



**Bylaws of
ICHR's Board of Commissioners
2015**

Informal Translation- Original is in Arabic

Introduction:

The Independent Commission for Human Rights (ICHR) was established in 1993 upon a Presidential Decree published in the Official Gazette in 1995. In accordance with the Decree, the duties and responsibilities of ICHR were set out as follows: “to follow-up and ensure that different Palestinian laws, bylaws and regulations, and the work of various departments, agencies and institutions of the State of Palestine and the Palestine Liberation Organization (PLO) meet the requirements for safeguarding human rights”. Furthermore, Article (31) of the Palestinian Basic Law ratified by the Palestinian Legislative Council (PLC) in 1997, and published in the Palestinian facts in 2002 provides that: “An independent Commission for Human Rights shall be established by law, which shall specify its formation, duties and jurisdiction. The Commission shall submit its reports to the President of the National Authority and the Palestinian Legislative Council.”

ICHR also has the right to monitor and follow up on the work of official and semi-official public bodies and institutions and all public law persons to ensure executive and administrative compliance with the bases mentioned above and to make sure of the rule of law and its equitable application in all the works of these bodies and institutions affiliated with the PA with regard to respect for human rights.

A Board of Commissioners currently runs ICHR. The board memberships ranges between 17 to 21 commissions. These highly credible Commissioners are prominent members of the Palestinian society, and were selected from both inside Palestine and the Diaspora, to confirm the need for communication between different Palestinian communities, and to benefit from the expertise of the members of the Diaspora in enhancing and promoting ICHR. The Executive Office, emanating from the Board of Commissioners and headed by the Commissioner General, is the highest authority within ICHR and oversees its operations and performance. The General Director, appointed by the Executive Office, is the highest official responsible for managing divisions and staff in headquarters and Regional Offices.

¹ These bylaws were adopted in the BoC annual meeting which took place on 23rd and 24th of April of 2015. Since then the bylaws were updated to increase the number of commissioners to a minimum of 17 and maximum of 21 (previously 17). The amendments were adopted by the BoC annual meeting on the 17th and 18th of December 2015. Additionally, the BoC adopted during its January 21st, 2021 session several amendments to the bylaws. These amendments are introduced directly to the text.

Definitions

Article (1)

1. These bylaws are called “the bylaws of ICHR’s Board of Commissioners” and shall be implemented from the date of their approval by the General Board of Commissioners.
2. For the purposes of these bylaws , it is meant by human rights: “The rights and freedoms set forth in the 2003 Amended Palestinian Basic Law, and the rights and freedoms regarded in the Universal Declaration of Human Rights, International labor Organization conventions and human rights treaties and conventions ratified and acceded by the State of Palestine. ICHR applies its mandate of protecting and promoting human rights guided by human rights principles of the relevant international conventions and treaties which have not been yet ratified by the State of Palestine.

Duties and Responsibilities of ICHR

Article (2)

ICHR is the national constitutional human rights institution that seeks to protect and promote human rights in accordance with the Palestinian Basic Law and international principles of human rights, relying on the Human Rights Based Approach (HRBA). ICHR seeks a vision of a free Palestinian society with inherent values of justice, equality, freedom and human rights.

To accomplish the aforementioned vision and mission, ICHR conducts the following duties:

1. Monitoring and documenting human rights violations; analyzing patterns of human rights violations; monitoring interventions of duty bearers to stop these violations according to the law; monitoring detention centers, protection centers, juvenile centers, and courts to guarantee access to justice for citizens especially women and children.
2. Monitoring public policies, Palestinian laws and legislations, national development plans and general budgets according to human rights and gender perspective. In addition, submitting suggestions and recommendations to duty bearers to comply these laws and legislations with international human rights principles and conventions ratified and acceded by the State of Palestine.

3. Raising awareness in human rights, conducting advocacy campaigns in cooperation with human rights and civil society organizations, and conducting national investigations to promote the culture of human rights in the Palestinian society and enhance the Palestinian citizens' awareness on their freedoms and rights.

4. Training and capacity building for law- enforcement officials and the Palestinian official

institutions working on human rights, to guarantee their fulfillment of their duties and responsibilities according to the Palestinian Basic Law and international human rights principles, in particular the international treaties and conventions ratified by the State of Palestine and its legal obligations towards these treaties.

5. Publishing annual reports on the status of human rights in Palestine as well as monthly reports, field reports, truth seeking reports on specific human rights violations, legal and special reports, and shadow reports to the UN human rights treaties. Providing recommendations related to human rights to the President and Palestinian Legislative Council (PLC) the Council of Ministers, government ministries and agencies, and duty bearers from Palestinian institutions or any other competent body under Article 31 of the Palestinian Basic Law. ICHR will seek to work with relevant ministries and public institutions competent parliamentary committees to hold discussions on ICHR reports and their recommendations. .

