



**الهيئة المستقلة لحقوق الإنسان**

**ديوان المظالم**

**The Independent Commission for Human Rights**



# **ICHR Narrative Report**

**January – December 2008**

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## Independent Commission for Human Rights (ICHR)

### I. Introduction

ICHR is pleased to present its 2008 narrative report which briefly reflects the work of ICHR with achievements made and obstacles faced during the year. It was remarkable that ICHR was able to enhance its role during 2008 as the national human rights institution with the core function of an Ombudsman in human rights through the handling of citizens' complaints and intervening to stop violations and bring redress to victims of those violations. In 2008, ICHR got further recognition from the PNA as a national institution by no more being addressed as another non-governmental human rights organization, but rather as the national human right institution of Palestine. While maintaining its complete independence, ICHR has received this recognition through the financial support of the PNA (although limited), the inclusion of ICHR on important legal bodies like the Higher Committee of Legislation of the Cabinet of Ministers, and the consultation made with ICHR on human rights and legal issues by numerous ministries, government institutions and PLC members. On numerous occasions, ICHR has become a reference point in legal and human rights issues to Palestinian civil society organizations especially human rights organizations, international human rights and UN bodies, victims of human rights violations and official Palestinian institutions.

In 2008, ICHR was also faced with several challenges. Firstly, the political fragmentation between the West bank and the Gaza Strip endured, which reflected itself on ICHR's work in the area of human rights. Challenges faced included criticism of ICHR from both parties of the internal conflict, the continued paralysis of the Palestinian Legislative Council, the Palestinian National Authority (PNA) and the *De-facto* Authority in Gaza superseding security considerations over human rights in the Palestinian-controlled Territory, leading to numerous incidents of criticism of ICHR from both parties in the West Bank and the Gaza Strip. This is especially true of the *De-facto* authority in Gaza upon the publication of our monthly human rights violations reports, and the filing of a law suit against ICHR in the West Bank as a result of one of ICHR's fact-finding reports (al-Najah University fact-finding report of the Summer of 2007). Secondly, the siege on the Gaza Strip led to weak communication and restricted movement of ICHR's staff in the Gaza Strip and the West Bank. Thirdly, the prevailing external parties' attitude towards human rights issues, notably the propagation of a culture of violence with continuing security chaos and lack of rule of law and weak commitment of officials to the values of democracy and human rights. Finally, ICHR faced internal impediments, such as the circumstances of the restructuring process, the difficulty to find a full-time Commissioner General, an increasing flow of complaints resulting in an additional work load and a weak institutional capacity to measure the impact of its programs and activities.

Despite these challenges, the Commission's accomplishments in 2008 have been considerable. The implementation of the restructuring process laid out at the end of 2007 and gradually developed during the fist half of 2008, was finally implemented in July 2008, resulting in clearer job descriptions and lines of authority, thus increasing productivity through centralized planning and decentralized implementation.<sup>1</sup>

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<sup>1</sup> For more details on the restructuring process, see final report prepared by "IDaRa" in Annex 1.

## **II. Major challenges confronting ICHR in 2008:**

- **Political fragmentation**

The ongoing political fragmentation which has deepened between the West Bank and Gaza Strip in 2008 generated political polarizations that reflected on ICHR's work in the area of human rights. Each party of the internal conflict attempted to achieve support from ICHR on their positions and both criticized it when it did not converge with any of the infighting parties. Secondly, the paralysis of the Palestinian Legislative Council (PLC) impeded promulgation of ICHR's law, while law-decrees have been enacted shouldering the Commission with an additional burden in monitoring such decrees to ensure human rights protection. Thirdly, there were signs of shifting to a policing system in the PNA areas and superseding "security" considerations over human rights: most arrests and detentions were carried out arbitrarily, without proper legal procedures and apparently for political considerations. In addition, ill-treatment and torture continued in prisons and detention centers, while suppressions of freedom of expression and media reached its peak within the Palestinian-controlled Territory in 2008.<sup>2</sup>

- **Siege on the Gaza Strip and occupation policies**

The continuous siege on the Gaza Strip led to weak communication between ICHR's staff in the Gaza Strip and the West Bank. Moreover, Israeli policies that restrict movement and mobility between the West Bank and Gaza Strip hindered the fulfillment of ICHR's physical and immediate needs in the Gaza Strip, and increased its financial burden, disabling it from promptly responding to the financial needs of its staff in the Gaza Strip. It also suffered difficult and interrupted communication with the team to organize joint activities and events. With the exception of two visits by the Executive Director to the Gaza Strip during 2008, communications were limited to video-conference meetings with the Gaza Program Director, the Technical Team and staff.

- **The prevailing culture and external parties' attitude toward human rights issues**

In 2008, ICHR continued to work in an environment where the propagation of a culture of violence and factionalism in the Palestinian society dominated. While 2008 witnessed an improvement in the state of vigilantism and lawlessness, especially in the West Bank after the development of the "security plan" and attempts of the civil police to maintain public order, the state of security chaos and lack of rule of law continued in the Gaza Strip. In addition, during 2008, the PNA and the *De-facto* Authority continued to use some provisions of the Basic Law and Palestinian legislation to serve their own political interests. Generally, ICHR was confronted with a weak commitment of officials in the West Bank and the Gaza Strip to the values of democracy, rule of law and respect of human rights. Pressure was also exerted

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<sup>2</sup> For further details see Special reports issued by ICHR during 2008, related the "Freedom of the Press", and Special report on the "Charitable and Non-Governmental Organizations" as well as ICHR's monthly reports and the Fourteenth Annual Report on "The Status of Human Rights in Palestine During 2008".

upon ICHR by the *De-facto* Authority and the PNA in the West Bank regarding the manner in which it handles matters related to human rights, and ICHR was often criticized by both parties.

