventing reporters from covering these events. Many peaceful assemblies were forcibly dissolved and the participants were subjected to assaults.

- **Violations of the Right to Form a Trade Union**

ICHR monitored violations of the right to form a trade union in Palestine in 2014. On 11 November 2014, the Palestinian Council of Ministers issued a decision that considered the Public Servants' Trade Union illegal and the President of the Union and his deputy were detained and brought before the court



illegally. They were later released following an intervention by the Prime Minister. Furthermore, the trade union in question was closed by the police without a court decision and some union employees were arbitrarily dismissed from their jobs in violation of the Civil Service Law and its regulations.

All these actions and decisions violated the right to work and the right to form a trade union, which are rights protected in the Basic Law and in international treaties acceded to by Palestine.

- **Lawlessness in the Gaza Strip**

ICHR monitored several incidents that indicate the gradual return to a state of lawlessness in the Gaza Strip. These incidents relate to bombings targeting the houses of members of the Fatah movement, the podium in an event to commemorate the late President Yasser Arafat, and a series of bombings at the French Cultural Center. The latest explosions targeted the ATM machines of the Bank of Palestine in Gaza city and its cameras in the Deir Al-Balah area.

The findings of the investigations into these violations have not yet been released despite assurances by the Ministry of Interior in Gaza that it has opened investigations and is seeking the perpetrators. This situation raises concerns and fears among members of the public about their personal safety, their property, and public order in general in the Gaza Strip.

E. Consequences of the Political Variables

The legal and political developments in Palestine had a direct impact on the system of rights and public freedoms that may be summarized as follows:

1. Consequence One

The continuation of the Israeli military occupation in the Palestinian territories and its hostile policies in the West Bank, Gaza Strip and East Jerusalem, as well as the Israeli military assault on the Gaza Strip, are major factors in the deterioration of human rights in Palestine in 2014. This was most evident in systematic Israeli violations of human rights, including the illegal building and expansion of Israeli settlements in the OPT, settler violence and vandalism, restrictions on movement and the Israeli military blockade of the Gaza Strip, the continued invasion of Palestinian cities, extra-judicial killings, and the arbitrary detention of Palestinian citizens under the pretext of security concerns. This undermines the long-term ability of the Palestinian state to provide an environment that enables Palestinian citizens to exercise their rights.

Israeli policies undermine the Palestinian state in the performance of its functions and assumption of its legal responsibilities in the areas under its control. Moreover, it cannot fulfill its duty to provide safety and security for the Palestinian people and enforce the rule of law.

2. Consequence Two

The success of efforts to achieve national reconciliation and end the political divide between Fatah and Hamas in the West Bank and Gaza Strip should reflect positively on the status of human rights



and public freedoms. Violations of human rights have emanated from both parties, most notably in the continuation of arbitrary deprivation of liberty; lack of integrity in carrying out legal proceedings during searches, arrests, and detention; confiscation and/or restrictions on public freedoms; and lack of respect for the judiciary. National reconciliation should be reflected in the ability of citizens to exercise their rights.

3. Consequence Three

The reconciliation agreement should ensure justice and redress for victims of human rights violations that took place in previous years. It should also guarantee justice for all Palestinians and institute a new era in which the rule of law and human rights are prioritized over political priorities. Future developmental plans should also take human rights into consideration.

4. Consequence Four

The accession of Palestine to international human rights treaties and conventions should have a positive effect on the exercise by citizens of their rights and freedoms in accordance with principles of international human rights law. Administrative and legislative measures should be undertaken to ensure compliance with these international treaties and conventions and their implementation on the ground to ensure the adherence of Palestine to its obligations under international law.

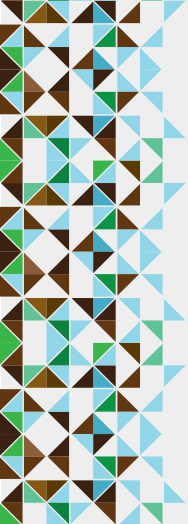
5. Consequence Five

The unjustified delay in clarifying legal references for security agencies has resulted in an absence of oversight, allowing these agencies a free hand in the West Bank and Gaza Strip to engage in acts not necessarily in compliance with the law. This has had a negative impact on the role of the security agencies in providing safety and security to Palestinian citizens. Political oversight of security agencies and their legal references should ensure the commitment of these agencies to a democratic Palestinian system. The security agencies should not be influenced by any political affiliation in the implementation of their duties and compliance with the law.

