



ASIA PACIFIC FORUM
ADVANCING HUMAN RIGHTS IN OUR REGION

APF Member 'Bare Facts'

Palestine

Updated February 2014

Introductory Comments

The Asia Pacific Forum of National Human Rights Institutions ('APF'), established in 1996, is the leading regional member-based human rights organisation in the Asia Pacific.

This member's profile focussing on Palestine's NHRI is part of a series of profiles which provide information about the core features and functions of each of the APF's member institutions.

Palestine was admitted as a Full Member of the APF in 2004. Palestine became a member of the International Coordinating Committee of National Human Rights Institutions in 2005.

The information contained in this profile reflects the NHRI's response to a Members' Profile Questionnaire sent to all APF member institutions in 2012.

Foundation

Palestine's NHRI, the Palestinian Independent Commission for Human Rights (ICHR) was established jointly by a Presidential Decree issued 30 Sept 1993 and Article 31 of the Basic Law of Palestine (2003).

The ICHR has a national jurisdiction.

Composition

The ICHR has 17 governing members.

The current members are drawn from professional backgrounds in NGOs, academia, law, Parliament, reformist and public interest groups.

Application, Selection and Appointment process

The Commission's internal 2012 by-laws establish the application, selection and appointment process for members of the ICHR.

Currently, members of the Board of Commissioners are permanent and self-appointed. However, the newly adopted by-laws stipulate that rotation of Commissioners would take place every four years, starting in 2014 with 25% of the Board resigning in order to create vacancies for new Commissioners (Article 17).

Vacancies will be advertised publicly in newspapers and nominations for new Commissioners will be vetted by an independent consultative committee consisting of the chairpersons from the Supreme Court, Palestinian Legislative Council, and the Palestinian Bar Association as well as a prestigious academic and two selected members from human rights organisations. This independent consultative committee will recommend double the required number of candidates to the Board of Commissioners for final selection (Article 18).

Human rights knowledge and experience is a necessary criterion for selection.

Financial autonomy

5% of the ICHR's annual budget of US\$ 2 million comes from the Palestinian Government. The founding law does not require the Government to provide funding but permits the ICHR to raise funds from other sources.

Personnel

The total number of staff in the ICHR is 58.

The board reflects the religious and geographic diversity of Palestinian society and is representative of both genders and persons with disabilities. The first ICHR Commissioner General was a woman, as is the current Executive Director.

The percentage of men and women at each level is:

1. Commission: 76.4% men and 23.5% women;
2. Senior Staff: 66.7% men and 33.3% women;
3. Junior Staff: 61.5% men and 38.4% women.

Working methods

An executive board composed of 7 members, headed by the Commissioner General, meets on a monthly basis. The Board convenes once a year and form the decision-making body of the ICHR.

The ICHR has dedicated specialist thematic units for Children's rights, Gender and Women's rights and Persons with Disabilities. The ICHR also has a consultative committee of experts on the rights of PWDs.

Mandate

The ICHR has a legal mandate to:

1. Make recommendations to the government, Parliament and other competent bodies on matters concerning:
 - a. Proposed legislative or administrative provisions,
 - b. Suggested amendments to existing legislation, and
 - c. The adoption or amendment of administrative measures.
2. Report without restriction:
 - a. On the national human rights situation, on specific matters or through thematic reports,
 - b. On violations of any human rights,
 - c. Its opinions and recommendations.
3. Promote and advocate for the:
 - a. Harmonization of national laws and practices with Palestine's international obligations,
 - b. Implementation of recommendations of international human rights mechanisms.
4. Engage with the International human rights system by:
 - a. Cooperating with the UN and its agencies, regional institutions and the NHRIs of other countries.
5. Conduct public education and awareness raising by:
 - a. Assisting with human rights teaching and researching,
 - b. Carrying out public awareness activities.

The acts and practices of the election commission, immigration department and matters relating to corruption are specifically excluded from the mandate of the ICHR.

Powers

Complaint handling and investigation

The ICHR has the following powers to investigate complaints:

1. To receive and investigate complaints;
2. To conduct investigations on its own initiative;
3. To compel information from any person necessary for assessing situations falling with the ICHR's competence;
4. To obtain any information and any document necessary for assessing situations falling with the ICHR's competence;
5. To visit and enter places of detention, including prisons and places of confinement with no requirement to announce or request permission to enter, prior to the visit;
6. To make recommendations to the competent authorities;
7. To seek compensation through a court or specialist tribunal.

The ICHR also has the following powers to handle individual complaints:

1. To seek an amicable settlement through conciliation or mediation;
2. Inform complainants of their rights, of available remedies and promote access to these;
3. Transmit complaints to any other competent authority;
4. Ensure that communications to and from the NHRI remain confidential.

The ICHR is not restricted from receiving complaints against any specific parties.

OPCAT

The ICHR is not a formally designated National Preventative Mechanism under the OPCAT.

Relationship with State and Civil Society

The ICHR can directly report to Parliament and Government bodies are formally required to respond to the ICHR's resolutions, reports or recommendations.

The founding law provides the ICHR with the capacity to establish formal relationships with civil society. The ICHR has developed formal relationships with civil society that result in regular engagement via advisory body consultations, regular or institutionalised meetings and engaging with CSO's on thematic issues and in conducting inquiries.

Accreditation

The ICHR was last reviewed by the ICC in March 2009 and has an ICC A accreditation status.