- **Internal impediments**

Another challenge was the restructuring process and subsequent procedures that affected progress and delayed completion of some of ICHR's tasks at times. Although anticipated, the restructuring process was generally painful and was met with resistance from some of ICHR's staff, some of whom decided to resign (four staff members from April-September 2008). On the other hand, the restructuring process opened new opportunities for ICHR's staff whose positions were either upgraded (especially for managers of Regional Offices) or appointed to new posts within the organization after competing for those posts with candidates from outside the organization in an equal opportunity and transparent recruitment process.<sup>3</sup>

During 2008, the Board of Commissioners continued to face the difficulty of finding a full-time Commissioner General and to appoint an assistant to the Commissioner General for the Gaza program. Furthermore, ICHR was faced with an increasing flow of complaints which represented a huge additional burden and pressure on the staff. This was especially a problem for the staff operating in ICHR's Regional Offices in Gaza, since their number is insufficient in comparison to the workload. This has been compensated with the appointment of 3 interns in the Gaza Strip for a short period of time (maximum of 6 months with a monthly per-diem/small salary). There was also an ongoing need for a clear plan to build the capacities of ICHR's human resources, which ICHR will develop more thoroughly during 2009. Finally, ICHR's faced a relatively weak institutional capacity to evaluate its work and measure the impact of its activities, and will give priority during 2009 to developing tools and benchmarks in order to help us evaluate the effect of the programs undertaken by ICHR, especially the Training and Awareness Building programs, and ICHR's presence and coverage in the media.

### III. Risk Mitigation Measures in 2008

**1. Political fragmentation.** ICHR set a goal of preserving its unity in the West Bank and the Gaza Strip so as not to reflect the state of fragmentation on its operations in the area of human rights. It thus focused on its role in monitoring and documenting human rights violations committed by all entities, with a main bias to the rights of Palestinian citizens. It performed this role based on its vision, mission, goals and references that stem from the Palestinian Basic Law and human rights standards. Although some officials in the West Bank and the Gaza Strip raised criticism and doubts about the neutrality and professionalism of ICHR, it overcame such criticisms and persevered to perform its role with high professionalism and un-biasness. It refused to be subjugated to the pressure of political polarizations and sought intervention mechanisms with a pacific policy without relinquishing

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<sup>3</sup> For further information on the restructuring process, see attached final report of Institutional Development and Reform Associates- "IDaRa" regarding the restructuring process and major deliveries of the process from December 2007- October 2008 in Annex 1.

any of the key principles that constitute the pillars of its action. It held intensive consultations with the Board of Commissioners, mainly with the Commissioner General, to overcome these obstacles in coordination and cooperation with human rights organizations and other civil society organizations.

### **2. Siege upon the Gaza Strip and occupation policies**

The state of siege imposed on the Gaza Strip increased ICHR's financial burden, disabling it from promptly responding to the financial needs of its staff in the Gaza Strip. It also suffered difficult and interrupted communication with the team to organize joint activities and events. The Commission sought – via videoconferences – to hold a number of meetings with its personnel in the Gaza Strip. The Executive Director was able to coordinate with the Donors' Consortium to organize two visits to the Gaza Strip in 2008. Furthermore, the Commission allocated a larger budget to fulfill some of the work requirements in Gaza, especially as a result of the “fuel” crisis. It adopted a burden mitigation measure for its team by committing to the decision issued by the West Bank government regarding tax exemptions. However, Israeli measures and policies remain the most important obstacle beyond ICHR's control in reason of the persisting Israeli occupation and siege of the Gaza Strip and restriction on mobility between the West Bank and the Gaza Strip.

### **3. The culture prevailing in the Palestinian society and official entities' attitude toward human rights issues**

ICHR pursued its role to disseminate a culture of human rights and rule of law to all segments of the Palestinian society via its different awareness and education programs using different media. It also communicated with government bodies to influence them to render their procedures and policies compatible with human rights standards and with the Palestinian Basic Law. For this purpose, it mostly organized hearing sessions from its offices in different governorates. It also conducted conferences and workshops and provided legal advice to citizens so as to disseminate human rights culture and solicit the justice system to redress rights, rather than settling conflicts via tribal and/or traditional customs.

### **4. Internal obstacles**

Notwithstanding the fears that arose about the restructuring, ICHR's management achieved full endorsement from the Board of Commissioners, especially the Commissioner General, and was able to accomplish a clear organizational chart with specific lines of authority, responsibilities, job descriptions and administrative and financial procedures that contribute to the institutionalization and application of this structure. This effort had a positive impact on ICHR's staff and operations in the second half of this year. Moreover, ICHR implemented a comprehensive program to enhance team work, soliciting external expertise that played a major and active role in supporting ICHR's administration, providing it with advice on the development and implementation of the organizational chart, overcoming the obstacles encountered in this regard. ICHR also involved the Board of Commissioners, especially the Commissioner General in the implementation of the restructuring process, and has invited members of the Board to sit on the recruitment committees to ensure further transparency

for the organization during a quite sensitive period and tensions arising from the restructuring process.

## IV. 2008 Activities and Major Achievements

### Ø Specific objective 1: To establish and enhance ICHR role as a National Human Rights Commission and Ombudsman

#### West Bank and Gaza Programs:

##### *Investigation and Complaints Unit:*

1.1 ICHR received (2309)<sup>4</sup> complaints of human rights violations against Palestinian citizens in 2008 (1733 in the West Bank<sup>5</sup>, 576 in the Gaza Strip<sup>6</sup>), compared to (2007) in 2007, representing an increase of 15%. Most complaints were based on: the violation of the right to fair legal procedures (900 complaints), the right to hold public office (800 complaints), the right to personal safety (130 complaints), abuse of power by official authorities (130

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<sup>4</sup> \*The majority of total complaints were against the Ministry of Interior in the West Bank and Gaza strip (312 complaints), most of them were related to cases of torture, illegal detention in Gaza strip, and violation of the right to form associations... etc

\* (304) complaints were against the Ministry of Finance in the West Bank, most of the complaints were related to violations of financial rights of the employees.

\*(265) complaints were against Security agencies, most of the complaints were related to arbitrary detention, torture and the non-implementation of court rulings.

\* (240) complaints were against the Intelligence agency, most of the complaints were related to arbitrary detention, torture and the non-implementation of court rulings.

\* (200) complaints were against the Ministry of Education and Higher Education, most of the complaints were related to civil public office, and illegal or legal dismissal from the civil public office.

\*(109) complaints were against the cabinet of ministries, most of the complaints were related to civil public office, illegal dismissal from service, financial rights and the interruption of salaries for illegal reasons.