6. Consequence Six

The situation of human rights in Palestine could be improved by public condemnation of all illegal procedures and violations (such as arbitrary detention and ill-treatment) and by conducting transparent investigations of complaints of human rights violations and announcing the results publically.





Recommendations

Part I: Political Environment and Variables on the Status of Human Rights in Palestine in 2014

- **Recommendations concerning Israeli violations of Palestinian human rights and freedoms in 2014:**
 1. The State of Palestine to call on the member states of the United Nations to apply all reasonable pressure on the government of the occupying power to comply with the principles of international humanitarian law, and to halt their aggression against the Palestinian people, their land and their property.
 2. The State of Palestine to request that the international community apply all reasonable pressure on the government of Israel to end its policy of collective punishment; end the military siege on the Gaza Strip; immediately open the borders of the Gaza Strip to stop the deterioration of the humanitarian situation; facilitate the movement of citizens and all necessary goods and construction materials to re-build the Gaza Strip; and protect all civilians in the Gaza Strip and provide them with adequate living conditions.
 3. The State of Palestine to request that the international community apply all reasonable pressure on the government of Israel and Israeli occupation forces to halt the policy of administrative detention, protect the lives of Palestinian detainees, and release child or patient detainees. Also to request that the international community put pressure on the occupying government to cease systematic suppressive practices against Palestinian detainees, the deterioration of humanitarian norms, and to improve living conditions in detention centers.
 4. The State of Palestine to continue to pressure the government of Israel and Israeli occupation forces to allow Palestinians access to Area C to enable full use of their land and natural resources, and the allocation of land for Palestinians to build housing, develop infrastructure and have access to water and electricity.



5. The State of Palestine to invite the High Contracting Parties to the Fourth Geneva Convention to fulfill their obligations under Article I of the Convention to respect the Convention under all circumstances. Furthermore, under Article 146 of the Convention, the High Contracting Parties are committed to pursuing persons convicted of committing grave violations of the Convention.
6. Cooperate with the International Commission of Inquiry to facilitate its work in investigating war crimes and crimes against humanity, and to bring Israeli leaders and officials before the International Criminal Court, and compensate Palestinian civilian victims.



Part II: Rights and Public Freedoms in Palestine: Political and Civil Rights in 2014

- Recommendations on the right to life:

1. Abolition of death sentences in Palestinian law.
2. The President of the State of Palestine should continue to abstain from endorsing death sentences issued by Palestinian courts and should refer all cases of civilians sentenced to death by military courts to the competent civil courts for reconsideration of these sentences.
3. The President of the State of Palestine should use his constitutional powers of amnesty to change any death sentences issued by the Palestinian courts to imprisonment.
4. Establish legal procedures to overturn legal rulings, especially those related to death sentences issued by the military court.
5. Cease the execution of death sentences issued by the courts and remove the death penalty from the legal system.
6. The Public Prosecution should investigate all cases of unnatural deaths and bring perpetrators to justice. More attention should be paid to honor killings, which have been documented by ICHR this year and in previous years, including cases of women killed due to misuse of firearms by citizens and/or deaths under mysterious conditions.
7. The Military Prosecution to open thorough investigations into allegations of violations of the right to life and physical safety made against law enforcement staff, especially those working in prisons. This will assist in bringing such cases before the military courts and prevent those engaged in such violations from escaping justice.
8. Local authorities to monitor public and private locations effectively to ensure general safety procedures are observed. They should remain vigilant in monitoring dangerous locations within their jurisdiction and adopt the safety measures necessary to reduce deaths due to negligent observation of safety regulations.
9. The Ministry of Labor to play an effective, proactive role in monitoring workplaces to ensure general safety procedures are observed. It should also conduct regular inspections of workplaces in compliance with the Palestinian Labor Law. These inspections would take place in buildings, construction sites, factories and workshops, particularly given the occurrence of several deaths on these sites during the past year.

- Recommendations on the right to physical safety:

1. The President of the State of Palestine and the Ministry of Interior to issue clear instructions to security agencies not to inflict torture or ill-treatment in detention centers.
2. Provide physical and mental rehabilitation and compensation for victims of physical assaults.
3. The security agencies should investigate any allegations of torture and/or ill-treatment vigorously, take necessary measures against those involved in such violations, respond positively to complaints related to torture filed against their agency, and update the ICHR on measures taken, enabling the Commission to review the relevant files.