6. Providing consultancy and advice to Palestinian official institutions working on human rights to guarantee the commitment of the State of Palestine to its legal obligations in accordance with the international human rights treaties and conventions it ratified. Provide guidance and suggestions for the relevant committees, working on the acceded human rights treaties and conventions, to prepare initial and periodic reports. Encourage the State of Palestine to join further international human rights treaties and conventions without reservations and ensure their implementation

7. Providing recommendations, suggestions and reports (on independent consultancy basis) to duty bearers from Palestinian institutions and PLC, either by a request from the officials or as a human rights commission for the purpose of protecting and promoting human rights. ICHR can publish these recommendations to the public.

To enhance its role protecting and promoting human rights, ICHR undertake the following measures:

1. Receiving complaints from victims of human rights violations and following up on these complaints with duty bearers from Palestinian official institutions, in order to protect the rights of the victims.

2. Conducting judicial interventions in human right cases before the Palestinian Supreme Court and Constitutional Court. Providing legal opinions as an “Amicus Currie” (friend of the court) in human rights cases according to the standards and principles of the international human rights law.

3. Conducting interventions by the Commissioner General and the Board of Commissioners with duty bearers from Palestinian official institutions to protect and promote human rights and implement the recommendations provided by ICHR.

4. Enhancing the relationship between ICHR and the Palestinian civil society organizations particularly sectorial and human rights organizations in order to coordinate the efforts to protect and promote human rights.

5. Engaging with international human rights mechanisms (treaty-based and non-treaty based machinery) and cooperating with UN agencies concerned about human rights. Strengthening the ICHR’s relationship with national human rights institutions and regional and international coalitions of human rights such as Arab Network for National Human Rights Institutions, Asia Pacific Forum, and the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC)

Board of Commissioners

Article (3)

1. ICHR is run by a Board of Commissioners consisting of 17 to 21 members. The Commissioners are Palestinians in the homeland and the Diaspora. They are selected and replaced in accordance with the law, the Board of Commissioners’ bylaws and the Paris Principles regulating the work of NHRIs.

2. The Board of Commissioners must consist of at least six members of both sexes, taking into account the state of diversity in the Palestinian society.

3. The term of the Commissioner’s membership in the Board of Commissioners is 5 years, renewable only once (maximum 10 years). This arrangement apply to all Commissioners appointed after the adoption of this amendments by the Board of Commissioners on 21 January 2021. It shall also apply retroactively to the commissioners who were appointed three years prior to this date and whose membership had not been renewed for the first time until the date of the amendment. In this case, the first 5year term shall start from the

date of the appointment to the Commission. The previous arrangements (3 years, extendable to a maximum of 9 years) remain applicable to the rest of the members.

4. The Commissioner will be informed (every three years) at least 90 days prior to the expiration date of his/her membership in order to express the desire to extend the membership of the Commissioner for another period and/or be informed of the end the membership.

Article (4)

1. The Board of Commissioners shall hold at least one meeting per year. The Commissioner General shall call for the meeting and set its agenda.

2. A special session may be held upon the invitation of the Commissioner General or at the request of half of the members of the Board of Commissioners submitted to the Commissioner General.

3. The meeting of the Board of Commissioners shall be considered complete quorum in the presence of half of the members plus one.

4. The Board of Commissioners shall take its decisions by absolute majority vote. In case of an equality of votes, the opinion of the party which voted with the Commissioner General shall be taken.

Article (5)

A member of the Board of Commissioners and the General Commissioner should meet the following conditions:

1. To Be a Palestinian.

2. Enjoy full legal capacity.

3. Be in the possession of competence, experience, professionalism, and committed to the defense of human rights issues and citizen's rights.

4. Not be convicted of a felony or misdemeanor by a court of competent or by a professional disciplinary board to an act related to the abuse of public funds or misuse of office.

5. To be known for his/her ethics and integrity, and enjoy high-level of respect in society.
6. The Commissioner shall not be in an official executive position or in a position in any Palestinian official institution and/or agency or a member of the Palestinian Legislative Council or any political party.