\* (87) complaints against the ministry of Health, most of the complaints were related to civil public office and others on providing health care to citizens.

\*(75) complaints were against the general employee's bureau, most of the complaints were related to civil public office.

\*(73) complaints against the military intelligence agency in the West Bank, most of the complaints were related to arbitrary detention, torture and cruel and inhuman treatment in detention centres.

\*(65) complaints were against the general administration for detention and rehabilitation centres, most of the complaints were related to poor living and health standards in the detention centres.

\*(45) complaints were against Ministry of Social affaires, most of the complaints were related to the services provided for the unprivileged members of the Palestinian society, and to civil public office.

<sup>5</sup> \* Southern regional office (Bethlehem and Hebron) received 808 complaints which represents 46,6% of the complaints in the West Bank.

\* Central regional office (Ramallah, Al Bireh, Jericho and part of Jerusalem) received 509 complaints which represent %29,4 of complaints of the West Bank.

\* Northern regional office (Nablus, Jenin, Tul Karem, Qalqilia, Tobas and Salfit) received 416 complaints which represents %24 of complaints in the West Bank.

<sup>6</sup> \*Gaza Office which includes northern Gaza office and Gaza city office received 526 complaints.

\*South Gaza Office which was opened in October 2008 received 50 complaints

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complaints), the right to form associations and unions (44 complaints). ICHR intervened in (1142) cases by sending letters to relative authorities in the West Bank and the Gaza Strip but only received (416) responses. In the other complaints received, ICHR was able to resolve them through direct contacts with the relevant authority, or through field mediation. This increase in complaints is an indicator that ICHR is becoming a reference point to victims of human rights violations and is more spread out and capable of reaching out to the Palestinian community through its five Regional Offices in the West Bank and the Gaza Strip.

**1.2** Regarding visits to prisons and penitentiaries, ICHR registered (687) visits in 2008, compared to (439) in 2007 to monitor the living conditions and ensure that proper legal procedures were followed. Generally, ICHR as a national institution was the only organization given access to visit prisons and detention centers. Only a few cases were either obstructed or delayed by security agencies when we requested visits. Those regular visits were the source of many of the complaints received by ICHR during the year which were then followed up with the relevant security agency and/ or author

**1.3** During 2008, ICHR received numerous complaints from citizens related to the violation of their right to hold public office through either being fired or their salaries cut off illegally by the PNA in the West Bank, apparently for their political affiliations. After exhausting all other means of redress, ICHR decided to take action through judicial intervention, by filing over 20 cases for teachers who were fired from their jobs illegally by the Minister of Higher Education. The cases were filed to the Palestinian Supreme Court. By the end of 2008, ICHR was able to get a preliminary decision from the court in all cases filed confirming the illegality of the administrative decision made by the Minister, and calling on the Public Prosecutor to respond and bring evidence of the legality of the administrative decisions made by the Minister, if any. While the cases are still pending in the court for further litigation before a final decision is made, the issuing of a preliminary decision by the court in our favor is a strong indication that ICHR has a good chance of winning all cases filed. This is quite an important development as ICHR was the only organization that was able to obtain preliminary decisions from the court from the first court session, and an encouragement for ICHR to resort to judicial interventions in the future when all other means of intervention have been exhausted. It should also be noted that in filing those cases, ICHR heavily depended on its lawyers within the West Bank Program (Director of West Bank Program and Managers of the West Bank Offices), with limited external legal consultation. This is another indication that ICHR has the required legal expertise, and is moving gradually in the direction of becoming an “expert home” in legal and human rights issues within the Palestinian-controlled Territory.

**Ø Specific Objective 2: Promote legal and human rights principles among different segments of Palestinian society, and educate Palestinian citizens on their rights and freedoms and on means of protecting them from violations:**

*Public Awareness and Training Unit*

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ICHR was active throughout 2008 in raising public awareness through training and the dissemination of law and human rights culture in the PNA-controlled Territory. Training programs in the West Bank mainly targeted Palestinian Government Officials, especially security agencies, while training programs in the Gaza Strip targeted civil society organizations, especially human rights organizations. Public awareness programs in both the West Bank and the Gaza Strip targeted the Palestinian public and focused on numerous human rights and legal topics of interest and concern to citizens. The activities consisted of workshops, lectures, open days and numerous other activities. It should be noted that during 2008, ICHR mainly depended on its own staff in training and awareness building programs, and rarely called upon external experts to assist in the implementation of those training programs. With further training and capacity building of the skills and knowledge of its own staff during 2009, it is hoped that ICHR will completely depend on its trained staff in undertaking such activities and will gradually become an “expert home” in training and awareness building in the field of legal and human rights issues. Some of the training activities in the West Bank and the Gaza Strip were also carried out jointly with the UN Office of High Commissioner for Human Rights (OHCHR), especially those conducted with the Police Academy and the Military Academy in Jericho or other training activities targeting government officials and the public prosecutors’ office.

### **A: West Bank Program:**

**2.1** Throughout 2008, the Public Awareness and Training Unit organized (15) workshops focusing on Human rights and the rule of law, namely women’s rights, rights of the child, freedom of press and media, the role of civilian and military prosecutors, security agencies and law enforcement officials in respecting human rights and proper legal procedures while performing their duties and responsibilities.

**2.2** The Unit also carried out (26) training courses and (18) open hall meetings targeting Palestinian government officials, security agents, employees in the public sector, parliamentary officials and the public prosecution office in the West Bank.

**2.3** Regarding lectures in universities, clubs and civil society organizations, the Public Awareness and Training Unit organized (33) lectures.

**2.4** ICHR prepared and widely disseminated 7 "Know your rights" brochures on basic human rights issues for the public.