4. Provide law enforcement officials with all means necessary to investigate crimes and pursue criminals without violating the physical safety of criminals.
5. All civil and military agencies should allow ICHR to visit detention centers on a regular basis, including unannounced visits.
6. Steps must be taken to apply the provisions of the Convention against Torture acceded to by the State of Palestine to legislation, policies and within institutions.
7. The State of Palestine to accede to the Additional Protocol of the Convention against Torture on the establishment of an independent mechanism to combat the use of torture. The ICHR could be commissioned by the State of Palestine to play a role in this national mechanism to prevent the use of torture.

- **Recommendations on the Judicial Authority:**

The courts to scrutinize the accuracy of information about detainees received from the Public Prosecution and to ascertain any discrepancies in the detainee's status prior to taking a decision to extend the detention. The courts should also ensure that any information extracted from detainees is extracted without violation of their physical safety.

- **Recommendations for the Public Prosecution:**

1. The Public Prosecution should fulfill its supervisory role over the judicial police, who hold the legal authority to make arrests. It should also exercise its role in holding law enforcement staff (Preventive Security Agency, General Intelligence and Civil Police) accountable for violations of the right to physical safety.
2. The Public Prosecution to thoroughly review and investigate allegations made by citizens concerning violations of their right to physical safety by law enforcement staff.
3. The Public Prosecution to investigate statements and information received by the judicial police thoroughly before detaining any individual.
4. The Public Prosecution to exercise its supervisory role in all detention centers and prisons run by security agencies to ensure that detainees or inmates are not subjected to torture, ill-treatment or any kind of pressure that may affect their psychological health.
5. The Public Prosecution to develop the capacities of the police and other security agencies relating to legal procedures for obtaining evidence that may lead to the conviction of persons under investigation and reduce violations of rights to physical safety. Any violation of these procedures should lead to the release of those convicted.
6. The Public Prosecution to provide facilities (such as forensic facilities and medicine) required by the relevant agencies for their investigations.

- **Recommendations on the Military Prosecution and Judiciary:**

1. The Military Prosecution to thoroughly investigate all allegations of violations of the right to physical safety brought against law enforcement staff, especially those working in prisons, and bring such cases before military courts to prevent those involved in such violations from escaping criminal charges.



2. The Military Prosecution and judiciary to exercise a supervisory role over all military detention facilities and ensure that detainees and inmates are not subjected to torture, ill-treatment or any kind of pressure that may affect their psychological health. It should also investigate cases of inmates subjected to torture and/or ill-treatment.
3. The relevant authorities overseeing the Military Prosecution to exercise effective monitoring of investigations of complaints relevant to the right to physical safety.

- **Recommendations on Military Medical Services:**

The health services available to persons in custody require a comprehensive review. The Military Medical Service issues the primary medical report on the health status of inmates and declares if inmates have been subjected to physical or psychological abuse. The Military Medical Service must develop effective measures and establish a system with a mandate to issue medical reports on the health of inmates, especially medical reports that verify whether the inmate was subjected to physical or psychological abuse during detention.

- **Recommendations on the Right to Personal Freedom:**

1. The Public Prosecution and judiciary to conduct regular visits and inspections of detention centers to ensure that no violations of the law are being committed.
2. The security agencies in the West Bank and Gaza Strip to respect human rights and basic freedoms, especially the right to personal freedom and security. Security agencies should cease arbitrary detention and arrests on political grounds and should adhere to the law and proper procedures during arrests, detention and trials.
3. The security agencies to conduct thorough investigations of complaints about arbitrary detention and punish those convicted.
4. Administrative officials should cease the issuing of arrest warrants, which is considered a form of arbitrary detention by the UN and a violation of the right to due process protected by the Palestinian Basic Law and international law.

- **Recommendations on Freedom of Opinion and Expression:**

1. **Freedom of the Media**

1. The State of Palestine to respect the provisions of international human rights treaties and conventions to which it has acceded that guarantee freedom of the media.
2. The security agencies in the West Bank (General Intelligence, Preventive Security Agency) should cease the detention and summoning of journalists.
3. The security agencies of the Ministry of Interior (Internal Security) should cease the detention and summoning of journalists in the Gaza Strip.
4. Security agencies in the West Bank (Internal Security, Civil Police) should lift all restrictions imposed on journalists and permit them to fulfill their duties without hindrance.