Article (6)

1. The Commissioner General shall be deemed to have lost his/her membership of the Board of

Commissioners in any of the following situations:

- a) Death.
- b) Resignation which shall take effect three months after its submission to the Board of Commissioners.
- c) Loss of legal capacity by a judicial decision.
- d) If a member is absent for two consecutive meetings without a written excuse, a decision shall be issued with a majority of the members of the Board of Commissioners.
- e) If he/she loses one of the membership conditions set forth in these bylaws by a decision of the Board of Commissioners with a two-thirds majority.

2. The membership of any of the Commissioners shall be suspended if he/she occupies a position or a job in any of the official or semi-official Palestinian Authority departments or agencies or institutions, by a decision from the Board of Commissioners.

3. A Commissioner shall release an official statement to the Board of Commissioners if there is any conflict of interests.

4. A member who loses his/her membership in accordance with the provisions of paragraphs 1/d and 1/e of this article may object to the decision of the Board of Commissioners within two weeks of being notified. In this case, the Board of Commissioners shall refer the objection to a committee of no less than three former Commissioners Generals of the Commission to consider the objection, and the committee should submit its opinion to the Council within a month from referral the objection to it, to take what it deems appropriate. If it is not possible to form a

committee of three former Commissioners General, the Board can seek the assistance of former commissioners to form this committee.

Procedures Regarding New Election of Members Article (7)

1. In case of a vacancy or more in the membership of Board of Commissioners, the Commission will announce for membership applications in two local newspapers (at least) and on ICHR's webpage. The period of receiving membership applications should not be less than 30 days.
2. The required principles of being a member (whether an individual or from civil society organizations) in the Board of the Commissioners shall be included in the announcement for vacancies in the Board of Commissioners
3. Procedures of appointing new commissioners will begin 3 months prior to the expiration date of a seated Commissioner membership.
4. The Commissioner will stay in his/her position despite the expiration of his/her membership until a new Commissioner is appointed.

Article (8)

1. The Board of Commissioners shall ask an independent advisory committee to review the new membership applications for the Board of Commissioners and recommend new Commissioners. The committee shall be informed to perform its task at least 90 days before the expiration date of membership of the current Commissioners.
2. The independent advisory committee shall consist of the Bar Association President, the Supreme Court President, the Presidents of the Legal and the Human Rights Committees of the PLC, two prominent academics, five representatives of human rights and other civil society organizations (ensuring verification in specialization) and former Commissioner Generals.
3. The independent advisory committee shall abide to the standards and principles of these bylaws, the Paris Principles of national human rights institutions, and the general observations provided by the Sub- Committee on Accreditation of the ICC.

4. The independent advisory committee shall review all of the membership applications submitted to ICHR and recommend a list of the elected candidates, who meet the requirements of membership at the Board of Commissioners, to the Executive Office of the Board of Commissioners. The list shall contain a number of candidates that is twice the number required for the membership and the Board of Commissioners shall thereafter elect new members during their annual meeting in accordance with the advisory committee's recommendations.

Tasks of Board of Commissioners Article (9)

The Board of Commissioners shall be responsible for the following tasks and duties:

1. Establishing general policies for ICHR and monitoring its implementation.
2. Ratifying ICHR's bylaws including the bylaws that define the mechanisms for the appointment of Commissioners, meetings of the Board of Commissioners, its administration, and how to make decisions.
3. Ratifying the general and annual budgets of the Commission, and hiring a legal financial auditor.
4. Increasing and developing ICHR's resources.
5. Accepting unconditional gifts and donations
6. Studying and approving ICHR's Strategic Action Plan.
7. Electing new commissioners from the list of candidates provided by the independent advisory committee.
8. Electing the Commissioner General and the Executive Office among its members.
9. Discussing the matters referred to it by the Commissioner General and taking decisions in this regard.

The Executive Office Article (10)

1. The Board of Commissioners shall elect from among its members a five-seven members of the Executive Office for the Board, in addition to the Commissioner General, who heads the Executive Office.
2. The Executive Office shall elect a Deputy- Commissioner General among their members.
3. The membership of the Executive Office is three years and can be renewed once.

Article (11)

1. The Executive Office meets upon the invitation of the Commissioner General once every two months at least and the minutes of its meetings shall be kept after it is signed by the attendees in each session.
2. Decisions taken by the Executive Office shall be taken with consensus. In case of disagreement, vote is carried out and the opinion of the absolute majority shall be taken. And in case of equality of votes, the opinion of the group that voted with the Commissioner General shall be taken.