**2.5** The Commission also prepared and disseminated the human rights quarterly magazine "*Al Fasliyah*", the last two editions of which were combined into one magazine to mark the 15 year anniversary since the foundation of ICHR and the 60<sup>th</sup> anniversary of the Universal Declaration on Human Rights. It focused in this special edition on the role of national institutions and ombudsman, through highlighting the work and achievements of ICHR and raising awareness of the public on the important role of national institutions, especially the role of ICHR in the protection and promotion of human rights principles. The edition also attempts to highlight the distinguished role of national institutions and ombudsman compared to that of other non-governmental human rights organizations. Furthermore, ICHR involved international experts in national human rights institutions to write articles for this special edition through involving the

UN Office of High Commissioner for human rights, and the Asia-Pacific Forum for National Human Rights Institutions.<sup>7</sup>

**2.6** Publishing of (3) pocket booklets about detainees' rights, Civil Service Law and the Palestinian Basic Law.

**B: Gaza Strip Training and Public Awareness Program:**

**2.7** The Public Awareness and Training Unit carried out (10) training courses, that added up to (226) hours of training and were attended by (224) participants which included lawyers, university students and employees of civil society organizations.

**2.8** The Unit of the Gaza Strip Program organized (9) workshops attended by (525) participants, targeting municipal and local authorities, human rights and civil society organizations, popular and social institutions, trade unions and lawyers<sup>8</sup>.

**2.9** The Unit conducted (8) open hall meetings, attended by (450) people, including the general public, official parties, lawyers, civil society activists and media. Specific issues were raised for discussion between relevant parties.

**2.10** The Unit conducted (45) external awareness raising lectures through training courses, workshops and symposiums in the field of human rights. They were attended by (2441) participants, including university students, lawyers, employees in local CSO's, journalists, human rights activists and others.

**2.11** A wall panel was created in cooperation with OHCHR, on the occasion of 60 years since the Universal Declaration of Human Rights for the purpose of expanding the culture of human rights. The objective of the activity was to raise awareness by focusing on the UDHR articles in a creative manner, and sending a message to the Palestinian society and the whole world to respect human rights in the Palestinian-controlled Territory.

**Ø Specific objective 3: Reviewing Palestinian laws and draft laws to ensure their conformity to the international standards and principles of human rights.**

***Monitoring Policies and National Legislation Department:***

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<sup>7</sup> Articles of Professor Brian Burdekin and Mr. Chris Sidoti included in the periodical are also available for your review on our website in English under "ICHR in Media".

<sup>8</sup> Training in the Gaza Strip does not target officials of the *De-Facto* Authority

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The Monitoring of Policies and National Legislation Department has witnessed tremendous changes and developments since July 2008 with the implementation of the new structure at ICHR. Based in our main headquarters in Ramallah, and constituting of a Program Director and 6 other legal researchers<sup>9</sup>, the Department plays an important centralized role at ICHR in monitoring policies and national legislation to ensure conformity with human rights principles laid down in the Bill of Rights and other international human rights treaties and conventions as well as the Palestinian Basic Law.

The Department's role has been expanded after the restructuring process to include, in addition to applied legal and human rights research, other important activities such as lobbying and advocacy work with an attempt to influence policies and legislation and ensure conformity with international human rights standards. The work is hence no more only limited to undertaking legal and human rights research, but also includes monitoring and reviewing national policies pertinent to Palestinian human rights and other activities which aim at the institutionalization of ICHR's relations with government bodies through coordinating and cooperating with those institutions on human rights issues to enhance the role of ICHR as a consultative body and a reference point to Palestinian official institutions, with an attempt to influence Palestinian decision-makers and legislators to adopt policies and legislation that are consistent with human rights standards and principles.

With those strategic directions in mind, the Department has been able to start a consolidation process of its work since July 2007, and has therefore conducted research and studies on national legislation and public policies by preparing and publishing reports and special legal and policy memorandums. In addition, the Department worked more thoroughly on monitoring and analyzing public policies, intervened as promptly as possible in a way capable of making a change and realizing the highest level of achievements in serving the rights of Palestinian citizens, ensuring respect of human rights, and consolidating the principle of the rule of law in the Palestinian society. The Department also worked on the publishing of an extensive report on the Israeli military aggression on the Gaza Strip, and continues the monitoring process to publish its annual special report on the Israeli violations and the impact of those violations on the performance of the PNA and its official institutions.<sup>10</sup> The Department, with the assistance of other Programs (West Bank and the Gaza Strip Programs) at ICHR worked on the preparation of the Fourteenth Annual Report on the "Status of Human Rights in Palestine" which will be published in February 2009 and submitted to the Palestinian President and the PLC in March 2009.<sup>11</sup>

### 3.1 ICHR issued around (10) letters and legal memoranda in response to legal and public policy issues in 2008.

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<sup>9</sup> One legal researcher is in Gaza as an exceptional case in order to monitor policies and legislation in the Gaza Strip and works closely on technical and legal issues with the West Bank but is supervised by the Director of the Gaza Program.

<sup>10</sup> The annual special report on Israeli violations is usually published in the first quarter of the following year (2009)

<sup>11</sup> The 14<sup>th</sup> annual report was prepared with the contribution of all major Program Departments at ICHR under the supervision of the Executive Director. According to the new structure, the 2009 annual report (15<sup>th</sup> annual report) will be solely the responsibility of the Monitoring Policies and National Legislation Department under the supervision of the Executive Director.

- 3.2 In terms of legal reviews, ICHR issued (4) memoranda that included legal reviews, addressing numerous human rights issues, and calling on the implementation of policies that are consistent with Palestinian laws and international human rights standards.
- 3.3 Conducted (3) memos reviewing specific legislation and proposing suggestions that contribute to the integration of human rights principles in that legislation.
- 3.4 ICHR also issued and widely disseminated (5) special reports<sup>12</sup> on specific human rights issues.
- 3.5 ICHR also started working on its 14th annual report which will be submitted to the President of the PNA and the PLC members in March 2009.
- 3.6 ICHR conducted numerous hearing sessions addressing specific human rights issues of concern to the public where members of the PLC and civil society organizations were invited to address specific violations or human rights issues with government officials. These hearings were also widely covered by local, regional and international media.
- 3.7 The Department also engaged in a new approach of preparing presentations for the European Union (EU) and other international actors, to serve as an intermediate between the PNA and the EU. This is especially true of a presentation made on the death penalty which brought many results and developed cooperation with the EU.