5. Establish independent committees from human rights institutions and the Palestinian Journalists' Syndicate to investigate assaults and violations committed against journalists, and hold those involved in these assaults accountable.
6. The security agencies in the Gaza Strip (Internal Security, Civil Police) should lift all restrictions imposed on journalists. They should allow them to work without hindrance.
7. The security agencies in the Gaza Strip (General Intelligence, Preventive Security Agency) should allow journalists to enter and exit the Gaza Strip freely.

2. Freedom of Opinion and Expression

1. The State of Palestine should respect the provisions of international human rights treaties and conventions to which it has acceded that guarantee freedom of opinion and expression, especially the Convention on Economic, Social and Cultural Rights, and the Covenant on Civil and Political Rights.
2. The security agencies in the West Bank (General Intelligence, Preventive Security Agency) should cease the detention and summoning of citizens for issues related to expression and opinion.
3. The security agencies in the West Bank (General Intelligence, Preventive Security Agency) should lift restrictions on public freedom of opinion and expression.

3. Right to Peaceful Assembly

1. The State of Palestine should respect the provisions of international human rights treaties and conventions to which it has acceded that guarantee the right to peaceful assembly.
2. The security agencies (General Intelligence, Preventive Security Agency, Internal Security, and Civil Police) in the West Bank and Gaza Strip should cease the detention or summoning of citizens for participation in peaceful assemblies.
3. The security agencies (General Intelligence, Preventive Security Agency, Internal Security, and Civil Police) in the West Bank and Gaza Strip should cease prohibitions on peaceful assemblies and dispersal by force.
4. Independent investigations should be conducted into assaults on participants of peaceful assemblies in the West Bank and Gaza Strip. The findings of these investigations should be made available to the public and the recommendations made therein should be implemented.

4. Defenders of Human Rights

1. The Public Prosecution should open investigations when defenders of human rights are exposed to assault by the security agencies.
2. The Ministry of Interior should reopen the human rights organizations that were closed in the West Bank and Gaza Strip.



3. Human rights defenders should be allowed to visit detainees at security agencies (Internal Security and Civil Police) in the Gaza Strip.

- **Recommendations on the Right to Establish Associations in Palestine**

1. The Ministry of Interior should abide by the provisions of Law No. 1 of 2000 on Charitable Associations and Community Foundations and its Executive Regulations No. 9 of 2003 when taking any measure related to these associations and foundations.
2. The Ministry of Interior of the national consensus government should revoke the condition that the founding members must provide tax free clearance evidence about themselves to register their association.
3. The requirement that founding members of associations require security clearance and a clearance certificate from the Ministry of Justice should be revoked.
4. The amendments by the government in the Gaza Strip to the Law of Associations should be revoked since they constitute a breach of the law and a violation of the right to register an association.
5. The Ministry of Interior should abide by the provisions of Law No. 1 of 2000 on Charitable Associations and Community Foundations and its Executive Regulations No. 9 of 2003 and cease immediately the dissolution of associations or interference in their management, administrative powers and financial auditing.
6. The associations which were closed in the Gaza Strip should be reopened.

- **Recommendations on the Right to Movement and Travel**

1. The Ministry of Interior should implement the decision issued by the President on 25 August 2008 and other presidential orders to provide residents of the Gaza Strip with a passport.
2. The national consensus government should fulfill its responsibilities by forging an agreement with the government of Egypt to end the suffering of Palestinian citizens on the Rafah crossing and enable citizens to travel without restrictions.
3. The Ministry of Interior should cease interference by security agencies, especially the General Intelligence Agency in the West Bank, preventing citizens from obtaining a passport under the pretext of security.
4. Cease the creation of administrative procedures outside of the legal framework (such as making passage through Beit Hanoun crossing conditional on approval by the Ministry of Interior) as this violates the right of citizens to movement and travel.
5. Stop prohibitions on travel by citizens and enable them to exercise their legal right to movement. Any denial of a citizen's right to travel should comply with legal jurisdictions and controls.