Article (12)

The Executive Office shall be responsible for the following tasks and duties:

1. Overseeing the implementation of ICHR's strategic plan.
2. Helping in resolving the problems faced by ICHR with the local official institutions.
3. Overseeing the implementation of ICHR's annual goals.
4. Suggesting general policies for the Commission and follow up on the implementation of these policies.
5. Approving ICHR's annual report on the status of human rights.
6. Identifying cases in which ICHR lodges cases to the Palestinian courts, which are related to human rights violations.
7. Supervising the Commission's financial and administrative systems,
8. Ratifying the appointment of ICHR's General Director.
9. Selecting the internal auditor, studying his/her reports, and approving the recommendations in this regard.
10. Authorizing the powers to sign ICHR's bank accounts.
11. Strengthening relations between ICHR and the international and other national institutions.
12. Solving any disagreements between the Commissioner and the General Director.
13. Receiving staff complaints in accordance with the Commission's bylaws.
14. Undertaking any task submitted by the Board of Commissioners.

Article (13)

The Executive Office headed by the Commissioner General shall submit reports every four months to the Board of Commissioners.

The Commissioner General Article (14)

1. The Board of Commissioners shall elect from among its members a fulltime General Commissioner for a four year renewable period (one time only).
2. The Commissioner General shall be responsible before the Board of Commissioners for carrying out his/her duties.
3. The Deputy Commissioner General shall carry out all the powers vested in the Commissioner General in his/her absence.
4. The Commissioner General has the right to delegate duties temporarily to other members of the Board of Commissioners.

Article (15)

The Commissioner General shall be responsible for all the tasks assigned to him/her, in particular:

1. Implementing ICHR's general policy, and following up the implementation of the decisions taken by the Board of Commissioners and the Executive Office in coordination with the General Director.
2. Supervise the Commission's action plan through:
 - Monitoring abuses and assaults related to human rights and public freedoms in the Palestinian territories.
 - Monitoring any risks that the Commission may be subjected to and request the Board of Commissioners to undertake the necessary measures to cope with these risks.
 - Following up on violations and abuses related to human rights and public freedoms, intervening to stop them with the possible available means.

3. Monitoring general complaints and violations registered by the Commission, including judiciary violations, in coordination with the General Director, and select the cases (that has not complaints at ICHR) that ICHR shall investigate.
4. Representing ICHR before the official and non-official parties, national and international, and signing the agreements concluded with the Commission.
5. Preparing the agenda of the Board of Commissioners, and calling Board for meetings and chairing the meetings.

The General Director
Article (16)

1. The Executive Office of the Board of Commissioners shall appoint a General Director to manage the daily work of ICHR, in accordance with the Commission's strategies and policies, and to be responsible for monitoring the staff in accordance with to the Commission's organizational structure.
2. The General Director is responsible before the Board of Commissioners for preparing regular reports every three months to inform the Board of the progress made in ICHR's work. The General Director shall inform the Board in writing of the developments of the Commission's work and important cases that affect ICHR's reputation and status.
3. The General Director shall participate in the meetings of the Board of Commissioners and the Executive Office.

Article (17)

The General Director shall perform the following tasks:

1. Participating and representing the Commission at meetings and strengthening relationships with all official and non official institutions, including donors.
2. Addressing the public media and providing information about the Commission's opinions regarding human rights cases in cooperation with the Commissioner General.
3. Participating with the Commissioner General in advocacy campaigns and interfere in human rights cases within official institutions.
4. Fundraising in accordance with the policies implemented by the Board of Commissioners.
5. Reviewing and evaluating the Commissions' strategies and policies and submitting recommendations for the Board of Commissioners to develop these strategies and policies. Developing annual plans to implement the strategies and policies.
6. Following up on the decisions made by the Executive Office and the Board of Commissioners, in accordance with to the bylaws and regulations of the Commission.

7. Managing the daily work of the Commission and supervising all the staff and interns to ensure the implementation of the annual plans. Ensuring that the annual plans achieve the strategic objectives.

8. Implementing the articles of the bylaws including hiring qualified staff, providing promotions, making salary adjustments, taking the disciplinary measures and recommending the termination of their service, capacity development of staff, and providing incentives for staff to perform their tasks and duties in accordance with existing regulations and policies.

9. Ensuring a smooth flow of information between ICHR's departments and offices through regular reports. Reviewing the reports and taking decisions accordingly. Ensuring the confidentiality of the information mentioned in the reports when needed.

Relationships between parties Article (18)

The occupation of the Commissioner General is considered highly political since he/she is responsible for implementation of the Commission's policies and decisions of the Board of Commissioners.

1. The Commissioner General shall ensure that the Board of Commissioners receives the essential reports and documents on timely manner to be able to ratify the strategies, plans, budget, assessments, employ senior positions, and to handle the external partnerships in an effective way. The General Director shall support the Commissioner General in preparing all these documents via documented and in writing letters.