### **Ø Specific objective 4: Expand and develop ICHR's institutional and organizational capacity and its effective compliance to its mandate and responsibilities.**

#### ***Administrative and Financial Unit***

- 4.1 ICHR has completed its restructuring process by Institutional Development and Reform Associates "IDARA" who were commissioned to undertake the process of restructuring and institutional development of ICHR. IDARA developed the organizational chart with clear lines of authority currently persisting at the institution. It also provided a detailed job description and functions of all major bodies of the organization, including the Board of Commissioners, a clear job description for all jobs available at ICHR according to the new structure and appraisal forms for future evaluation of the staff. In addition, a new salary scale was developed, and an administrative manual was developed for the organization. The Administrative and Financial Unit at ICHR was facilitating the restructuring process and providing the needed support to accomplish the task in an efficient and professional manner.
- 4.2 IDARA provided ICHR with a financial and administrative manual which included financial and procedural policies to manage its operations according to accounting standards, and also to comply with ICHR's needs. The Administrative and Financial Unit reviewed the manual and provided comments and suggested amendments to the manual to ensure that the proposed administrative and financial

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<sup>12</sup> Special reports were the following: 1. Report on the right to Health, Report on our monitoring of the al-Haj season in 2007, Report on the Detention of civilians by Palestinian Security Agencies with a stamp of approval by the Military Judicial Commission, Report on the Freedom of Association in the Palestinian-controlled Territory in 2008, and Report on Freedom of Media in the Palestinian-controlled Territory in 2008.

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procedures are consistent with ICHR's policies and are tailored to satisfy the needs of ICHR. During 2009, the manual will be put on the agenda of the Board of Commissioners for final review and approval.

- 4.3 The Administrative and Financial Unit provided the necessary support for all programs and activities of ICHR in 2008. It has been responsible for the provision of administrative and logistical support for workshops, open-days, seminars, hearings, training activities, press conferences and numerous other activities undertaken by ICHR during the year. It has also provided directions on available budgets for those activities and ensured that program activities are implemented in accordance with available funds. The Unit also provided necessary financial support to ICHR's Regional Offices in the West Bank and the Gaza Strip. Throughout 2008, the Unit equally followed up on all ICHR publications and their distribution in cooperation with other colleagues from the other Program Departments and Regional Offices of ICHR.
- 4.4 The Unit managed all staff files and personnel issues, including their vacations, absences, working hours...etc. It has facilitated all staff requirements and arranged for their international travels to attend training courses, conferences and other human rights activities abroad. It was also responsible for the organization of the two ICHR staff and board retreats which were held in March and October 2008, and was the organizer of all leisure activities initiated by ICHR management to its staff. The Unit also provided administrative and logistical support for the recruitment processes for new vacancies at ICHR.
- 4.5 The Unit also provided the needed logistical support for the General Annual Meeting of ICHR's Board of Commissioners which was held in March 2008, and organized for the regular meetings of the Executive Office of the Board of Commissioners who has held 12 regular and emergency meetings during 2008.
- 4.6 Regarding the financial reports, the Department has provided monthly reports on ICHR's current financial situation, periodic financial expenditures to budget reports, monetary auditing reports and financial analysis reports that reflect ICHR's general financial status.
- 4.7 ICHR conducted maintenance work in the headquarters office in Ramallah to increase the number of offices. As for the Regional Offices, the southern office rented larger facilities which made it the biggest regional office in the South. However, the Bethlehem office stayed open in order to have a near access for citizens. And as for Gaza strip, a decision was made to reopen the branch office of Khan Younes in southern Gaza.
- 4.8 The Unit also provided the necessary technical support for ICHR programs including the development of its complaints data base program and ICHR's website and other program-related software for ICHR documentation program and the library. It also provided the necessary technical support to staff and Regional Offices of ICHR.

**Ø Specific objective 5: A widely developed network and coalitions on HR issues on the international and regional levels.**

*Public Relations and Media Office:*

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ICHR continued to maintain close relations with Palestinian Human Rights organizations in 2008 by organizing joint campaigns, activities and meetings. It played a fundamental role in the Palestinian Coalition against the Death Penalty by taking part in the first Palestinian conference against the Death Penalty. It also participated in meetings of Arab Institutions of human rights, increasing its role as a reference point to Arab National Institutions. On the international level, ICHR continued its cooperation with the UN Office of the High Commissioner for Human Rights in the Occupied Palestinian Territories by publishing joint reports, organizing joint activities and attending meetings. The Commission also maintained its active role in the Asia-Pacific Forum of National Human Rights Institutions (APF).

ICHR's presence in the media was significant in 2008, through radio spots, local newspapers and television channels. This included advertizing the Commission's activities to raise awareness of our role as an Ombudsman to receive more complaints of human rights violations and covering our interventions and contributions to the public.

Within the framework of developing and improving systematic and regular cooperation/consolation between ICHR and other similar institutions at the local, regional and international levels, and joining relevant networks and alliances:

**5.1** ICHR maintained good contacts with other human rights organizations at the national, regional and international levels. It has also been a reference point for some of those organizations on human rights issues within the PNA Territories.

**5.2** ICHR has developed its networks with other national organizations at the regional and international levels, and participated in numerous meetings, forums and conferences of national human rights organizations. ICHR also participated in numerous conferences, workshops, seminars and activities at the national, regional and international levels.

**5.3** ICHR has been active in the Palestinian Coalition against the Death Penalty. ICHR initiated this coalition and coordinated it with numerous other human rights organizations. The coalition formulated a concept paper against the death penalty in Palestine and is currently working towards a petition campaign to abolish the death penalty in the Palestinian-controlled Territory.<sup>13</sup> On 2 December 2008, the coalition organized the 1<sup>st</sup> Palestinian conference against death penalty, in which religious figures, government and PLC officials, academics, judges and others participated. The conference had wide media coverage on the national and regional level.

**5.4** ICHR was widely present in national and regional media (Aljazeera, Alarabia...etc) during 2008. Most of our activities, interventions and contributions to the public were well covered in local newspapers, radios, televisions and other media venues.

**5.5** Within the framework of the "Know your rights" media campaign, ICHR conducted various radio spots about various human rights that were aired on all the national radios in the West Bank and Gaza Strip.