Part III. Economic, Social and Cultural Rights

- Recommendations on the Right to Development

1. The national consensus government should advance the 2014-2016 development plan in line with political, economic and social changes, while both promoting achievements and avoiding shortcomings.
2. Integrate the reconstruction of the Gaza Strip into the national development plan to guarantee a consolidated effort by all sectors via a sustainable methodology rather than via contingency and emergency plans.
3. The Council of Ministers should allocate financial resources to social protection policies and plans that integrate gender as a priority for women's right to development.
4. Review social protection and gender integration plans to ensure they are realistic and achievable. They should be monitored and evaluated to identify gaps and weaknesses and promoted in partnership with governmental departments and grassroots organizations.

- Recommendations on the Right to Adequate Housing:

1. The Ministry of Economy should form a committee of competent international and local authorities to evaluate the international plan to re-build the Gaza Strip (the Serry Plan). The plan should be developed to meet the needs identified by these authorities and to avoid complications or delays in delivering construction materials.
2. The national consensus government should meet its legal responsibilities to re-build the Gaza Strip by placing pressure on international donors to fulfill their financial pledges and implement the re-building plan.
3. The national consensus government should continue with its legal and procedural responsibilities to support relief programs and ensure shelter for citizens whose homes were destroyed by the Israeli military aggression.
4. The national consensus government should continue to support emergency programs related to the right to housing and the provision of aid necessary to guarantee minimum standards of a decent life for citizens.
5. The Ministry of Public Works and Housing should accelerate the removal of rubble and destroyed houses, especially where lives are at risk in the areas destroyed.
6. The national consensus government should supervise the coordination of efforts and engage with all effective local, regional and international authorities in the re-building process to avoid the duplication of approved plans and projects.
7. Include residential homes destroyed by Israeli military aggression in the national re-building plan for the Gaza Strip.



- Recommendations on the Right to Work and Assume Public Office:

1. Treat public sector employees in the West Bank and Gaza Strip equally to guarantee justice according to achievement.
2. Apply the Civil Service Law and its executive regulations together without any illegal discrimination.
3. The national consensus government should take immediate decisions about administrative supervision and transportation allowances for public sector employees in the Gaza Strip, and should pay physicians and risk bonuses.
4. Protect the right to work and enable citizens to exercise this right through trade union activity. Their legal right to strike should be maintained since this right is protected in the Palestinian Basic Law.
5. Determine the administrative and financial situation of employees of the former Gaza government according to the relevant laws to guarantee the right of employees to occupy government positions.
6. Enhance the role of the administrative committee commissioned by the national consensus government to supervise employee issues in the Gaza Strip. The committee should announce its decisions transparently and publicly, and should investigate complaints about its decisions in accordance with the law.
7. The national consensus government should fulfill its legal responsibilities to maintain the functioning of public facilities in light of repeated strikes organized by the Public Servants' Trade Union in the Gaza Strip. This will ensure the provision of essential services that have a direct impact on citizens' rights.
8. Protect the right to work and right to join a trade union and strike as stipulated by law.
9. Review the policies and programs for the Palestinian labor market and combine the efforts of formal institutions and NGOs to reduce unemployment rates and poverty by guaranteeing minimum standards for a decent life.
10. Bring gender-based discrimination to an end by the equal implementation of laws and legislation regulating public civil and military jobs for men and women.

- Recommendations on the Right to the Highest Attainable Standard of Health:

1. The Ministry of Health should establish clear policies on the provision of medicines in formal health institutions and for patients with chronic diseases in the West Bank and the Gaza Strip without discrimination.
2. The Council of Ministers should establish inclusive criteria for medical referrals and medical service procurement from non-governmental medical institutions inside and outside Palestine. This issue must be addressed to reduce the high cost of medical referrals in the Palestinian general budget and to hold accountable those engaged in the violation of laws and regulations for medical referrals.



3. The Council of Ministers should increase the budget allocated for the Ministry of Health in the general budget to ensure healthcare and medical services for all patients in compliance with fair and transparent regulations.
4. The Council of Ministers should put the Public Health Law into effect by establishing the regulations required to implement its provisions. These provisions include the investigation of complaints by patients subjected to medical errors; the role of the technical investigation committees; the documentation process of investigations; and the publication of administrative measures taken against healthcare professionals or healthcare institutions responsible for medical negligence. The legal provisions for mandatory insurance in accordance with the provisions of the Palestinian Insurance Law also need to be activated.
5. The national consensus government should direct special attention to the health situation in the Gaza Strip, particularly the provision of medicine and medical supplies and the salaries of health sector employees. It should also pay off its debts to medicine suppliers and sanitary companies.