2. The General Director shall provide the Commissioner General with the final drafts of documents, reports, evaluations, budgets, strategic plans, and guidance documents related to the work of the Commissioner General, the Executive Office or the Board of Commissioners. The Commissioner General shall be able to evaluate these documents with the Board of Commissioners and set a date for the final revision before signing, publishing and translating the documents.

Article (19)

1. The Commissioner General is responsible for the official correspondence which includes the following:

a) The high levels of the government institutions (ministers and officials)

b) The high levels of the non-governmental organizations, the United Nations (UN), and other international organizations (the vice president or the president of the institution)

c) The Commissioner General can delegate the General Director to perform the communication work. All communication correspondence shall be reserved for the review of the General Director or the Commissioners.

d) The Commissioner General can request the General Director to write letters, interventions, and communicate with the officials mentioned above through official letters. A copy of the correspondence shall be sent to the Commissioner General for his/her approval before submission.

e) The Commissioner General is responsible for conducting meetings with the senior officials (the President, prime minister, the presidents of the security agencies and the police, presidents of the governmental institutions, presidents of the UN agencies and international organizations) and informing the Executive Board of these meetings for their attendance.

2. The General Director has the full authority to contact the ministers and the official institutions about the administrative and technical cases related to the work of the Commission in human rights.

a) All reports, letters and documents prepared by the Executive Office and the General Director shall be sent to the Commissioner General (Cc).

b) The Commissioner General shall request the General Director to provide information to his/her questions or clarifications about the work of ICHR's directors. Press releases:

a) The Media and Communication Officer has the responsibility to prepare press releases as well as identifying the means to release the press releases and to whom they shall be addressed.

b) The Media and Communication officer shall ensure the accuracy of the information included in the press releases.

c) The Media and Communication Officer shall present the press release to the General Director and the Commissioner General before releasing it in the name of the Commission.

d) The Commissioner General can delay any press release addressing political cases, sensitive information or criticism of an official body, to discuss the matter with the Executive Office and the Board of Commissioners.

Article (20)

1. The General Director is responsible for the daily management of the staff and the affairs of the Commission before the Commissioner General.

a) The General Director is responsible of the production of draft documents, reports, evaluations, budgets, plans, and for presenting them to the Commissioner General.

c) The General Director is responsible, before the Commissioner General and the Board of Commissioners, for implementing the action plan, and ensuring an effective and efficient management and professional work of ICHR, in accordance with the decisions taken by the Board of Commissioners.

d) All staff shall submit their reports to the General Director.

e) The General Director is responsible for the financial administration. f) The General Director is responsible of the administration affairs.

g) The staff has the right to submit their complaints to the General Director. In case they are still unsatisfied of the solution provided to them, they can write a letter to the “internal ombudsman”, in accordance with the bylaws of the Commission.

h) The General Director is responsible for regularly informing the Commissioner General of the developments occurred e in the Commission.

General Provisions:

Article (21)

ICHR has a legal personality with full administrative and financial independence, and the law guarantees its freedom of action, non-interference in its affairs or obstruction of its work.

Article (22)

ICHR enjoys a legal personality by law, and has the right to litigate in human rights and public interest cases.

Article (23)

It is not allowed to prosecute any member of the Board of Commissioners and the staff within the scope of their performance of their duties, unless by a decision of the competent judicial authority.

Article (24)

This bylaws shall come into effect immediately after its approval by the Board of Commissioners.

Transitional Article

Article (25)

A Commissioner that has held his/her position for more than 9 years will have an exceptional one term in office (maximum of three years).

Article 26

Honorary Membership

1) Honorary permanent membership in the Commission's Board of Commissioners is automatically granted to the following categories:

a. Former General Commissioners

B. The founders of the Commission whose names are in the list of founders

2) The Board of Commissioners may, by a two-third majority of the members, grant honorary permanent membership to any person who meets the conditions for membership

in the Board of Commissioners, and or who has rendered outstanding services to the Commission or to serve its vision and mission.

3) Honorary membership entails the following:

- a. Participation in high-level representative meetings, inside or outside Palestine, as determined by the Commissioner-General.
 - b. Attend the annual meetings of the Board of Commissioners, and participate in discussions, without voting.
 - c. Provide advice to the Board of Commissioners and the Commission's staff on human rights issues in accordance with the Commission's vision and mission.
 - d. Carrying out any tasks in promoting the vision and mission of the Commission, which fall within his/her competence, as assigned by the Commissioner-General.
4. Honorary membership does not entail any financial obligations on the Commission.