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<sup>13</sup> The Palestinian Coalition against the Death Penalty was formed in 2006, after the first death sentence issued by the PNA. ICHR reactivated this alliance in 2007, though taking the initiative of holding consultative meetings with CSOs, and through regional interaction by attending relevant conferences and coordinative workshops. ICHR participated in the Regional Conference against the Death Penalty, July 2007, and was considered an active member of the advocacy committee formed at the Conference. It participated in formulating the regional work plan for eliminating the death Penalty in the Middle East and North Africa.

**5.6** At the international level, ICHR attend the 13<sup>th</sup> annual meeting of the Asia Pacific Forum (APF) in Malaysia which was held in July 2008. ICHR also attended the 20<sup>th</sup> meeting of the International Coordination Committee of National Human Rights Institutions (ICC) which was held in Geneva in April.

**5.7** ICHR had participated in:

- A testimony in front of the UN special committee to investigate the Israeli practices affecting the human rights of the Palestinian people and the other Arabs of the OPT in Egypt.
- A seminar on human rights and counter terrorism in Jordan in October 2008.
- Arab European dialogue of national human rights institutions in Morocco.
- Arab National Human Rights institutions meeting in Algeria in April 2008.
- Various training courses and workshops attended by ICHR staff on the international level about human rights standards and mechanisms.

**5.8** ICHR participated in the regular meetings held by the Office of the High Commissioner on Human Rights. Our initiative with the UN OHCHR for more systematic coordination, and future organized joint activities continued throughout 2008: ICHR and UN OHCHR published joint material, notably brochures, on human rights issues. On the occasion of the International Day for Human Rights, the abovementioned institutions created a special banner for the 60 year anniversary of the Universal Declaration of Human Rights, and published a newsletter to which many human rights institutions contributed. The newsletter was distributed all over the West Bank, but not in the Gaza Strip since the newspaper in question is banned there.

**5.9** ICHR's presence in the media has become more significant, since local newspapers have started printing out ICHR statements, positions and reports entirely, instead of just in part. This is especially true of ICHR's special report on the Israeli aggression on the Gaza Strip which had large media coverage on the international level as well as the national level: press agencies such as Al-Jazeera International, BBC and Reuters all accorded an important place for this report.

**5.10** Four wall panels<sup>14</sup> were created in cooperation with OHCHR, on the occasion of 60 years since the Universal Declaration of Human Rights for the purpose of expanding the culture of human rights. The objective of the activity was to raise awareness by focusing on the UDHR articles in a creative manner, and also sending a message to the Palestinian society and the whole world to respect human rights in the PNA territories.

**5.11** The Public Relations and Media Office worked on widely disseminating ICHR statements, press releases, monthly reports and other publications on our e-mail list containing different national institutions, human rights organizations, governmental organizations, diplomatic missions, the media, UN organizations, and all other subscribers. It also ensured the availability of many of those statements and press releases in English to attract a wider audience. It also kept feeding the new website of ICHR with updated information of our activities, media events, interventions and other news related to the work of ICHR. The press conference held for the launching of our 13<sup>th</sup> annual report on the "Status of Human Rights in Palestine" for 2007 was the most widely attended conference held by ICHR since its establishment. It has noticeably been received with concern from governmental and non-governmental

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<sup>14</sup> Four wall panels were created, in Ramallah, Nablus, Hebron and Bethlehem.

## 2008 Narrative Report- ICHR

institutions and was widely covered by the media. This is due to the good preparations made by ICHR for this important event.

**5.12** ICHR worked diligently throughout 2008 on developing its communications and the partnership relationship with our donors' consortium, and made serious efforts to regularly update our donors on the latest developments at ICHR, and the developments in the restructuring process and program activities of the institution. This has been done through regular meetings with our donors, telephone conversations, informal meetings, and regular dissemination of our press releases, statements, monthly reports and other publications produced by ICHR. Narrative, progress reports, financial reports and other reporting requirements of our donors' were met, and the three-year joint financial agreement with our donors' consortium for the years 2008-2010 was signed in July 2008.

**-Ends-**

# ANNEXES



ANNEX 1: IDaRA report on **ICHR** restructuring

**Independent Commission for Human Rights  
ICHR**

**Report on the  
Restructuring & Institutional Development**

**Covering the Period December 2007 through October 2008**  
**Institutional Development and Reform Associates - IDaRA**

**Background**

The following is a final report on the Organizational Capacity Building Support provided to the Independent Commission for Human Rights (ICHR) during the period December 2007 through October 2008. The management interventions were based on a contract given to Institutional Development and Reform Associates (IDaRA) in Ramallah following its proposal of November 16, 2007 and as per the Terms of Reference developed earlier by ICHR. The overall work revolved around Restructuring the organization for a more effective, efficient and sustainable operations.

**Scope and Objectives of the Restructuring Process**

ICHR initiated the *Restructuring* to provide a systematic participative process to help its leaders structure their organization in a way which helps accomplish the overall mission, goals of the organization as well as the day-to-day work. It aimed at creating higher levels of effectiveness and new operational efficiencies within the organization as a whole. It was intended to preserve the strengths accumulated at ICHR over its years of existence and to enhance its work in human rights. It linked the strategy developed around the middle of 2007 within the strategic planning process and the core work.

Towards this end, ICHR aimed at:

- Rationalization of functions and activities between its various departments so as to reduce overlapping of functions, streamline activities, reduce redundant posts, and ultimately become more effective in achieving its stated objectives, and efficient in utilizing its available resources.
- Abolition of existing schemes that do not seem to fit with the organizational goals and/or have not achieved the required objectives.

Before starting the restructuring process, IDaRA's team had several meetings with the Commissioner General and the Executive Director at the ICHR and explained the process and the challenges that the organization and the staff will face during and after restructuring.

The following process was suggested by IDaRA and adopted by ICHR. "*Restructuring*" being a four-phase participative process intended to provide ICHR with a systematic, step-by-step approach for assessing, analyzing and designing the organization, as follows:

## 2008 Narrative Report- ICHR

1. Organizational Analysis – a process that involved the collection of information for making restructuring decisions that included a review of the Program Evaluation and recommendations made, the outputs of the Strategic Planning process with focus on the Mission, Strategic Goals, Objectives, Values and Principles, and a review of organizational effectiveness and where various organizational responsibilities resided.

2. Strategic Design involved the identification of design criteria; the generation of grouping alternatives; the evaluation of these alternatives against the set criteria; the generation of linking mechanisms; and the selection of the new organizational design.