Part IV: Rights of Marginalized Groups:

- Recommendations on Women's Right to Life and Protection from Violence:

1. The justice sector, Ministry of Women's Affairs, Ministry of Social Affairs, and NGOs should coordinate efforts to develop a united strategic plan to combat violence against women and guarantee them legal and social protection. The objectives of this plan should be realistic and achievable, and practical programs should be developed to achieve its objectives.
2. Laws and procedures in the West Bank and Gaza Strip should be made uniform, particularly those related to women's rights and protection from violence.
3. Accelerate approval of a Palestinian Penal Code or amendments to articles that discriminate against women and fall short of ensuring legal protection, especially Article 99 of the Jordanian Penal Law No. 16 of 1960 in force in the West Bank pending approval of a new Palestinian law.
4. Approve the draft Personal Status Law and the draft Law on the Protection of the Family against Violence.
5. Create family courts and specialized judiciary for gender-based violence issues.
6. Create family protection units in the Gaza Strip and develop gender-related capacity building programs for the police, Public Prosecution and the judiciary.
7. Promote the referral system in the Gaza Strip and review the mechanisms of the current referral system and standards in shelters to ensure protection for all abused women and girls.
8. Adopt legal steps necessary to enforce CEDAW before the Palestinian courts and amend all valid legislation to guarantee gender equality and non-discrimination as per the provisions of the Convention.

- Recommendations on the Right to Development, Protection and Promotion of the Rights of the Child:

Recommendations for duty-bearers:

a. Legislation and Laws

1. Review the Juvenile Law to comply with modern criminal theory that calls for the correction rather than punishment of juveniles.
2. Review child protection legislation and policies and promote child protection mechanisms nationally.
3. Issue a special law on juvenile criminal procedures, including objective rules and appropriate procedures.



4. Develop legislation that bans and penalizes the abuse and ill-treatment of children.
5. Focus on a policy of juvenile reform and extend educational measures without penalties.

b. Government and executive agencies:

1. Prohibit the imprisonment of juveniles during the period of investigation unless there is no other alternative. They should only be imprisoned in closed institutions as a last resort. Cruel and degrading punishment should not be imposed on convicted juveniles and their right to legal, judicial and psychological aid should be guaranteed.
2. Establish judicial police, called juvenile police, to deal with juvenile cases. The juvenile police should be qualified socially and psychologically and should be specially trained to undertake the tasks and responsibilities assigned to them.
3. Juvenile-specific courts are crucial to play a social role in parallel with their task of law enforcement.
4. Separate convicted juveniles from adults and implement reforms without delay.
5. Empower juvenile probation officers in all procedures and facilitate their mission.
6. Allocate a special budget for children's rights within the general budget to guarantee the protection and promotion of children's rights.

c. Effective Organizations and Society:

1. Promote advocacy and awareness-raising programs on the rights of the child in partnership with official and community organizations and international organizations.
2. Establish plans, strategies and programs in coordination with official institutions (health, social affairs and education) and coordinate with community organizations.
3. Empower social protection networks, especially in the educational sector.

- Recommendations on Persons with Disabilities (PWDs):

1. Draft and develop national laws and legislation, especially Law No. 4 of 1999 on the Right of PWDs; the Palestine Labor Law No. 7 of 2000; the Civil Service Law No. 4 of 1998; and their executive regulations. Provisions of the law that discriminate against PWDs should be revoked.
2. Introduce legal provisions and mechanisms necessary for the implementation of legislation and regulations relevant to the employment of PWDs.
3. End all forms of discrimination due to disability against PWDs, whether in legislation, policies or social environment-related obstacles.



4. The Higher Council for Disability should enforce and protect the rights of PWDs by introducing amendments to the relevant laws and legislation. The Higher Council should also undertake procedures to monitor the implementation of the rights of PWDs by the relevant authorities, especially the right to adequate work.
5. The Ministry of Labor and General Personnel Council should respect the right of PWDs to employment in both public and private sectors by providing job opportunities suitable for their educational and professional skills in compliance with the provisions of the law.² A supportive job environment should be provided for PWDs.
6. Encourage self-reliance, integration and the participation of PWDs in social and economic development by engaging them in planning and decision-making in accordance with the right to self-determination.

² In every public institution, 5% of jobs should be allocated for PWDs.



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