In this direction several models or alternatives were developed by IDaRA and presented to ICHR management for its review, describing the pros and cons of each model. The result of this review and selection determined the appropriate structure and the production of the Organizational Chart.

3. Operational Design that involved the structuring of supervisory roles, information flows, and jobs within the context of the selection of the strategic design. Outputs of this phase included the development of job descriptions for all posts in the Ramallah Headquarters as well as in the other four branches of Gaza, Hebron, Bethlehem and Nablus; the development of performance evaluation criteria and forms for each of the developed jobs; the development of operational, administrative and financial manuals and procedures along with all relevant forms; the development of a salary scale / pay structure that fits with the new structure.

4. Implementation that involved supporting ICHR Senior Management in managing the transition from the previous design to the new approved structure.

### **Methodology / Approach**

A highly participative approach was used throughout the assignment and in all tasks inherent in Restructuring. The methodology involved all levels and stakeholders at ICHR including the commissioners, the executive director, directors and managers, staff and all other stakeholders. In-depth interviews, meetings, follow-up discussions, field visits to all the branches Gaza, Hebron, Bethlehem and Nablus in addition a review was conducted of all the organization's relevant documents.

All the above was conducted in order to gain an understanding of the behaviour of the individuals, groups and the organization. In addition the organizational structure and the changes required to make it more functional, effective and efficient.

As per agreement with IDaRA the following steps were taken:

- IDaRA determined the best approach to restructuring ICHR which resided in a participative process, prepared a detailed implementation plan for the restructuring process, identified issues and themes to be tackled and addressed at what levels and which methods to use to come up with the deliverables.
- Reviewed materials necessary for the process, including but not limited to, the results of the program Evaluation and the Organizational Strategic Plan 2009 –2011.
- Reviewed the Statutory requirements for ICHR
- Reviewed the Strategic Directions / Plans for ICHR
- Obtained and reviewed manuals, policies, and forms that could support the process of structuring including their relationships with the organization's plans, goals, objectives, strategies, responsibilities, and chain of command

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- Determined how ICHR's Management consciously selects and employs the assumptions, criteria, methods, processes, and techniques used in the process of structuring. Obtained and reviewed available documentation on the assessment of risks, costs, and benefits.

### **Deliverables**

As a result of the restructuring the following are the main outputs:

#### **A. Organizational Structure**

A new organizational structure was developed after several versions that went through thorough reviews by the Commissioners and top management at the ICHR.

Several critical issues were the basis of analysis and discussions to finalize the structure.

- Highlighted the main tasks to accomplish mission, goals and objectives
- Grouped similar tasks into spheres of work (work units)
- Assessed the effects of the geographic dispersion between the West Bank and Gaza
- Analyzed and determined the extent to which identified units will be centralized or decentralized
- Determined the alignment of accountability, authority, and responsibility and the extent to which entity objectives are understood by all involved
- Analyzed and shared the results with the management and commissioners the current structure to determine if it is designed to accomplish the organizational goals and objectives and whether it would be implemented and functioning as designed
- Gathered inputs from all concerned who might reasonably find flaws in the process / structure
- Determined and ensured that the structure and chart actually reflect the chain of command and communication patterns.

#### **B. Job Descriptions**

- Developed detailed job descriptions inclusive of job summary, duties and responsibilities, qualifications and other job requirements, as applicable, for each job at ICHR.
- All job descriptions were in line with the new structure.
- The job descriptions were linked to the employee evaluation.
- All job descriptions were revised by the Executive Director. Immediate supervisor of the position and suggestions were incorporated and then the job descriptions were finalized.

#### **C. Performance Evaluation**

Developed an employee performance evaluation system for all positions at ICHR with:

- Specific and general measures for each job
- performance evaluation criteria for each job
- performance evaluation forms for each job
- All performance evaluation forms were revised by the Executive Director, and the immediate supervisor of the position and suggestions were incorporated and then the performance evaluation forms were finalized.

#### **D. Administrative and Operational Manual**

Reviewed and analyzed all existing administrative and operational procedures followed at ICHR, identified gaps, and developed a comprehensive administrative and operational procedures manual along with all the necessary forms. The manual was revised by the Executive Director, the Director of Finance and Administration. Suggestions were made and the changes were incorporated in the final version.

#### **E. Financial Manual**

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Reviewed and analyzed all existing financial procedures followed at ICHR, identified gaps, and developed a comprehensive financial procedures manual along with all the necessary forms. The manual was revised by the Executive Director, the Director of Finance and Administration. Suggestions were made and the changes were incorporated in the final version.

### **F. Salary Scale**

A comprehensive salary scale was prepared based upon the new organizational structure and job descriptions in line with the guidelines and the compensation philosophy of the ICHR Commissioners. Critical issues had to be reviewed in view of the new structure, changes in the staff positions and the Palestinian Labor Law.

### **G. Planning and team building workshop**

A planning and team building workshop was conducted in October 2008 where:

- 1) The IDaRA Team worked with ICHR top management and technical teams and developed the required templates for preparing the ICHR program work plans for the months of Nov. & Dec. 2008 and 2009.
- 2) Conducted team building exercises which enforced the ICHR staff skills and attitudes in better collaboration, communication, and trust which was essential for everybody after the major structural and behavioral changes

The restructuring process was very dynamic and participative all the deliverables were revised a few times by the responsible staff members and IDaRA Associates in close collaboration with the General Commissioner the Commissioners and the Executive Director. ICHR is now in the process of orienting all relevant staff on the produced documents and procedures, as applicable.

**ANNEX 2: ICHR STAFF CLASSIFICATION  
AFTER RESTRUCTURING**



# الهيئة المستقلة لحقوق الإنسان

ديوان المظالم

The Independent Commission for Human Rights



The Independent Commission for

## ANNEX 2

### STAFF CLASSIFICATIONS AFTER RESTRUCTURING

	NAME	Position	Gender	Note
1	DR.MAMDOUH AL-A'KER	Commissioner General	Male	The same
2	RANDA SINIORA	Executive Director	Female	The same
3	MUSA ABU DHAIM	WB Program Director	Male	New Post Old Employee
4	YOUSEF WARASNEH	Researcher & Community Mobilizer - Southern WB	Male	The same
5	WAFI ABU TAA	Admin. Assistance - WB	Female	The same
6	AHMAD ABDUL RAZIQ	Cleaner & Messenger	Male	The same
7	MUSTAFA IBRAHIM	researcher & Community Mobilizer - Middle & Northern Gaza	Male	The same
8	ANA'AM JUMA'A	Admin. Assistance - Gaza Program	Female	The same
9	HASAN HALASEH	researcher & Community Mobilizer - Middle & Northern Gaza	Male	The same
10	SUBHIA JUMA'A	Coordinator of Investigation & Complaints Unit - Gaza	Female	New Post Old Employee
11	MAEN IDEIS	Senior Legal Researcher	Male	The same
12	SAMI JABAREEN	Coordinator of Investigation & Complaints Unit - WB	Male	New Post Old Employee
13	YASER ALAWNEH	legal Researcher	Male	The same
14	ZAHER ABU NADA	Driver & Distributor - Gaza Program	Male	The same

أُشْرِنَتِ الْهَيْئَةُ الْمُسْتَقْلِلَةُ لِحُقُوقِ الْإِنْسَانِ بِمَوْجِبِ مَرْسُومِ رِنَاسِي رَقْمِ (59) عَامِ 1993، وَالمَادَّةِ (31) مِنْ الْقَانُونِ الْإِسَاسِي الْمَعْدَلِ الْفِلَسْطِينِي لِعَامِ 2003

المقر الرئيسي - مكتب الوسط - رام الله : هاتف: 2986958 / 2960241 / 972 2 2987536 ، ص.ب. 2264 ، فاكس: 972 2 2987211

مكتب الشمال : هاتف: 972 9 2335668 ، فاكس: 97292366408

مكتب الجنوب : هاتف: 972 2 2750549 ، فاكس: 0097222295443 / 0097222211120 ، فاكس: 00972222746885

مكتب غزة : هاتف: 0097282824438 ، فاكس: 0097282845019

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15	SUHAIL BATANGEH	Data Entry	Female	The same
16	FARID ATRASH	Researcher & Community Mobilizer - Southern WB	Male	The same
17	WALID AL-SHEIKH	Regional Office Manager Middle of WB	Male	New Post Old Employee
18	RAJA' AL BADAREEN	Receptionist – HQ	Female	Old Post Old Employee
19	REEM MUSLEH	Public Relations & Media Coordinator – WB	Female	New Post Old Employee
20	ISSA SALEM	Driver & Distributor - HQ	Male	New Post Old Employee
21	RANA WAHBA	Secretary - Northern WB	Female	New Post Old Employee
22	GHANDI RABEI	Regional Office Manager - South West Bank	Male	New Post Old Employee
23	ALLA' NAZZAL	Regional Office Manager -North West Bank	Male	New Post Old Employee
24	SALAH ABD EL-ATTE	Regional Office Manager -North & Middle Gaza	Male	New Post Old Employee
25	AHMAD EL-GOUL	Regional Office Manager - South Gaza	Male	New Post Old Employee
26	RIHAM OLLYAN	secretary - Southern Gaza	Female	The same
27	BURHAN ISHTAYAH	Resource Center Officer	Male	New Post Old Employee
28	MOHAMMAD ABDALLAH	Admin. & Financial Director	Male	The same
29	NISREEN DIBAS	Senior Accountant	Female	New Post Old Employee
30	NAJAH SUBUH	Researcher & Community Mobilizer - Middle WB	Female	The same
31	ISLAM TAMIMI	Researcher & Community Mobilizer - Southern WB	Male	The same
32	AICHE AHMAD	legal Researcher	Female	The same
33	SAMIR ABU SHAMS	Researcher & Community Mobilizer - Northern WB	Male	The same
34	HAZEM HANEYYAH	legal Researcher	Male	The same
35	KHADEIJA BARGHOUTI	legal Researcher	Female	The same

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36	MOHAMMAD EID	Guard - Gaza Program	Male	The same
37	SALAH ELDIEN MUSH	Director of Division Monitoring Legislation & Policies	Male	New Post Old Employee
38	FADWAH WA'RIE	Researcher & Community Mobilizer - Middle WB	Female	The same
39	JAD ALLAH ISHTAYYAH	Guard - HQ	Male	The same
40	AMANI HAJAH	Secretary - Middle WB	Female	New Post Old Employee
41	NADIA ABU DIAB	Researcher & Community Mobilizer - Northern WB	Female	The same
42	WAJIEH REFAIE	IT Officer	Male	The same
43	MAHMUD ALHASHSHASH	Researcher & Community Mobilizer - Southern Gaza	Male	The same
44	BAHJAT ALHELO	Public Relations & Media Coordinator - Gaza Program	Male	New Post Old Employee
45	RIMAL HURAIBAT	Secretary - Southern WB	Female	The same
46	JAMIL SARHAN	Gaza Program Director	Male	New Post New Employee
47	MAJEED SAWALHAH	Public Relations & Media Manager Coordinator of Public Awareness & Training Unit West Bank	Male	Old Post New Employee
48	LAILA MARIE		Female	Old Post New Employee
49	HIBA ALI		Receptionist - Gaza Program	Female
50	SIHAM SHLASH	Cleaner & Messenger - Gaza Program	Female	New Post New Employee
51	IMAN DULEH	Secretary - WB Program	Female	Old Post New Employee
52	ALA' GHANAYEM	Researcher & Community Mobilizer - Middle WB	Male	Old Post New Employee
53	YAZAN SAWAFTEH	Researcher & Community Mobilizer - Northern WB	Male	Old Post New Employee
54	AYA OMRAN	legal Researcher	Female	Old Post New Employee

## 2008 Narrative Report- ICHR

### Gender

NO. of Female

22

NO. of Male

32

Total

54

### WB Program

NO. of Female

9

NO. of Male

11

Subtotal

20

### Admin. Departments & Public Relations Office

NO. of Female

5

NO. of Male

7

Subtotal

12

### Division Monitoring Legislation & Policies

NO. of Female

3

NO. of Male

4

Subtotal

7

### Gaza Program

NO. of Female

5

NO. of Male

10

Subtotal

15